



City of Corpus Christi

1201 Leopard Street
Corpus Christi, TX 78401
cctexas.com

Meeting Minutes Planning Commission

Wednesday, September 15, 2021

6:30 PM

Council Chambers

I. Call to Order, Roll Call

Chairman Baugh called the meeting to order and a quorum was established with Commissioners Mandel and Salazar-Garza absent.

II. PUBLIC COMMENT: None.

III. Approval of Absences: Commissioner Mandel

A motion was made by Vice Chairman Dibble to approve the absence listed above and it was seconded by Commissioner York. The motion passed.

IV. Approval of Minutes

1. [21-1273](#) Regular Meeting Minutes of September 1, 2021

A motion was made by Commissioner Miller to approve the minutes listed above and it was seconded by Commissioner Schroeder. The motion passed.

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

Chairman Baugh stated that New Zoning item "11" will be pulled from the Consent Agenda for individual consideration; asked Staff to present the remaining Consent Agenda, items "2 through 10". Senior City Planner, David Stallworth, read the Consent Agenda items into the record. New Plat items "2 through 9" satisfy all requirements of the UDC/State Law and the Technical Review Committee (TRC) recommends approval. Staff recommends approval for Time Extension item "10".

After Staff's presentation, Chairman Baugh opened the public hearing. With no one coming forward, the public hearing was closed. A motion was made by Commissioner Schroeder to approve items "2 through 10" as presented by Staff and it was seconded by Commissioner York. The motion passed.

A. Plats**NEW PLATS**

2. [21-1224](#) 21PL1046
 PORT ARANSAS CLIFFS, BLK 808, LOTS 41R, 42R & 43R (FINAL REPLAT - 0.286 ACRES)
 Located north of S. Alameda Street between Texas Avenue and Angel Avenue.

3. [21-1225](#) 21PL1062
 FLOUR BLUFF ESTATES NO.2, BLK 11, LOT 4B (FINAL - 0.172 ACRES)
 Located south of Jester St and east of Jane Street.

4. [21-1226](#) 21PL1065
 RANCHO VISTA SUBDIVISION UNIT 23 (FINAL - 13.81 ACRES)
 Located south of Adler Drive between Rancho Vista Boulevard and Cattlemen Drive.

5. [21-1227](#) 21PL1067
 FLOUR BLUFF ESTATES NO.2 BLK 8 LOTS 14A & 14B (FINAL REPLAT- 0.379 ACRES)
 Located south of Webb street and west of Jane Street.

6. [21-1229](#) 21PL1084
 RIVER RIDGE UNIT 4A (FINAL - 12.73 ACRES)
 Located north of County Road 52 and east of County Road 69.

7. [21-1260](#) 21PL1110
 MARTINEZ ADDITION, BLOCK 1, LOT 1 (FINAL - 0.0402 ACRES)
 Located south of Comanche Street and west Culberson Street.

8. [21-1266](#) 21PL1064
 WILDCAT INDUSTRIAL PARK, BLK 2, LOT 4 (FINAL - 4.26 ACRES)
 Located north of Roughneck Road and east of Cathead Road.

9. [21-1228](#) **21PL1080 - CONDITIONAL**
 JADE HEIGHTS (FINAL - 23.39 ACRES)
 Located north of Saratoga Boulevard and west of Weber Road.

TIME EXTENSION

10. [21-1265](#) **20PL1129 - 1st Request**
 TULOSO RESERVE UNIT 2 (FINAL - 7.85 ACRES)
 Located south of Leopard Street and east of Rand Morgan Road (FM 2292).

B. New Zoning

11. [21-1272](#) Public Hearing - Rezoning Property at or near 3942 Cimarron Boulevard.

Case No. 0921-01, Richard Jurach, Jerry Jurach, Patricia Hunt and Paula Carter: Ordinance rezoning property located at or near 3942 Cimarron Boulevard (located along the east side of Cimarron Boulevard, south of Lipes Boulevard, and north of Yorktown Boulevard) from the "FR" Farm Rural District to the "RM-2" Multifamily District.

Andrew Dimas, Development Services Administrator, read New Zoning item "11" into the record as shown above. The applicant is proposing the construction of a 240-unit apartment complex. Mr. Dimas went over the history of zoning patterns, available municipal facilities as well as UDC requirements for the rezoning request. He informed the Commission that of the 38 public notices mailed, zero notices were returned in favor and one notice was returned in opposition.

The proposed rezoning is generally consistent with the adopted Comprehensive Plan (Plan CC); the proposed rezoning warrants an amendment to the Future Land Use Map. Recent rezonings in 2015 have occurred to the north to the "CN-1" district and to the "RM-2" district in 2018. Most recently to the east, rezonings occurred in 2018 to the "RM-1" district. Based on recent zoning changes and existing commercial zoning along Cimarron Boulevard (A1 Arterial Street), a trend towards commercial development is occurring. Based on this analysis, Staff recommends approval of the change of zoning.

After Staff's presentation, Chairman Baugh opened the floor for Commissioner comments/questions. Vice Chairman Dibble pointed out that the time of the meeting was incorrect on the public notices. The notices stated 5:30 p.m. and not 6:30 p.m. Discussion took place regarding public notices and State statute requirements. Commissioner Zarghouni asked about height restrictions for the "RM-2" district. Discussion took place regarding UDC requirements for height restrictions when adjacent to single-family districts. Mr. Dimas presented a site plan to show locations of the two and three story units. A two story unit will be placed adjacent to the single-family neighborhood (Cimarron Lake Estates) including separation with a parking lot. Vice Chairman Dibble raised concern that the design of the site plan could change once the rezoning is granted. He asked if a condition could be placed restricting the height of the building that is adjacent to the single-family neighborhood.

After Commissioner questions concluded, Chairman Baugh opened the public hearing. Representing the applicant, John Bell at 13750 Primavera, addressed the Commission in support of the rezoning case. He confirmed the limitation of the two-story unit (60 feet) adjacent to the single-family neighborhood. Aside from the parking lot separation, there is also a ten-foot buffer for landscaping of canopy trees; a wooden, privacy fence will be built (Cimarron Lake Estates also has an existing fence). He said applicant was proactive and also mailed notices to surrounding properties regarding the proposed development. He mentioned there were discussions with Staff regarding a Special

Permit but preliminary drawings have been approved by their client.

The following individuals addressed the Commission and expressed their opposition to the rezoning case:

James Aleman at 6538 Miranda (President of the Cimarron Lake Estates HOA)

Tony Elizondo at 6506 Miranda Drive

Joaquin Granados at 4006 Rayado Creek Drive

Mr. Aleman expressed the confusion regarding the incorrect time on the public notices and asked if this item could be tabled as the HOA would like to also meet with the developer. He said there is not a fair representation present because other residents were here at 5:30 p.m. to speak on this item but they had to leave. As an example, he provided pictures to the Commission showing the view from an adjacent apartment complex (two-story building) and how a person could still have a view into his backyard. He does not believe the canopy trees will be mature/tall enough to help the situation. Other concerns consisted mainly of the lack of privacy, diminishing property values due to the adjacency of an apartment complex/parking lot, overpopulation of schools and the increase of light/noise pollution and traffic.

With no one else coming forward, the public hearing was closed. A motion was made by Commissioner Miller to table this item to the September 29, 2021 Planning Commission meeting, and it was seconded by Vice Chairman Dibble. The motion passed.

VI. Public Hearing (Items C & D): Discussion and Possible Action

C. Plats

Time Extensions

Mr. Dimas read items "12, 13, 14 & 15" into the record as shown below. After Staff's presentation, Chairman Baugh opened the public hearing. Representing item "12", Xavier Galvan with Urban Engineering addressed the Commission in support of the extension. Representing items "13, 14 & 15", Chip Urban with Urban Engineering addressed the Commission in support of the extensions. With no one else coming forward, the public hearing was closed. A motion was made by Commissioner York to approve items "12, 13, 14 & 15" as presented and it was seconded by Commissioner Zarghouni. The motion passed.

12. [21-1259](#) **18PL1076 - 6th Request**
PARK SPRINGS IHS, BLOCK 1, LOTS 1 - 3 (FINAL - 3.87 ACRES)
Located Hazel Bazemore Road (CR 69) and south of Northwest Boulevard (FM 624)

13. [21-1262](#) **18PL1007 - 6th Request**
PADRE HARBOR UNIT 1 (FINAL - 22.14 ACRES)
Located south of SH 361 and east of South Padre Island Drive (Park Road 22).
14. [21-1263](#) **18PL1123 - 5th Request**
PADRE HARBOR UNIT 2 (FINAL - 25.24 ACRES)
Located south of Hwy 361 and east of South Padre Island Drive (Park Road 22).
15. [21-1264](#) **18PL1124 - 5th Request**
PADRE HARBOR UNIT 3 (FINAL - 60.9 ACRES)
Located south of Hwy 361 and east of South Padre Island Drive (Park Road 22).

Plats with a Variance (Waiver)

16. [21-1223](#) 21PL1030
COUNTRY ACRES SUBDIVISION, LOTS 4A & 4B (REPLAT - 2.34 ACRES)
Located east of FM 1889 and north of CR 48.

17. [21-1231](#) **21PL1030 - WASTEWATER**
COUNTRY ACRES SUBDIVISION, LOTS 4A & 4B (REPLAT - 2.34 ACRES)
Located east of FM 1889 and north of CR 48.

Mr. Dimas presented items "16 & 17" for the record as shown above. The owner of the subject property proposes to develop a single-family home on each 1.12-acre lot. He gave an overview of Master Plan improvements, showing the proposed path to connect to the existing system. The property could connect to the nearest accessibility point by installing a 15" PVC line along the frontage of Lots 4A & 4B (CR 48) with a manhole on the east frontage.

Staff requested cost estimates of the construction of infrastructure along the frontage of the property. The applicant submitted a cost estimate of 271,264.00. The applicant proposes a septic systems for the lots, per UDC wastewater waiver standard, Section 8.2.7.B.1.a: "Reasonably accessible" means master plan facilities currently exist in the designated service area, and such facilities can be extended to serve the subdivision; collection lines of adequate capacity to service the proposed development are within 1,000 feet of the subdivision and can be extended. The proposed Country Acres subdivision is not "Reasonably accessible" to a public wastewater facility. The connection ends at the accessibility point, which is the Lift Station listed at 2.84 miles from the property on CR 52. This lift station is part of a system that eventually connects to the Allison Wastewater Treatment Plant on Leopard Street.

Mr. Dimas briefly went over platting requirements to construct wastewater lines/facilities per UDC Sections 3.30.1.A, 8.1.4 and 8.2.7; Section 3.8.3.D of the UDC lists the factors to be considered in whether to grant a waiver from a platting requirement. Staff recommends approval of the request for waiver of wastewater infrastructure construction per Section 8.2.7.A, and disapproval of an exemption from the Wastewater Lot/Acreage fees per Section 8.5.2.G of the UDC. After Staff's presentation, Chairman Baugh opened the public hearing. With no one coming forward, the public hearing was closed. A motion was made by Commissioner Schroeder to approve Staff's recommendation and it was seconded by Commissioner Zarghouni. The motion passed with Commissioner York abstaining.

18. [21-1275](#) **21PL1116**
HEMINGWAY TOWNHOMES UNIT 1 (FINAL - 8.90 ACRES)
Located east of Greenwood Drive and north of Holly Road.

19. [21-1276](#) **21PL1116 - SIDEWALK**
HEMINGWAY TOWNHOMES UNIT 1 (FINAL - 8.90 ACRES)
Located east of Greenwood Drive and north of Holly Road.

Mr. Stallworth presented items "18 & 19" for the record as shown above and described the waivers being requested:

Waiver No. 1 (to waive sidewalk requirements for internal private streets, per §§8.1.4, 8.2.2.A and Table 8.2.1.B of the UDC;

Waiver No. 2 (to allow the installation of single-loaded sidewalk along the south side of proposed Gellhorn Drive instead of sidewalk along both sides, as required under § 8.1.4, 8.2.2.A and Table 8.2.1.C of the UDC).

Mr. Stallworth displayed an aerial map of the subject property. To the north is a 60-foot-wide public access easement (Silverberry Drive); public, street right-of-way will be overlaid on this access easement, and it will inevitably be renamed Gellhorn Drive. Silverberry Drive is not classified on the Urban Transportation Plan but serves as a functional minor (equivalent C-1) collector.

The final plat proposes a private internal, residential street grid, and an ultimate yield of 48 single-family townhome lots and 11 non-residential lots. Mr. Stallworth presented Table 8.2.1.B, Plat Requirements for Local Street Standards, along with the proposed cross-sections (28-foot-wide pavement and no sidewalks); Table 8.2.1.C, Plat Requirements for Collector Streets, along with the proposed cross-sections (reconstruction of new Gellhorn Drive with 40-foot-wide pavement and sidewalk on the south side of the street). He proceeded to outline the factors in support and against the waivers.

Factors in Support of Waiver #1 - The applicant states that they do not believe sidewalk should be required because:

1. The granting of the waiver is not detrimental to the public health, safety or general welfare, nor is it injurious to other property in the area, or to the city in administering the UDC. The applicant asserts that the proposed development will be a gated townhome community with an internal residential private street grid similar to that found in the Sandy Creek development.
2. The granting of the waiver would not substantially conflict with the Comprehensive Plan or the purpose of the UDC.
3. The conditions that create the need for the waiver shall not generally apply to other property in the vicinity.

Factors weighing against the waiver and in support of requiring sidewalk (Waiver #1):

1. The applicant did not indicate during the preliminary plat process that the residential components of the overall development would consist of gated communities.
2. The arguments provided largely consist of recitation of criteria with little to no clear justification or compelling reasoning that would sway staff to support the request. It is

unclear what the bases for the waiver are, and it would be inappropriate to surmise the applicant's intentions or rationale.

3. Approval of the waiver might not be in the best interests of the general public. Although the applicant indicates that gated access will be utilized, there are no guarantees that the type of gate mechanism employed (24-hour manned versus electronic self-activation) will ensure the level of access control necessary to preserve and maintain a safe internal pedestrian environment.

4. As an augment to finding number three (3), there are no indications that on-street parking will be prohibited along internal private streets. The presence of parked vehicles along both sides of the roadway will force pedestrians to walk within a travel lane, which is not optimal under any circumstances.

5. The applicant has not satisfactorily demonstrated that the use of alternative pedestrian facilities, such as multi-purpose trails, pedestrian paths utilizing alternative surfacing or pedestrian easements through private property are either unreasonable or impossible for this development.

6. The conditions driving this waiver request could also be applied to other properties in the area that develop as gated communities. Gated communities are not unique; rather, they are creatures of marketing or developmental preference, and as such, may develop anywhere.

7. There are no readily identifiable site peculiarities, unusual circumstances or harsh topographical issues that would render this project untenable if a 6-foot-wide internal sidewalk was built along at least one side of an internal private street.

8. Disapproval of the waiver will not diminish access to a diverse supply of quality housing, reduce the capacity for investment in neighborhood quality of life and discourage community identity and placemaking, all of which are housing related issues cited in the City's adopted Comprehensive Plan. The applicant cannot satisfactorily prove that housing goals and objectives such as affordability, life suitability and housing condition will be undermined if the waiver is disapproved.

Factors in Support of Waiver #2 - Upon further review, staff concludes that a sidewalk is unnecessary along the north side of proposed Gellhorn Drive because:

1. The granting of the waiver is not detrimental to the public health, safety or general welfare, nor is it injurious to other property in the area, or to the city in administering the UDC. Along the north side of Gellhorn between Greenwood and the Wal-Mart property, there are no destination points that would warrant a sidewalk. Additionally, the placement of new sidewalk along the south side of Gellhorn appears logical as it will best serve residential pedestrian traffic emanating from the new townhome development.

2. The conditions driving this waiver request appear to be unique to this segment of proposed Gellhorn Drive. Along the road's north side is a TX-DOT field office and equipment yard, as well as numerous existing utility easements, overhead utilities and mature tree canopy that serves as a visual screen that should be preserved. In light of these observations, installation of a sidewalk along this segment would appear to be problematic at best and of little to no public benefit.

3. Although the application of sidewalk requirements along the north side of Gellhorn

Drive will not render the new development unfeasible or impossible, its installation may appear to offer little to no public benefit, thereby putting its actual need into question.

4. The granting of the waiver would not substantially conflict with the Comprehensive Plan and the purposes of the UDC, especially as the UDC does allow for alternative single-loaded sidewalk options in some circumstances.

Factors weighing against the waiver and in support of requiring sidewalk (Waiver #2):

1. Given its location between the new residential development and an active commercial node, proposed Gellhorn Road will function as a C-1 Collector street. UDC Table 8.2.1.C requires sidewalk along this type of roadway.
2. None of the exceptional conditions for a sidewalk waiver that are listed in UDC 8.2.2.C exist in this case.

Section 3.30.1 and 8.1.4 of the UDC require construction of sidewalk as part of the platting process. The UDC also states, under §8.2.2.B.1, that a waiver may be granted, in accordance with the procedures outlined in §3.8.3.D. The waiver request does not qualify as an administrative exception, as allowed under §8.2.2.C. Weighing the factors, Staff recommends disapproval of waiver number one and approval of waiver number two.

After Staff's presentation, Chairman Baugh opened the public hearing. Developer for the project, Roberto Santos Williams at 7418 Lake Livingston Drive, addressed the Commission. He pointed out that over the past years there have been several other townhome developments that do not have sidewalks or cul-da-sacs (Shady Creek, Tuscany & Barclay Cove). He said he is requesting the waiver for adaptability to deliver a high quality/affordable product with amenities. Representing the developer, Murf Hudson with Urban Engineering addressed the Commission and stressed that this is a private, gated community with no public access; the streets will be privately maintained. The developer is trying to create a unique community with an HOA at an affordable price point.

With no one else coming forward, the public hearing was closed. Commissioner Schroeder brought up the possibility that the City could eventually take over maintenance of public infrastructure if an HOA ceases to exist, as it has happened in the past. A motion was made by Commission Miller to approve Staff's recommendation and it was seconded by Commissioner Schroeder. A roll call vote took place and the motion did not pass with Chairman Baugh, Vice Chairman Dibble, Commissioner York and Commissioner Gonzalez voting "no".

A motion was made by Vice Chairman Dibble to approve both waiver requests and it was seconded by Commissioner Gonzalez. A roll call vote took place and the motion passed with Commissioners Schroeder, Zarghouni and Miller voting "no".

D. New Zoning

20. [21-1271](#) Public Hearing - Rezoning Property at or near 2210 Mary Street.

Case No. 0921-02, Ed Rachal Foundation: Ordinance rezoning properties located at or near 2210 Mary Street (located surrounding the former Lamar Elementary School and fronting upon multiple streets including Mary Street, South 19th Street, 20th Street, 21st Street, and Morris Street) from the "RS-6" Single-Family 6 District, "RM-3" Multifamily District, and the "CN-1" Neighborhood Commercial District to the "CI" Intensive Commercial District.

Mr. Dimas read New Zoning item "20" into the record as shown above. The applicant is proposing that the existing residential lots will be converted into a parking lot with approximately 286 parking spaces. These parking spaces will benefit the City Call Center, Department Offices, and the Corpus Christi Police Department. He presented a site plan showing the location of each parking lot site; informed the Commission that of the 129 public notices mailed, 17 notices were returned in favor (by the applicant) and zero notices were returned in opposition.

The proposed rezoning is generally consistent with the adopted Comprehensive Plan (Plan CC); the proposed rezoning warrants an amendment to the Future Land Use Map. However, the "CI" Intensive Commercial District opens the possibility of more intense commercial uses. A special permit should be considered. Based on this analysis, Staff recommends denial of the change of zoning from the "RS-6" district to the "CI" district and, in lieu thereof, approval of the "RS-6/SP" Single-Family 6 District with a Special Permit subject to the following conditions:

1. Uses: The only uses authorized by this Special Permit other than uses permitted in the base zoning district is an accessory parking use for a government facility.
2. Landscaping: The Properties are exempt from Section 7.3.3 of the Unified Development Code (UDC).
3. Vehicular Screening: The Properties shall follow the standards set in Section 7.3.11 of the Unified Development Code (UDC).
4. Buffer Yard: The following buffer yard standards shall apply to the Properties: When adjacent to the "RM-3" Multifamily District or "CN-1" Neighborhood Commercial District, the requirement shall be 5-feet of buffer yard with a 7-foot screening fence. When adjacent to the "RS-6" Single-Family 6 District, the requirement shall be 10-feet of buffer yard with a 7-foot screening fence.
5. Lighting: All lighting must adhere to the standards set in the Unified Development Code (UDC).
6. Other Requirements: The conditions listed herein do not preclude compliance with other applicable UDC and Building and Fire Code Requirements.
7. Time Limit: In accordance with the UDC, this Special Permit shall be deemed to have expired within 24 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 Baugh opened the public hearing. Rebecca Reyna

at 2314 Morris Street addressed the Commission. She said her family received public notices sent by the City as they own two lots within the notification area. She stated she is confused as to what the development/special permit involves as she received alarming information when she contacted the applicant. Staff assisted with answering her questions for clarification.

Representing the applicant, Murf Hudson with Urban Engineering, addressed the Commission and gave information regarding fence installation for the parking lots. With no one else coming forward, the public hearing was closed. A motion was made by Commissioner Gonzalez to approve Staff's recommendation and it was seconded by Commissioner York. The motion passed.

VII. Director's Report: None.

VIII. Future Agenda Items

Mr. Dimas informed the Commission on an upcoming workshop/training schedule that will be provided to them.

IX. Adjournment

There being no further business, Chairman Baugh adjourned the meeting at 8:30 p.m.