



City of Corpus Christi

1201 Leopard Street
Corpus Christi, TX 78401
cctexas.com

Meeting Minutes

Planning Commission

Wednesday, December 8, 2021

5:30 PM

Council Chambers

I. Call to Order, Roll Call

Chairman Baugh called the meeting to order and a quorum was established with Commissioner Miller absent.

II. PUBLIC COMMENT: None.

III. Approval of Absences: Commissioner Zarghouni

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

IV. Approval of Minutes

1. [21-1749](#) Regular Meeting Minutes of November 10, 2021

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

V. Discussion and Possible Action Regarding the Planning Commission & Airport Zoning Commission (AZC) Meeting Calendar for 2022

2. [21-1592](#) Planning Commission and Airport Zoning Commission (AZC) Meeting Calendar for 2022

A motion was made by Commissioner York to approve the 2022 meeting calendar listed above and it was seconded by Commissioner Zarghouni. The motion passed.

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

Chairman Baugh asked Staff to present the Consent Agenda, items "3 through 13". Andrew Dimas, Development Services Administrator, read the items into the record. New Plats "3 through 9" satisfy all requirements of the UDC/State Law and the Technical Review Committee recommends approval. Staff recommends approval for Time Extension items "10, 11 & 12" as it is their first request. Staff also recommends approval for New Zoning item "13" as stated in Staff's report. After Staff's presentation, the public hearing was opened. There being none, the public hearing was closed. A motion was made by Commissioner Gonzalez to approve items "3 through 13" as presented by Staff and it was seconded by Commissioner Salazar-Garza. The motion passed.

A. Plats**New Plats**

3. [21-1742](#) 21PL1078
 CHARLOTTE ESTATES (PRELIMINARY - 80 ACRES)
 Located south of CR 22 and west of CR 49.
4. [21-1743](#) 21PL1108
 FLOUR BLUFF ESTATES, BLOCK H, LOT 14R (FINAL - 1.9097 ACRES)
 Located south of South Padre Island Drive between Mounts Drive and Admiral Drive.
5. [21-1744](#) 21PL1144
 LAGUNA VISTA SHORES, BLK 8, LOT 1R (REPLAT - 0.382 ACRE)
 Located at the southwest corner of Riverdale and Shore Drives.
6. [21-1745](#) 21PL1147
 KING SQUARE ADDITION, LOTS 3B1 & 3B2 (REPLAT - 4.604 ACRES)
 Located along the south side of South Staples Street and northwest of Shopping Way.
7. [21-1746](#) 21PL1145
 WESTGATE HEIGHTS, BLOCK 12, LOT 17A (REPLAT - 0.2876 ACRES)
 Located along the south side of Southland Drive, between Henry Street and Westgate Drive.
8. [21-1747](#) 21PL1148
 LONDON TOWNE SUBDIVISION UNIT 4 (FINAL PLAT - 24.34 ACRES)
 Located at the western terminus of London Towne Boulevard, west of Etienne Gardens Drive.
9. [21-1748](#) 21PL1157
 RODD PLAZA SOUTH, BLOCK 1, LOT 1 (FINAL - 1.679 ACRES)
 Located east of Rodd Field Road and south of Yorktown Boulevard.

Time Extensions

10. [21-1739](#) **21PL1028 - 1st REQUEST**
 NORTH BEACH TOWNHOMES (FINAL - 0.83 ACRES)
 Located east of Surfside Boulevard and north of Stewart Place.
11. [21-1740](#) **21PL1022 - 1st REQUEST**
 LONDON TOWNE SUBDIVISION UNIT 7 (FINAL - 10.86 ACRES)
 Located north of FM 43 and east of County Road 33.

12. [21-1741](#) **21PL1021 - 1st REQUEST**
LONDON TOWNE SUBDIVISION UNIT 6 (FINAL - 9.44 ACRES)
Located north of FM 43 and east of County Road 33.

B. New Zoning

13. [22-0001](#) **Public Hearing - Rezoning Property at or near 7601 Yorktown Boulevard**
Case No. 1221-01, Gulfway Shopping Center: Ordinance rezoning property at or near 7601 Yorktown Boulevard (located on the south side of Yorktown Boulevard, east of Rodd Field Road, and west of Starry Road) from the "FR" Farm Rural District to the "CN-1" Neighborhood Commercial District.

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

C. Unified Development Code Text Amendment

14. [21-1512](#) Ordinance amending the Unified Development Code (UDC) to rename the Community Enrichment Fund as Park Development Fund and Park Development Fee as Park Improvement Fee, to increase parkland dedication requirements, to increase Park Improvement Fee, and allowing Park Development fund expenditures within applicable Area Development Plan.

Neiman Young, Assistant City Manager, along with Christopher Anderson, Innovation and Strategic Officer, presented item "14" for the record as shown above. Mr. Young stated this item was originally presented at the October 27, 2021 Commission meeting and he briefly went over some key points from that same presentation. Mr. Anderson went over the Park Dedication Ordinance Analysis portion of the presentation.

Mr. Young proceeded to go over the data compiled for Requests for Information (RFI) by the Planning Commission, City Council and Development Community. Less than 1% of developments dedicated land for park space over the last ten years. He gave information on the percentage (General Fund) of what other Texas cities are dedicating to their Parks and Recreation budget. The mean percentage among the comparison group is 6.86%. He added that medians are included in the City's record of park acreage. A revenue of \$87,500.00 would be generated if the Park Development Fee (PDF) was raised from \$200 to \$250 and the fee in lieu of land (FILO) left static. He presented a map of Area Development Zones and showed how it would look if the Southside and North Padre Island were spit into two separate zones. He gave the total acreage amounts for Federal, State, County and City parkland which is approximately 6,500 acres. For the past decade, he gave the total revenue amounts that have been generated by the FILO and PDFs. And, he stated the PDF would need to increase to \$450.00 in order to eliminate the FILO.

Mr. Young concluded the presentation with a summary of recommendations:

1. Amend UDC to rename the "Community Enrichment Fund" to the "Park Development Fund", and rename the "Park Development Fee" to the "Park Improvement Fee"
2. Amend the UDC to dissolve the five-mile radius requirement and restrict the use of Fee in Lieu of Land funding to the City Area Development Zone of the contributing residential development
3. Amend the UDC to change land dedication requirement from one acre per 100 dwelling units to one acre per 57 dwelling units
4. Increase the Park Development fee to remain in keeping with the Consumer Price Index
5. Adopt the proposed FY22 Community Enrichment Fund Budget
6. Update budget finance policy to require the City Manager to present a proposed CEF budget with the Operating Budget and Capital Budget
7. Remove language allowing for a refund of fees if not spent within seven years
8. Assistant City Manager of Park and Recreation shall determine the amount of the FILO

After Staff's presentation, the floor was opened for Commissioner comments/questions. Vice-Chairman Dibble expressed his disappointment that his requests for information from the last meeting did not get addressed (analysis on cities comparable in size to Corpus Christi). Commissioner Schroeder reiterated his comments from the last meeting and felt park development planning needs to be more dynamic for more desirable neighborhoods. Commissioner York said part of his request for information was fulfilled but felt the analysis still lacks information on why other City parks are considered to be in better shape. He felt the condition of our parks do not reflect the analysis since our City is included in the top eight cities compared. Discussion occurred regarding a current City audit and if the audit should be completed (February 2022) before this text amendment can move forward; the Parks and Recreation 2021 Master Plan. After discussion concluded, the public hearing was opened.

Wendy Herman, Executive Officer of the Coastal Bend Home Builders Association at 5325 Yorktown Boulevard, addressed the Commission. She expressed that this portion of the UDC should be taken out and redone to establish a flat fee. She said they have had ongoing negotiations with the Department and agree on much of the proposed amendment but that the flat fee should be \$325/per lot respective to current building permit activity. She would like to see this item tabled so they can continue meeting with Staff. With no one else coming forward, the public hearing was closed.

Commissioner York added if language could be considered for the intent in which funds are appropriated and in establishing fees. He is in favor of the zones but asked if funds will be spent on parks where the most development occurs. Vice Chairman Dibble made a motion to table this item to the March 9, 2022 Planning Commission meeting and Commissioner York seconded. The motion passed.

D. Tabled Zoning

15. [21-1508](#) **Public Hearing - Rezoning Property at or near 4716 Ocean Drive**
Case No. 1021-05, Shekhar Siddappa Raj: Ordinance rezoning property at or near 4716 Ocean Drive (located along the north side of Ocean Drive, and the north end Airline Road, and along the side of the Corpus Christi Bay) from the "RS-10" Single-Family 10 District to the "RM-1" Multifamily District.

Mr. Dimas presented item "15" for the record as shown above and informed the Commission this case was originally presented at the October 27, 2021 Commission meeting. Since that meeting, the applicant amended their rezoning application request for the "RM-1" Multifamily District. The maximum density of the "RM-1" District is 22 dwelling units per acre. Based on the size of the subject property this would equate to approximately 15 dwelling units. Considering UDC requirements such as parking (33 spaces) and buffer yards/setbacks, a more achievable number of dwelling units would be a maximum of 10/acre. As a compromise, considering neighborhood concerns, Staff felt that the "RM-1" district would be a good transition since it has the lowest density of the multifamily districts. He informed the Commission that of the 8 public notices mailed, seven notices were returned in opposition (39.33%) and zero were returned in favor. Based on this analysis, Staff recommends approval of the change of zoning request.

After Staff's presentation, the floor was opened for comments/questions from the Commission. Discussion took place regarding the Southeast Area Development Plan (adopted 1995) and how this area was intended for park dedication. Staff informed the Commission that this Plan is currently being updated as the Midtown Area Development Plan (ADP) and the draft does not include this line item as a future dedication. Commissioner York pointed out that the intent of the original Plan was to maintain a view corridor and suggested that the current draft plan keep this idea as it would provide a good buffer for the residential neighborhood.

After discussion concluded, the public hearing was opened. The owner, Shekhar Raj, addressed the Commission in support of his request. He gave a brief history of the challenges they have faced in developing this property. He said they have no intentions to build a large apartment complex but rather condominiums with four units (2 - 3 bedrooms) at three stories in height. He said that they will reside in one of the units and plan to sell the remaining units. He said he faces challenges with the property as it is difficult to sell a "high-end" piece of property near an apartment complex. The adjacency to the apartment complex devalues his property. He felt that with the proposed reduction of units to be built, traffic will not be an issue and the corridor view will not be obstructed.

The following individuals addressed the Commission in opposition to the proposed rezoning request and felt the property should remain as a single-family residential district. They said the property was not intended for apartment development and everything west of Airline Road is meant for the "RM-AT" district. Discussion occurred regarding the Southeast ADP and how it should be upheld for the use of the park. Traffic was a concern

as platting this property is dangerous for a curb cut located near an intersection.

David Loeb at 4771 Ocean Drive
Gene Guernsey at 340 Grant Place
Moe Motaghi at 2921 Ocean Drive
Robert Oshman at 4728 Ocean Drive

With no one else coming forward, the public hearing was closed. A motion was made by Vice Chairman Dibble to deny the rezoning request and it was seconded by Commissioner Zarghouni seconded. The motion passed unanimously.

16. [21-1509](#) Public Hearing - Rezoning Property at or near 3302 South Alameda Street

Case No. 1021-04, Doc Five: Ordinance rezoning property at or near 3302 South Alameda Street (located at the northeast corner of the intersection of South Alameda Street and Texan Trail) from the "ON" Neighborhood Office District to the "ON/SP" Neighborhood Office District with a Special Permit.

Mr. Dimas presented item "16" for the record as shown above and stated this case was originally presented at the October 27, 2021 Commission meeting. Since then, the applicant has amended their rezoning application for a request of the "ON" Neighborhood Office District with a Special Permit (SP). Mr. Dimas presented an aerial map of the subject property along with the Future Land Use map (FLUM).

Mr. Dimas went over the history of zoning patterns in the area and adjacent development (UDC requirements - setbacks/buffer yards, etc.), along with available municipal facilities. He informed the Commission that of the 13 public notices mailed, two were returned in opposition and zero were returned in favor; additional public comments from those opposed/in favor, outside the notification boundary, were also provided to the Commission. Mr. Dimas also went over the site plan to explain how vehicle stacking/queuing would occur. He informed the Commission the applicant has requested to table this case to the January 12, 2022 Commission meeting to allow more time to meet with the concerned neighbors. Staff recommends approval of the change of zoning to the "ON/SP" district with the following conditions:

1. Uses: The only uses authorized by this Special Permit other than uses permitted by right in the base zoning district is "Car Wash, automated" as defined by the Unified Development Code (UDC).
2. Buffer Yard: The buffer yard requirement shall be 10-feet and a 7-foot masonry wall shall be constructed and maintained along the property line shared with Saint Patrick's Church and School. No buildings, dumpsters, and/or compactors shall be allowed within the buffer yard.
3. Hours of Operation: The hours of operation shall be daily from 7:00 AM to 9:00 PM.
4. Dumpster Screening: Any dumpster located on the Property shall be effectively screened from view by means of a screening fence or landscaping.
5. Lighting: All security lighting must be shielded and directed away from abutting

properties and nearby streets. Cut-off shields are required for all lighting. No light projection is permitted beyond the property line near all public roadways and residential developments.

6. Noise: Noise regulations shall be subject to Section 31-3 of the Municipal Code.

7. Other Requirements: The conditions listed herein do not preclude compliance with other applicable UDC and Building and Fire Code Requirements.

8. 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, the floor was opened for Commissioner comments/questions. Discussion took place regarding the noise ordinance, code enforcement complaints and hours of operation during the summer months. After discussion concluded, the public hearing was opened.

The following individuals addressed the Commission and were in opposition to item "16". They expressed concerns for an increase in traffic and how safety precautions will be undermined as the subject property is near a private school/childrens hospital (existing 20 mph speed limit). They pointed out there is a car wash within driving distance (HEB) and it is not primarily beneficial at this location. Other concerned mentioned were noise levels, chemicals produced by the car wash and existing flooding issues in the area. A petition was submitted to the Commission with over 300 signatures for opposition. They would like to keep the historic nature of their neighborhood peaceful.

Glenn Tiller at 3202 Topeka Street

Michael Flores at 7930 Vishal Drive

Mike & Alison Schuchs at 3234 Topeka Street

Raul at 3212 Topeka Street

John Barron at 3267 Topeka Street

Samuel Gutierrez at 3233 Topeka Street

Caroline White at 325 Camellia Drive

With no one else coming forward the public hearing was closed. Further discussion took place regarding the chemicals to be used by the proposed car wash. Mr. Dimas pulled information from a Safety Data Sheet and it described the same chemicals that are also contained in famous brand dishwashing liquids (degreasers - same concentration). Discussion also took place regarding the commercial designation on the FLUM; the allowed uses in the "CG2", "CN" and "ON" districts.

A motion was made by Commissioner York to deny item "16" and it was seconded by Commissioner Zarghouni. A roll call vote took place and the motion passed with Vice Chairman Dibbble and Commissioners Schroeder and Gonzalez voting "No". Commissioner Mandel left the meeting at 8:25 p.m.

VIII. Planning Commission Training Series**17. [21-1453](#) Zoning 101**

Due to lack of time, this item did not occur and will be rescheduled for the January 12, 2022 Planning Commission meeting.

IX. Future Agenda Items: None.**X. Director's Report: None.****XI. Adjournment**

With no further business to discuss, the meeting was adjourned at 9:00 p.m.