



Meeting Minutes - Final

Planning Commission

Wednesday, June 12, 2024

5:30 PM

Council Chambers

I. Call to Order, Roll Call:

Chairman Miller called the meeting to order at 5:30 pm and a quorum was established to conduct the meeting with Commissioners Salazar-Garza and Hedrick absent.

Present 7 - Board Member Brian Mandel, Board Member Billy A. Lerma, Chair Michael Miller, Vice Chair Michael York, Board Member Jahvid Motaghi, Board Member Mike Munoz, and Board Member Michael Budd

Absent 3 - Advisory Non voting Ben Polack, Board Member Cynthia Garza, and Board Member Justin Hedrick

II. PUBLIC COMMENT: None.

III. Approval of Absences: May 29, 2024: Commissioner Motaghi

A motion was made by Commissioner Munoz to approve the absence, seconded by Commissioner Lerma. The Vote: All Aye. The motion passed.

IV. Approval of Minutes:

A motion was made by Commissioner Mandel to approve the May 29, 2024, minutes, seconded by Vice Chairman York. The Vote: All Aye. The motion passed.

1. [24-0948](#) Planning Commission DRAFT Meeting Minutes May 29, 2024

Attachments: [5-29-24 PC Minutes DRAFT](#)

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

Mark Orozco, Development Services, read Consent Agenda Items A, B, and C into the record. The plats satisfy all requirements of the Unified Development Code (UDC)/State Law, and the Technical Review Committee (TRC). Item B, Time Extensions, also satisfies all requirements and staff recommends approval. Item C, Zoning, satisfies all requirements and staff recommends approval.

Chairman Miller opened Public Comment.

Seeing no one to speak, Chairman Miller closed Public Comment.

A motion was made by Vice Chairman York to approve items 2, 3, 4, 5, 6 and 7 as

presented by staff, seconded by Commissioner Lerma. The Vote: All Aye. The motion passed.

A. Plats

2. [24-0938](#) **PL8279**
OAK TERRACE UNIT 2 BLOCK 1, LOT 9B (FINAL OF 2.087 ACRES)
Located south of S Padre Island Dr. and east of Flour Bluff Dr

Attachments: [PL8279 Oak Terrace Cvr Pg](#)
[PL8279 Oak Terrace CLOSED Comb Rpt](#)
[PL8279 Oak Terrace Plat](#)
[PL8279 Oak Terrace Utility Plan](#)

3. [24-0939](#) **PL8297**
LAGUNA VISTA SHORES BLOCK 12, LOT 7AR & BLOCK 13, LOT 5R
(REPLAT OF 0.448 & 0.172 ACRES RESPECTIVELY)
Located north of Yorktown Blvd & east of Laguna Vista Shores Rd.

Attachments: [PL8297 Laguna Shores CvPg](#)
[PL8297 Laguna Shores Comb Rpt CLOSED](#)
[PL8297 Laguna Shores Plat](#)
[PL8297 Laguna Shores Utility Plan](#)

4. [24-0956](#) **PL7952**
GLENOAK PARK UNIT 2 (REPLAT OF 1.36 ACRES)
Located north of Glenoak Dr. and west of Waldron Rd.

Attachments: [PL7952 Glenoak Park Unit 2 PCoverLetter61224](#)
[PL7952 Glenoak Park Unit 2 - All Open Document Comments - 06.05.2024 \(2\)](#)
[PL7952 Glenoak Park Unit 2 PLATR2](#)

B. Time Extension

5. [24-0943](#) **23PL1051**
FLAMINGO RESORT BUNGALOWS, PUD (REPLAT OF 1.03 ACRES) 1st
Request for a 12-Month Extension
Located south of Encantada Avenue and east of Palmira Avenue.

Attachments: [23PL1051 Flamingo Resort Bungalow Cover Txt Tab-Time Ext](#)
[23PL1051 Flamingo Resort Bungalow ACTION LETTER FINAL PLAT CONDITIONAL APPROVAL](#)
[23PL1051 Flamingo Resort Bungalow Time Extension Request - 5-31-2024](#)
[23PL1051 Flamingo Resort Bungalow PUD-Approved Plat](#)

6. [24-0946](#) **21PL1180**

OCEAN BREEZE SUBDIVISION (FINAL OF 12.35 ACRES) 2nd Request for
a 12-Month Extension
Located of the City Limit line and east of Hwy 361

Attachments: [21PL1180 Ocean Breeze Subdivision Cover Txt Tab-Time Ext](#)
[21PL1180 Ocean Breeze Subdivision 7.13.22 PC Action Letter](#)
[21PL1180 Ocean Breeze PC EXTActionLtr](#)
[21PL1180 Ocean Breeze Subdivision Time Ext Request](#)
[21PL1180 Ocean Breeze Subdivision Approved-Plat](#)

C. Zoning

7. [24-0962](#) Zoning Case No. ZN8254, Azali Investments LLC (District 4). Ordinance rezoning a property at or near 7702 Starry Road from the “FR” Farm Rural District to the “RM-2” Multi-Family District; providing for a penalty not to exceed \$2,000 and publication. (Staff recommends approval).

Attachments: [ZN8254 Azali Investments Staff Report](#)
[ZN8254 Azali Investments LLC PowerPoint Presentation](#)

VI. Public Hearing: Discussion and Possible Action:

Bria Whitmire, Development Services, read Item D, ZN8186, Toreros Investment VI LLC, into the record; with a staff recommendation to table.

Chairman Miller stated the Planning Commission does not have any bearing on the access to that channel.

Commissioner Lerma asked how much more time Development Services needs to review.

Ms. Whitmire stated we are waiting to hear back from the Navy.

Commissioner Budd asked about how many pad sites there are.

Ms. Whitmire stated there is a mix of different sized structures and there is not a clear number of pad sites.

Andrew Dimas stated the first site plan had 26 and now it's jumped to 40 with 7 hugging the line of the flight zone. The updated site plan concerns how many are approaching the AICUZ. Development Services needs time to make sure the site plans are correct.

Chairman Miller opened the Public Hearing.

Seeing no one to speak, Chairman Miller closed the Public Hearing.

A motion was made by Commissioner Munoz to follow staff's recommendation to table this item to the next meeting, seconded by Commissioner Lerma. The Vote: Aye: Chairman Miller, Commissioners Mandel, Munoz, Motaghi, Lerma, and Budd. Abstained: Vice Chairman York. The motion passed.

D. Zoning

8. [24-0769](#) Zoning Case ZN8186, Toreros Investment VI LLC (District 4). Ordinance rezoning a property at or near 3909 Laguna Shores Road from the "RS-4.5" Single-Family 4.5 District, "CG-2" General Commercial District, and "CR-1" Resort Commercial District to the "CR-1" Resort Commercial District; Providing for a penalty not to exceed \$2,000 and publication. (Staff recommends denial.)

Attachments: [ZN8186 Toreros Investments VI LLC Staff Report](#)
[ZN8186 Toreros Investments VI LLC Owner PowerPoint Presentation For PC](#)

E. Impact Fees:

Al Raymond, Director of Development Services, spoke regarding Impact Fees.

On August 13, 2019, City Council directed Development Services to investigate alternatives to funding the City's infrastructure needs; re-examine the Trust Funds; and provide recommendations on industry best practices. Development Services utilized the next 18 months meeting with the Trust Fund creators and development stakeholders. We then engaged a third-party consultant previously contracted by the City in 2006 to study alternatives to utilizing the Trust Fund method to extend infrastructure and asked for an update of their 2006 report. The consultant recommended transitioning to Impact Fees, like other cities our size, in 2006 and their recommendation remained the same in 2020.

After a thorough Request for Qualifications (RFQ) process, on March 4, 2021, the City of Corpus Christi executed a contract with Pape-Dawson Engineers, Inc. to prepare comprehensive Master Plans for our Water, Wastewater, Stormwater and Roadways infrastructure; and to develop Capital Improvement Plans (CIP) needed to accommodate growth over the next ten (10) years. Additionally, Pape-Dawson was asked to conduct an Impact Fee Study based on the Master Plans and the CIP projects.

In keeping with the requirements dictated by Texas Local Government Code Chapter 395, on August 10, 2021, City Council established the Capital Improvement Advisory Committee (CIAC) where City Council and the City Manager appointed 15 members to serve on this committee. Chapter 395 requires 40% of the committee members to be from the development sector such as Builders, Architects, Contractors, Engineers, Developers, etc. Since the creation of this group there has been in-depth communication and engagement including, Introduction to CIAC briefings; Impact Fee 101 discussions; Land Use and Area Development Plan reviews; Master Plan

reviews; and Committee Workshop sessions. In addition to the CIAC meetings, Pape-Dawson and the Operating Departments have met many times over the last 18 months to assess the current master plans; review the existing Operation and Maintenance Program for the City's infrastructure; and review and evaluate the existing Capital Improvement Projects identified for the City's aging infrastructure. Public Works' Traffic Engineering and Stormwater along with Corpus Christi Water (CCW) worked diligently with Pape-Dawson to thoroughly vet all the existing data and information to develop the comprehensive Master Plans that were adopted January 2024.

Development Services along with Public Works and CCW have collectively conducted Community Meetings within each district; engaged Coastal Bend Home Builders Association (CBHBA) and Associated General Contractor (AGC); presented at the United Corpus Christi Chamber of Commerce Infrastructure Committee (UCCC); and made presentations at the monthly Development Taskforce Meetings all in an effort to inform our citizenry. Corpus Christi is growing, all be it slowly, yet there is still growth that needs to be accounted for now, and over the next 10 years. The Water, Wastewater, Stormwater and Roadway Master Plans; the updated Future Land Use Assumptions; and the Capital Improvement Plans provide a methodology and process for the City to grow responsibly which benefits everyone.

On April 18, 2024, the Capital Improvement Advisory Committee (CIAC) concluded a three-year effort, working with Pape-Dawson Engineers, to update the Future Land Use Assumptions, develop comprehensive Master Plans and their associated Capital Improvement Projects.

The Capital Improvement Advisory Committee (CIAC) recommendations on Impact Fees for the City of Corpus Christi water, wastewater, stormwater, and roadway expansion are as follows: The projected added cost per residential lot will be \$1,662.00: water impact \$950.00; wastewater impact fee \$612.00; stormwater impact fee \$100.00; and the roadway impact fee \$0. The commercial impact fees for water and wastewater vary depending on the size of the requested meter.

Capital Improvement Advisory Committee and Staff recommend approval of the Water, Wastewater, Stormwater and Roadway Impact Fees.

Commissioner Mandel asked about rate escalation. This is powered by growth.

Commissioner Motaghi asked about the supreme court rule in April that ruled impact fees were unconstitutional.

Attorney Brice stated the supreme court did not rule that impact fees were unconstitutional. This is specific to California impact fees. They are subject to a proportionality evaluation. Texas developers already have accessibility to ask for an assessment of any action the city makes.

Commissioner Mandel asked if funds stay in the area where they are collected.

Director Raymond stated Master Plans were broken up into service areas. If something happens in London, funds could stay in London; however, the funds could be spent anywhere within that service area for particular infrastructure.

Ram Munoz, 1608 South Rawleigh, member of CIAC, explained the reasoning for the two nay votes by two members on CIAC for impact fees.

Director Raymond stated CIAC will meet every six months to review fees.

Impact Fees are not to deter growth, they are to keep up with growth. The impact will not be seen for 10 years. Any fee increase recommendations will be made by CIAC.

CIAC members are selected by Council.

Vice Chairman York asked if there is something in place so CIAC members cannot be picked or chosen for a certain outcome.

Vice Chairman York asked if the makeup by council and city manager is mandated; it is not.

Director Raymond stated state law requires 40% of the CIAC members be from the development community.

Chairman Miller stated they are being asked to vote on something that is solely based on residential development, not commercial.

Director Raymond stated the fee is based on the number of meters. (schools/colleges are exempt).

The initial vote to pursue impact fees by CIAC was 8-7; that vote was actually to see if CIAC is ready to vote on that particular day.

Chairman Miller asked when the lot and acreage fees are paid; Director Raymond stated after the plat is recorded. Lot and acreage fees can be paid until October 2025.

When it is recorded, the fees have already been paid. Discussion was held on how the trust funds will be paid. CIAC recommends moving the fees forward but no implementation policies and procedures are complete and approved. Any ordinance can be amended or appealed; it does not bind future council members.

Jake Powell stated during platting the meter size is assessed, during this process the developer and the city will come to an agreement on how it is handled, may split the cost for an 8-inch line vs. a 12-inch line.

The CIP is a living document and will be reviewed accordingly.

This is a state regulated process, Chapter 395.

Director Raymond stated the plans are to take the Impact Fee Ordinance and policies to Council in July. This process is what other major cities have followed.

The transition from trust funds to impact fees is unique. We have to create a process until we transition to the new process. Developers will not be left on their own.

Assistant City Manager Neiman Young stated the executive team is having discussions regarding how the trust funds will be made whole. Trust Funds and Impact Fees cannot be interspersed.

Vice Chairman York asked what the significant difference between Trust Funds and Impact Fees.

Mr. Munoz stated upon review of data, adjustments can be made to keep Impact Fees in the black.

Chairman Miller opened the Public Hearing

Seeing no one to speak, Chairman Miller closed the Public Hearing.

Vice Chairman York made a motion that the Planning Commission make a recommendation conditional approval of the Impact Fees presented with the conditions that the policies and ordinances for the Impact Fees be approved by Planning Commission and Council prior to implementation.

Chairman Miller stated conditional approval is fine but it won't negate a vote today if they don't agree with a policy down the road.

Commissioner Munoz seconded.

The Roll Call Vote: Aye: Vice Chairman York, Commissioners Mandel, Munoz, Motaghi, and Budd. Nay: Chairman Miller and Commissioner Lerma. The motion passed.

9. [24-0966](#) Water, Wastewater, Stormwater and Roadway Impact Fees for the City of Corpus Christi

Attachments: [PC Agenda Memo - 2024.06.12](#)
[CIAC Impact Fee Recommendations 2024.06.12](#)

VII. **Director's Report: None.**

VIII. **Future Agenda Items: None.**

IX. **Adjournment: There being no further business to discuss, the meeting adjourned at 6:50 pm.**

