



City of Corpus Christi

1201 Leopard Street
Corpus Christi, TX 78401
cctexas.com

Meeting Minutes

Planning Commission

Wednesday, January 22, 2020

5:30 PM

Council Chambers

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. PUBLIC COMMENT: None.

IV. Approval of Absences: None

V. Approval of Minutes

1. [20-0122](#) Regular Meeting Minutes January 8, 2020

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) - Discussion and Possible Action

Chairman Crull asked Staff to present the Consent Agenda, items VI.A & VI.B. Andrew Dimas, Development Services, read the Consent Agenda items into the record. New Plat items "2, 3, 4, & 5" satisfy all requirements of the UDC and State Law; the Technical Review Committee recommends approval. Staff recommends approval for Variance item "6", as stated in Staff's report, along with the accompanying new plats, item 7", which satisfies all requirements of the UDC; the Technical Review Committee recommends approval. Staff also recommends approval for New Zoning item "8" as stated in Staff's report.

After Staff's presentation, Chairman Crull opened the public hearing. Charles at 6089 Ennis Joslin Road addressed the Commission in opposition of New Zoning item "8". He said that he did not receive a public notice. He felt that the subject property's location is not suitable for the proposed use. He said the area is already congested being in proximity to the university.

Mr. Dimas addressed the question of public notification and proceeded to give a brief presentation for item "8". He informed the Commission that of the 12 public notices that were mailed, zero notices were returned in opposition of the change of zoning request and zero notices were returned in favor. The

subject property consists of vacant land and has remained since annexation in 1944. Chairman Crull said the subject property was sold by the City and is designated as a park access (to Oso Bay) on the plat.

Representing the applicant, Brad Condit at 4710 Canen Place, addressed the Commission and stated that they were the only bidders on the property and buyers were not interested because of plat defects. The issue with the title is whether it is designated as a park or street dedication. He said negotiations are taking place to have it designated as a street dedication. The closing of the sale is contingent on the rezoning. He stated the use will be a benefit to the community and provide much needed services to students nearby; it does not add to congestion problems.

With no one else coming forward, the public hearing was closed. A motion was made by Commissioner York to approve items "2, 3, 5 & 8" as presented. The motion was seconded by Commissioner Hovda and the motion passed. A motion was made by Vice Chairman Baugh to approve items "4, 6 & 7" as presented. The motion was seconded by Commissioner Schroeder and the motion passed with Commissioner York abstaining.

A. Plats

New Plats

2. [20-0123](#) **19PL1073**
INDUSTRIAL TECHNOLOGY PARK UNIT 3, LOT 2 (FINAL - 2.997 ACRES)
Located north of Old Brownsville Road and west of Padre Island Drive.
3. [20-0125](#) **19PL1123**
FITCHUE PLACE ADDITION, BLK 1303, LOT 15R (FINAL REPLAT - 0.14 ACRES)
Located west of South Brownlee Boulevard and north of Ayers Street.
4. [20-0124](#) **19PL1110**
WILDCAT INDUSTRIAL PARK, BLOCK 2, LOTS 7A & 7B (FINAL - 5.75 ACRES)
Located west of Southern Minerals Road and south of Leopard Street.
5. [20-0126](#) **19PL1126**
PERRY'S ESTATE, BLOCK 2, LOT 21R (REPLAT - 0.305 ACRES)
Located west of Waldron Road and south of Graham Road.

New Plat with a Variance (Waiver)

6. [20-0128](#) **19PL1118 - SIDEWALK WAIVER**
PADRE ISLAND - CORPUS CHRISTI PORTS O' CALL, BLK 20, LOT 9A - 9H (REPLAT - 0.45 ACRES)
Located east of Spyglass Drive and south of Ports O' Call Drive.
Request for a Plat Waiver of Sidewalk Construction Requirement in Section 8.1.4 and Section 8.2.2 of the UDC.

7. [20-0127](#) **19PL1118**
PADRE ISLAND - CORPUS CHRISTI PORTS O' CALL, BLK 20, LOT 9A - 9H (REPLAT - 0.45 ACRES)
Located east of Spyglass Drive and south of Ports O' Call Drive.

B. New Zoning

8. [20-0129](#) **Public Hearing - Rezoning Property at or near 6099 and 6101 Ennis Joslin Road**

Case No. 0120-04 - H.I. Investments: Ordinance rezoning property at or near 6099 and 6101 Ennis Joslin Road (located along the east side of Ennis Joslin Road, south of Ocean Drive, and north of South Alameda Street), from the "RS-10" Single-Family 10 District to the "ON" Neighborhood Office District.

VII. Public Hearing: (Item C) - Discussion and Possible Action**C. New Zoning**

9. [20-0130](#) **Public Hearing - Rezoning Property at or near 1733 South Brownlee Boulevard**

Case No. 0120-05 - My Home Team Media, LLC: Ordinance rezoning property at or near 1733 South Brownlee Boulevard (located along the west side of South Brownlee Boulevard, south of Ayers Street, and north of South Staples Street), from the "CG-2" General Commercial District to the "IL" Light Industrial District.

Mr. Dimas read item "9" into the record as shown above. The purpose of the rezoning request is to allow for the operation of a group home for drug and alcohol treatment. The subject property consists of an office building constructed in 1942 (formerly Tejas Broadcasting). For location purposes, he

presented several aerial views of the subject property along with the Existing and Future Land Use maps. Mr. Dimas went over the history of zoning patterns, UDC requirements for the rezoning (buffer yard/setbacks) as well as available municipal facilities. He informed the Commission that of the 8 public notices that were mailed, zero notices were returned in opposition of the change of zoning request and zero notices were returned in favor. Based on Staff analysis, Staff recommends denial of the change of zoning request, and in lieu thereof, approval of the "CG-2/SP" General Commercial District with a Special Permit (SP) with the following conditions.

1. **Uses:** The only uses authorized by this Special Permit other than uses permitted in the base zoning district is a group home for drug and alcohol treatment.
2. **Security:** The facility located on the property shall be monitored by facility staff at all times.
3. **Time Limit:** In accordance with the UDC, this Special Permit shall be deemed to have expired within 12 months of this ordinance unless a complete building permit application has been submitted, and the Special Permit shall expire if the allowed use is discontinued for more than six consecutive months.

After Staff's presentation, Chairman Crull opened the floor for Commissioner comments/questions. Mr. Dimas gave additional details regarding the operation of the facility. The persons in the program will be on-site residents. There will be 5-6 full-time staff members on-site to monitor the residents. The office hours will be Monday-Friday 8 am to 5 pm. Discussion also took place regarding the Metro Elementary School of Design (CCISD) located to the west of the subject property.

After Commissioner comments/questions concluded, Chairman Crull opened the public hearing. Representing the applicant, Floyd Miles with Adult and Teen Challenge of Texas, addressed the Commission. He gave some background information about the faith-based recovery program. Adult and Teen Challenge has been operating in Texas for 50 years. Their corporate office is in San Antonio and they have several programs located throughout south Texas. He said they reached out to Metro Elementary School as well as businesses nearby to inform them about their plans for the program and they were well received. He said the existing building is ideal for the project and they plan to have a maximum of 15 residents (male). He added that he researched the existing building and found out it was previously used for a similar use and is still shown as such on the internet. Commissioner Miller asked about the age limitation for residents, curfew rules, on-site monitoring and the types of criminal backgrounds allowed in the program (sex offenders are not allowed).

Tony Shoemaker at 30310 Misty Meadows Drive, addressed the Commission and informed them that he is slated to be the future director of the program. He reinforced that the program will be highly supervised and have a structured schedule. The premise of the program is to provide components for life skills to become productive members of society. The program also assists residents with obtaining their GED.

With no one else coming forward the public hearing was closed. A motion was made by Vice Chairman Baugh to approve Staff's recommendation as presented. The motion was seconded by Commissioner Hovda and the motion passed with Commissioner Miller voting "no".

VIII. Briefing

10. Alternative Utility Financing Study

Al Raymond, Director of Development Services, presented item "10" for the record. Mr. Raymond informed the Commission that in August 2019, City Council directed the City Manager and Staff to review/evaluate the trust funds and to provide best practices moving forward to fund infrastructure. The presentation includes an overview and timeline of the trust fund and the Alternative Utility Financing Study. The Study evaluates the current financing of utility infrastructure, describes alternative financing methods and recommendation for an action plan.

The establishment of the Utilities Infrastructure Trust Funds started in direct response to the City's perceived lack of planning and leadership in installing required Master Planned Infrastructure prior to 1982. The development community (home builders, engineering firms, prominent landowners) working with City staff created a mechanism, the Utilities Trust Funds, to reimburse developers for the costs of oversizing and extending water and wastewater infrastructure. The unintended consequences of the establishment of the Trust Funds was that the City relegated the responsibility of extending nearly all new water and wastewater infrastructure to the Development Community.

Mr. Raymond went over the Trust Fund timeline. In 1982, Trust Fund ordinances for Water and Wastewater were created and passed. In August 19, 2003, lift stations and force mains were added to the reimbursement eligible items from the Trust Funds (via ordinance). Lot/Acreage fees were not adjusted to account for the increased burden. In the latter part of 2005 and early in 2006 the City of Corpus Christi placed a temporary freeze on access to the Trust Funds because of fund shortages. In 2006, Duncan and Associates was hired by the City of Corpus Christi to conduct an Alternative Financing Study to fund new utilities infrastructure. This study was commissioned to investigate and make recommendations regarding the constant shortfalls in the wastewater Trust Funds and the rapidly rising utility rates for current customers.

Mr. Raymond continued that in 2018, a Trust Fund audit report recommended looking at fund solvency and updating the UDC (adopted in 2011) in addition to process changes. As a result, a new administrative directive was put in place for the Trust Fund Reimbursement Agreements process. On April 9, 2019, a biennial report was provided to City Council showing the trends of each Trust Fund. In October 2019, numerous stakeholder meetings were held including a meeting with Planning Commissioner and Chairman, Carl Crull as one of the founding members that initially created the trust funds. In November 2019, a kickoff meeting was held with the Consultant to reexamine the 2007 study and update. In 2019, Duncan and Associates was hired by the City of Corpus Christi to conduct an Alternative Financing Study to fund new utilities infrastructure. Additional stakeholder meetings were held in November and December of 2019. This briefing will take place at City Council on January 28, 2020 and then a final presentation on February 18, 2020.

Mr. Raymond explained the Alternative Financing Study portion of the presentation. Utility rates paid by all current customers and development fees (Lot/Acreage fees and Surcharge/Pro-Rata fees) are essentially the two revenue sources to fund growth-related expansion costs. The City's development fees function much like impact fees. Impact fees are not the sole source of funding for infrastructure, but a supplement to the City's financing source. The City's development fees create a perverse incentive for developers to plat subdivisions that are not contiguous with existing served areas by providing reimbursement for the full cost of the line, even though it may be fiscally premature for the City. The City has periodically moved money between the trust funds as needed to fund a developer reimbursement. Given this practice, there is essentially a single trust fund for all water and wastewater developer reimbursements. Predetermined fees are assessed on all new development (new plats and connections) and are earmarked to pay for the expansion of utilities. Implementing impact fees would result in lower rates by shifting some of the cost burden of growth-related infrastructure improvements and associated debt from the current rate base to new development. Corpus Christi has reached the size where most other Texas cities have adopted water and wastewater impact fees to fund growth-related infrastructure expansions.

Development fees differ from impact fees in a few major respects: They can only be used to reimburse developers; they are limited to funding lines and lift stations; they are currently used as a sole source to fund new water and wastewater infrastructure. Additionally, impact fees could be used to promote better capital improvement planning, generate revenue and cover costs for City initiated projects.

Mr. Raymond presented a slide detailing impact fees for other Texas cities. Impact fees are used in six of the ten cities surveyed to offset the capital costs associated with water and wastewater facility expansions related to growth. The Texas average impact fee (per Single-Family equivalent) for Water is \$2,714 and the average for Wastewater is \$1,884 (Stormwater is not applicable). He also presented a slide showing a fee comparison between current lot fees and the Texas average impact fee rate. As an example, he used the London Towne and King's Landing development projects as an example and the difference in revenue generated with the Texas average impact fees is significant. He added that the Department has not increased development fees since 2011 (adoption of the UDC). Mr. Raymond ended the presentation with the Study's recommended action plan:

- Transition from Development Fees to Impact Fees.
- Prepare water and wastewater impact fee studies and adopt impact fees.
- Upon adoption of impact fees, repeal the lot/acreage and surcharge fees
- Retain the City's current pro-rata fees, which are designed to fund smaller lines not typically covered by impact fees.
- Prepare water and wastewater comprehensive long-range master plans.

After Staff's presentation, Chairman Crull opened the floor for Commissioner comments/questions. Chairman Crull felt that the preparation of Master Plans should run concurrently with the Impact Fee study. Continued discussion took place regarding the lack of affordable housing, possible incentives for infill development to direct and encourage growth, and how fee structures would be

established for specific services areas, e.g. outside the City limits. Commissioner Schroeder expressed how this process can give better structure for planning efforts since the City faces fundamental challenges such as floodplain areas. Mr. Raymond appreciated the comments from Commissioners and said it is helpful to have advocates during this process when there are reservations from the development community/stakeholders. No action was taken on this item.

IX. Discussion and Possible Action Regarding Recommendation of Planning Commission Representatives for the Development Services Technical Advisory Group

Chairman Crull and Commissioner York volunteered to serve on the group.

X. Director's Report

Mr. Raymond informed the Commission that on January 27, 2020, a meeting will be held at City Hall from 4 p.m. to 6 p.m. on the 6th floor regarding Impact Fees.

XI. Items to be Scheduled

XII. Adjournment of Planning Commission Meeting

There being no further business to discuss, Chairman Crull adjourned the meeting at 6:45 p.m.