

CITY OF PORT ARANSAS, TEXAS

MINUTES

PLANNING & ZONING COMMISSION CALLED MEETING

**Monday, January 27, 2014 @ 3:00 pm
Port Aransas City Hall, 710 W. Avenue A
Port Aransas, Texas 78373**

On this the 27th day of January 2014 the Planning & Zoning Commission of the City of Port Aransas, Nueces County, Texas, convened at 3:00 p.m., at the regular meeting place in City Hall, and notice of meeting giving time, place, date and subject was posted as described in V.T.C.A., Government Code § 551.041.

COMMISSION MEMBERS PRESENT

Chairman Becky Corder
Vice Chairman Mike Garlough
Commissioner Randy D’Herde
Commissioner Chuck Crawford
Commissioner Nick Lorette
Commissioner Wendy Moore
Commissioner Bruce Clark

COMMISSION MEMBER(S) ABSENT

N/A

STAFF MEMBERS PRESENT

Director Planning/Building Services Rick Adams
City Secretary Irma Parker

STAFF MEMBERS ABSENT

City Manager David Parsons
Planning Assistant Jeane Ivey

EMPLOYEES PRESENT

N/A

PROPERTY OWNERS

Leon Bernsen
Garrick Bernsen

1. **CALL TO ORDER** - With a quorum of the Commission Members present, the Called Meeting of the Port Aransas Planning & Zoning Commission was called to order by Chairman Becky Corder at 3:00 pm on Monday, January 27, 2014 in the Council Chambers of the Port Aransas City Hall, 710 W. Avenue A, Port Aransas, Texas.
2. **CITIZEN COMMENTS AND REPORTS:** *In accordance with the Open Meetings Act, Planning Zoning Commission is prohibited from acting or discussing (other than factual responses to specific questions) any items brought before them at this time.*

No citizens requested to address the Commission on any subject not on the agenda.

3. **ITEM FOR CONSIDERATION**

- A. **Discussion and take appropriate action on Dune Permit and Beachfront Construction Certificate application BFDP-131105, Maverick Addition, Lot 4B,**

Port Aransas, Nueces County, Texas. The owner is proposing to reshape the lot to prepare it for construction of a single family residence. No vertical construction is proposed with this permit. Application/Owner: Leon Bernsen. Property location: 338 Dolphin Lane.

Dune Permit Application completed by: James Schwarz, PE, J. Schwarz & Associates, Inc.: The existing site is a platted residential lot located at 338 Dolphin. The current owners are proposing to reshape the lot to prepare it for construction of a single family residence. No vertical construction is proposed with this permit and no parking spaces will be constructed. Base Flood elevation for the site is 11.0'. No dune walkover or walkway is planned at this time. The existing and proposed grading for the site shows site to be graded to drain primarily toward the rear of the property. For purposes of this permit, it is assumed that future residential construction on this lot would be from side yard setback line to side yard setback line, as well as from front yard setback to back yard setback. Mitigation for the site was focused primarily on the front yard.

Mitigation Plan: The main focus of the plan is to reshape the residential lot to facilitate future construction of a single family residence.

- *Avoidance:* There is an existing critical dune located on the northeast side of the site. The mitigation plan focused on maintaining the location for the dune. To avoid major impact to the dune, the southwest side of the lot would act as a location for a future driveway.
- *Minimization:* The building pad and driveway were located on an area of the site that minimizes the impacts on the existing critical dunes.
- *Mitigation and/or Compensation:* The existing critical dune has a total volume of 4348 CF. Proposed grading for development of the site will require mitigation of the existing dune located in the front of the property. A total volume of 4352 CF of new dunes will be constructed per the current design. The newly constructed dunes will be stabilized with natural vegetation. Re-vegetation of the site will follow best management practices acceptable to the City.
- *Effects of Activity on Beach and/or Dune System:* No substantial effects on the beach or dune system are expected from this project. The site is located in an existing residential subdivision and is surrounded by houses in all directions.
- *Existing Seawalls or Man-Made Vegetated Mounds:* There are no existing seawalls or man-made vegetated mounds on the site.
- *Applicant's Assertions:* The applicant makes the following assertions by the submission of this Dune Permit Application –
 - The proposed activity was designed to avoid adverse effects on critical dunes in accordance with City of Port Aransas (COPA) Coastal Management Plan.
 - The proposed activity is not one of the prohibited activities listed in COPA Coastal Management Plan.
 - The activity will not result in runoff or drainage patterns that aggravate erosion on or off the site.
 - The activity will not result in significant change to dune hydrology.
 - The activity will not disturb unique flora.

- The activity will not significantly increase the potential for wash overs or blowouts to occur.
- The proposed activity will not result in avoidable adverse effect to critical dunes or critical dune vegetation and any unavoidable effects will be mitigated for in accordance with COPA Coastal Management Plan.
- *FEMA Information:* According to the FEMA Map Panel No. 004F, Community No. 485498, the site is located in a Special Flood Hazard Area, Zone VE, Base Flood Elevation 11.0'.
 - FEMA Information Certified by Griffith & Brundrett Surveying & Engineering, Inc. after consultation of the Federal Flood Hazard map dated 9/30/1992.

Information was forwarded to the City's Engineer for review and consideration with two (2) reports submitted and shown as follows:

12/20/2013: Daniel E. Mazoch stated that he believes further consideration should be given to the following items prior to approval:

1. The proposed drainage plan directs water toward the street. Currently there is no existing drainage improvements present along Dolphin Lane (originally developed in the 1950's). Most of the subdivision drains naturally to the low-lying areas to the northwest. This drainage is dependent on several natural drainage paths across low areas, including an existing swale on Lot 4-B. A culvert and inlet is recommended to be installed along the property line of Lots 4-B and 5A to allow for continuing drainage to the property rear after elevating the lot. Alternatively, construction of a portion of the drainage improvements from the Drainage Master Plan would be preferable. A copy of sheet 11 from the City of Port Aransas Drainage Master Plan was presented.
2. Currently the proposed dune permit does not show a proposed building footprint and therefore the plan can't easily be evaluated for avoidance and/or alternatives which may have lesser impacts on critical dunes and dune vegetation. The current building footprint is assumed to encompass the entire developable area of the lot, 6165 sf. This area is greater than seems necessary to accommodate typical construction; proposal of a building layout would allow for better consideration and avoidance of critical dunes.
3. Exhibit 5 shows proposed contours for the site and the location of proposed mitigation. On this exhibit the proposed 9' contour line along the Sothern property line, between lots 4-B and 5A, cuts across some existing contours coming from the adjacent property. It should be indicated how these contours will be reshaped to accommodate the proposed construction.
4. It is recommended that the owner of Lot 4-B submit written consent from the owner of Lot 4-A for completion of fill activities affecting his property.

01/22/2014: Daniel E. Mazoch reported that the subject "Dune Permit" application with regards to the requirements established in the COPA Coastal Management Plan, and provided the following comments:

1. Currently the proposed dune permit does not show a proposed building footprint; the proposed construction shall not adversely affect the dune mitigation proposed by this permit.

Chairman Corder called for any questions or comments. Chairman Corder requested and received a clarification of the mitigation process from Staff. Vice Chairman Garlough requested additional information and clarification from the City’s engineer as to whether the issues and concerns itemized in the Engineer’s Review Letter of 12/20/2013 had been resolved since no mention was made in the 01/22/2014 Review Letter. Commission Members concurred with Commissioner Garlough’s drainage concerns and requested Staff verify with the City Engineer that this request would not adversely affect adjacent properties and that this application/permit would be in compliance with the City’s Master Drainage Plan. Property owner, Garrick Bernsen, addressed the Commission’s concerns regarding drainage and the possible impact to adjacent property owners assuring them that this project did comply with the City’s Master Drainage Plan. Mr. Bernsen inquired if the Commission was requesting a drainage easement from him as a condition of Commission approval. Staff advised that the final approval would be made by the City Council but the Commission is responsible for review and compliance of the City’s Master and Comprehensive Plans.

Planning Director Rick Adams stated Staff is recommending approval of this Application conditional on Engineer Mazoch addressing the drainage issues noted in Engineer’s Review Letter of 12/20/2013. Confusion exists since the land is being prepared for sale with construction to occur after property is sold, or built to suit. The majority of these issues will be discussed and reviewed again when building plans are submitted. Chairman Corder called for any further questions or comments. There being none, Chairman Corder called for a motion.

MOTION: Commissioner Clark moved to recommend approval to the City Council of Dune Permit and Beachfront Construction Certificate Application BFDP-131105, Maverick Addition, Lot 4B, Port Aransas, Nueces County, Texas, also known as 338 Dolphin Lane contingent on compliance with the City’s Master Drainage Plan and written verification, from the City’s Engineer, that no drainage issues exist or will exist that will adversely impact the adjacent property owners. Vice Chairman Garlough seconded the motion. Motion carried by the following vote.

Name	Yes	No	Abstain	Absent
Chairman Corder	X			
Vice Chairman Garlough	X			
Commissioner D’Herde	X			
Commissioner Crawford	X			
Commissioner Lorette	X			
Commissioner Moore	X			
Commissioner Clark	X			

4. PLANNING & ZONING COMMISSION COMMENTS AND ITEMS FOR FUTURE CONSIDERATION

- a. **Discussion and update on the ‘Thorough Fare Plan’** – Plan currently on hold due to on-going planning for Spring Break 2014. Alternative traffic patterns will be

applied and tested during Spring Break which may assist in creating a Thorough Fare Plan for the City. Updates will be provided at a later date.

- b. **Beachfront Utilities** – Environmental Consultants have discussed making Beachfront Utilities available versus the current sanitary system being used by beachfront property owners. Staff is interested in pursuing any expansion to the utility system to protect our environmentally sensitive ecosystem; however, the City does not own the utility system. The Water District is interested in pursuing but funding is not available. Representatives from both entities will look for funding options i.e. user fees, establishing utility improvement district, an assessment of the benefiting property owners versus the City’s taxpayers funding for a relative few. Updates will be provided at a later date.
- c. **Meeting Date:** A commissioner reported an incorrect meeting date on the City’s website. Staff requested commissioners’ report to Staff any errors they may find on the website so that a correction is made.

- 5. **ADJOURNMENT** - Upon completion of the posted agenda, Chairman Corder adjourned the meeting at 3:30 pm.

CITY OF PORT ARANSAS, TEXAS

Becky Corder, Chairman

ATTEST:

Irma G. Parker, City Secretary