



City of Corpus Christi

1201 Leopard Street
Corpus Christi, TX 78401
cctexas.com

Meeting Minutes

Planning Commission

Wednesday, March 4, 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: Vice Chairman Baugh

A motion to approve the absences listed above was made by Commissioner Zarghouni and seconded by Commissioner Dibble. The motion passed.

V. Approval of Minutes

1. [20-0320](#) Regular Meeting Minutes of February 19, 2020

A motion to approve item "1" was made by Commissioner Schroeder and the motion was seconded by Commission Zarghouni. 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 and VI.B. Andrew Dimas, Development Services, read the Consent Agenda items into the record. New Plat items "2,3, 4, 5, 6 & 7" satisfy all requirements of the UDC and State Law; 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 floor for Commissioner comments/questions. Chairman Crull inquired about note language for new plat item "5" regarding drainage right-of-way and easement. He felt that note may be too restrictive, especially when an instance could arise where utility lines may need to be installed in the easement. Staff said they would investigate making an amendment to the note. After Commissioner comments concluded, Chairman Crull opened the public hearing.

Jovita Garcia at 2501 Fig Street, addressed the Commission for new plat item "2". She is the adjacent property owner and inquired about the accuracy of property lines because she has a fence installed. Ms. Garcia was told to contact the surveyor of record for more information and Staff will also assist and follow-up with her. The owner for new plat item "2", Jesusa Saldana Garcia at 2505 Fig Street, addressed the Commission in response to the owner

at 2501 Fig Street.

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

A. New Plats

2. [20-0307](#) **20PL1003**
BONITA ADDITION, BLK 3, LOT 18R (FINAL REPLAT - 0.167 ACRE)
Located north of Baldwin Boulevard and west of Ayers Street.
3. [20-0312](#) **19PL1005**
LENA PEARSE ADDITION, BLK 2, LOT 2R (FINAL - 0.167 ACRE)
Located west of Lewis Street between Norton Street & Fannin Street.
4. [20-0315](#) **20PL1005**
GEISTMAN TRACT, BLK 1, LOT 21R (FINAL REPLAT - 0.2835 ACRE)
Located south of I-37 Access Road and east of Louis Lynch Drive.
5. [20-0316](#) **20PL1004**
KING'S LANDING UNIT 1 (FINAL - 124.485 ACRES)
Located at FM 43 west of CR 33 and east of Digger Lane.
6. [20-0318](#) **19PL1119**
S. TEXAS BONE & JOINT MEDICAL PLAZA UNIT 1, BLK 1, LOTS 1-3
(FINAL - 15.68 ACRES)
Located south of Holly Road and west of Crosstown Expressway (SH 286).
7. [20-0319](#) **19PL1133**
RODD PLAZA, BLOCK 1, LOTS 1 AND 2 (FINAL- 7.77 ACRES)
Located east of Rodd Field Road and north of Yorktown Boulevard.

B. New Zoning

8. [20-0321](#) **Public Hearing - Rezoning Property at or near 7517 South Padre Island Drive (SH 358)**

Case No. 0320-01 - Margo Lyn Moore: Ordinance rezoning property at or near 7517 South Padre Island Drive (located along the south side of South Padre Island Drive (State Highway 358), east of Rodd Field Road, and west of Lexington Road), from the “RS-6” Single-Family 6 District to the “CG-2” General Commercial District.

VII. Public Hearing: (Item C) - Discussion and Possible Action**C. Tabled Zoning****9. [20-0258](#) Public Hearing - Rezoning Property at or near 5506 Cain Drive**

Case No. 0220-04 - Nazari Mohammad Rezaei: Ordinance rezoning property at or near 5506 Cain Drive (located along the north side of Cain Drive, west of South Staples Street, and east of Burton Lane), from the “RS-6” Single-Family 6 District to the “CN-1” Neighborhood Commercial District.

Mr. Dimas read item “9” into the record as shown above. He reminded the Commission this case was presented at the February 19, 2020 meeting and briefly went over important points from the last presentation as a refresher. He informed the Commission that of the 13 public notices that were mailed, zero notices were returned in opposition and zero notices were returned in favor with no additional notices submitted. At the last meeting, Staff originally recommended denial of the change of zoning request. Based on further discussion and with the direction of the Planning Commission, Staff recommends denial of the change of zoning from the “RS-6” District to the “CN-1” District and, in lieu thereof, approval of the “RS-6/SP” Single-Family 6 District with a Special Permit (SP) with the following conditions:

1. **Uses:** The uses authorized by this Special Permit are all uses permitted by right in the “ON” Neighborhood Office District, including an accessory garage for the purpose of storage.
2. **Hours of Operation:** The hours of operation shall be daily from 6:00 AM to 10:00 PM.
3. **Buffer Yard:** A Type B Buffer Yard as defined by Section 7.9.5.A of the Unified Development Code (UDC) shall be required where the subject property shares a property line with a residential zoning district and/or residential use.
4. **Signage:** No pole-mounted signage is allowed on Cain Drive.
5. **Outdoor Storage:** Any outdoor storage is prohibited.
6. **Lighting:** All lighting must be shielded and directed away from adjacent properties and nearby streets. Cut-off shields are required for all lighting. No light projection is permitted beyond the property line.
7. **Noise:** Noise regulations shall be subject to Section 31-3 of the Municipal Code. Outside paging, speakers, telephone bells, or similar devices are prohibited.
8. **Other Requirements:** The Special Permit conditions listed herein do not preclude compliance with other applicable UDC, Building, and Fire Code Requirements.
9. **Time Limit:** In accordance with the UDC, this Special Permit shall be deemed to have expired within forty-eight (48) 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. Commissioner York asked for clarification regarding the time limit of the Special Permit condition. After Commissioner questions concluded, Chairman Crull 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". Commissioner Hovda seconded and the motion passed.

10. [20-0259](#)

Public Hearing - Rezoning Property at or near 113 Porto Villageo Drive

Case No. 0220-02 - J3PV Investment, LP: Ordinance rezoning property at or near 113 Villageo Drive (located along the east side of State Highway 361, north of Beach Comber Drive, and south of Mustang Island Estates Drive), from the "RM-AT" Multifamily AT District to the "RS-4.5/PUD" Single-Family 4.5 District with a Planned Unit Development.

Mr. Dimas read item "10" into the record as shown above. He reminded the Commission this case was presented at the February 19, 2020 meeting and briefly went over important points from the last presentation as a refresher. 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 and then presented a table comparing the proposed PUD development standards and UDC standards for the "RS-4.5" District and the proposed PUD. He noted all necessary deviations from the UDC being requested by the applicant including lot width, lot area, front setback, rear/side yard, building separation, building height and sidewalks. He displayed site plans showing PUD concepts detailing phase one of the project. Regarding the floor plan (roof-top layout), each unit is not placed on the property line. The roof overhang appears to be near the property line, but the unit's foundation will not be within five feet of the property line.

Based on Staff analysis, Staff recommends approval of the change of zoning from the "RM-AT" Multifamily AT District to the "RS-4.5/PUD" Single-Family 4.5 District with a PUD with the following conditions:

1. **Planned Unit Development Guidelines and Master Site Plan:** The Owners shall develop the Property in accordance with Porto Villageo Planned Unit Development (PUD) Guidelines and Master Site Plan.
2. **Other Requirements:** The PUD conditions listed herein do not preclude compliance with other applicable UDC, Building, and Fire Code Requirements.
3. **Time Limit:** This Planned Unit Development (PUD) shall be compliant with Section 3.5.9. of the Unified Development Code (UDC).

After Staff's presentation, Chairman Crull opened the floor for Commissioner comments/questions. Chairman Crull expressed concern for maintenance of the side yards for the properties which abut adjacent lots of the PUD. For those properties, he said the side yard setback appears to be three feet, not five feet, and suggested an amendment to the conditions to include the requirement of five feet. It was clarified an easement cannot be dedicated on someone else's property without their consent. Mr. Dimas stated the developer and engineer

were present to help clarify Commissioner questions. Chairman Crull mentioned the letter from the Porto Village Owner's Association (PVOA) that was included in the Staff Report. The letter stated their annual meeting had 43 out of 55 lot owners in attendance or via conference call but it did not indicate if a vote took place in favor of supporting the project.

After Commissioner comments/questions concluded, Chairman Crull opened the public hearing. Developer for the project, Charles Duffley at 112 Lance Lane, Victoria, Texas, addressed the Commission. He gave some background information regarding previous development plans for the property which all unfortunately fell through. He said they are trying to find the best use for the property since it has remained undeveloped for some time. They want to bring diversity and build a sense of community with a bungalow concept which is highly successful in other communities. He said the density will not be an issue, each "cluster" will have its own swimming pool and the smallest dwelling unit will be a minimum of 850 square feet. He discussed base flood elevations and how they would be using retaining walls. He said much time was spent to consider the flow of the neighborhood so that the concept meshed well, and that emergency access was maintained. He gave further detail regarding the development meeting held immediately after the PVOA annual meeting. At that meeting, he said they presented the PUD concepts and elevation concepts on what the neighborhood could potentially look like. He said the letter that was submitted by the PVOA closely depicts what happened at the meeting. After the last Planning Commission meeting, they made an honest effort to contact the adjacent property owners affected by the PUD. He was not able to reach some of the owners and not all owners responded. He also mentioned that a current builder (Scott Beard - present at the meeting) has submitted a letter of intent to purchase the remaining seven lots to concurrently build homes along with this project.

The engineer, Chip Urban with Urban Engineering at 2725 Swanter Drive, addressed the Commission to give further clarification on the parking and setbacks. He said the dimensions of the parking stalls are the code standard of 9 feet by 18 feet. He said they worked with Staff to find the best parking solution to maintain emergency access. They eliminated the use of parallel parking and replaced it with "head-in" parking. He said the developer will be installing wheel stops so that vehicles will not block or hang over the sidewalks. Regarding setbacks, he said utilizing zero lot lines on some of the interior lots of the PUD was a fair option to help with the configuration of the property. However, the side yard setback will be three feet instead of five feet for the existing properties which abut adjacent lots of the PUD. He said they made the best effort in giving as much space as possible and felt it made a valuable difference in achieving a quality product. He felt there is enough space for maintenance which prevents occupying the adjacent property. He mentioned the eave overhang is two feet which prevents runoff from dripping over property lines. It was clarified that air conditioning units will be installed on rooftops. Mr. Urban reiterated that an honest effort was made to communicate with the adjacent property owners affected by the PUD.

Cindy Clark at 145 Porto Village Drive, addressed the Commission. She expressed her concerns for sidewalks and elevation when flooding occurs. She refuted Mr. Duffley's claims that pictures of PUD concepts were presented at the development meeting that was held for the PVOA. She stated some, not all, of the adjacent property owners affected by the PUD were contacted. She

still feels that the explanations given by the developer have changed and are vague.

Steve Goolsby, 122 Villa Pamplona, addressed the Commission and stated they received contradicting information at the PVOA development meeting. At the meeting, they were told there would not be zero lot lines. The three-foot side yard setback was not mentioned at the meeting and they were told that 1,000 square feet would be the minimum size of a home. He said the current homes in the area are approximately 3,000 square feet. He mentioned that PVOA deed restrictions prohibit parking in the street. He also expressed concerns for flooding. Laurie Miggins at 101 Porto Villageo addressed the Commission and expressed concern over the pictures presented which show tiled roofs and rooftop terraces which are not characteristic of the current neighborhood. She asked how that would blend in with the rest of the neighborhood.

Scott Beard at 27811 Countryside Drive, New Braunfels, Texas, addressed the Commission. As mentioned above, he informed the Commission he will be purchasing seven lots in the next four months. He reiterated how the property has remained undeveloped over the past five years. He currently owns 149 Porto Villageo. He plans to submit permits for lot 2 soon. The single-family homes he will be building are from 1,700 to 2,800 square feet. He stated this property is ideal for the type of homes he builds which can withstand hurricane force winds but remain esthetically pleasing; these types of homes are in high demand for this area. He mentioned they are currently working on bylaws/covenants to mimic the PVOA. He thinks the PUD concept is an excellent plan.

With no else coming forward, the public hearing was closed. Discussion continued amongst the Commissioners. Commissioner Zarghouni expressed his concern over the property owner's claims for the developer's lack of transparency. Discussion took place regarding the base flood elevation for the existing homes and how elevation will be handled for new construction. Mr. Urban clarified that vacant lots will be elevated from one to two feet above base flood elevation. Commissioners Miller and Schroeder do not see a reason for deviating from a five-foot to a three-foot side yard setback. Commissioner Miller also expressed concern for the parking configuration. Mr. Urban stated they are providing eight more spaces than what is required which helps improve the situation further. It was clarified that the minimum lot size of the PUD is 1,400 square feet but there is not a square foot minimum for the size of the house per the UDC. Discussion also took place regarding deed restrictions/bylaws. Staff clarified that those are private agreements and the City does not require a statement of clearance by an architecture committee. Commissioner Dibble reinstated that there is a small fraction of disapproval among property owners and felt this is a well thought out plan. Commissioner Dibble made a motion to approve Staff's recommendation with an additional condition be added to the PUD requirements that no mechanical equipment be placed within the three-foot side yard setback for the existing properties which abut adjacent lots of the PUD. Commissioner Hovda seconded and a roll call vote took place with Chairman Crull and Commissioners Zarghouni and Miller voting "no". The motion passed with Commissioner York abstaining.

VIII. Director's Report

Al Raymond, Director of Development Services, informed the Commission

regarding upcoming community meetings: The Flour Bluff Area Development Plan will be held March 25, 2020 at 5:30 p.m. at the Flour Bluff High School Cafeteria, 2505 Waldron Road and The Padre/Mustang Island Area Development Plan will be held on March 26, 2020 at 5:30 p.m. at the Seashore Learning Center Gym, 15801 South Padre Island Drive.

IX. Items to be Scheduled

None.

X. Adjournment

There being no further business to discuss, Chairman Crull adjourned the meeting at 7:15 p.m.