



CITY OF PORT ARANSAS, TEXAS

MINUTES OF

PLANNING AND ZONING COMMISSION  
REGULAR MEETING

Monday, February 24th, 2014 @ 3:00pm  
Port Aransas City Hall, 710 W. Avenue A  
Port Aransas, Texas 78373

- 1. CALL TO ORDER:** With a quorum of the Planning and Zoning Members present, the Regular Meeting of the Port Aransas Planning & Zoning Commission was called to order by Chair Becky Corder at 3:00 pm on Monday, February 24th, 2014 in the Council Chambers of the Port Aransas City Hall, 710 W Avenue A, Port Aransas, Texas.

**PLANNING & ZONING MEMBERS PRESENT**

P&Z Chair Becky Corder  
P&Z Commissioner Bruce Clark  
P&Z Commissioner Randy D’Herde  
P&Z Commissioner Nick Lorette  
P&Z Commissioner Wendy Moore  
P&Z Commissioner Chuck Crawford

**P & Z MEMBERS ABSENT**

P&Z Co-Chair Mike Garlough

**STAFF MEMBERS PRESENT**

Development Services Director Rick Adams  
Planning Assistant Jeane Ivey  
Building Clerk Nicole Hammock

- 2. CITIZEN COMMENTS:** *In accordance with the Open Meeting Act, Planning and Zoning Commission is prohibited from acting or discussing (other than factual responses to specific questions) any items brought before them at this time. Comments will be limited to three (3) minutes or less.*

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

**3. ITEMS FOR DISCUSSION AND ACTION:**

**A. Discussion and take appropriate action on Dune Permit and Beachfront Construction Certificate application BFDP-131112, Seahawk Addition, Lot D (Residence), Port Aransas, Nueces County, Texas. The proposed permit consists of a single family residence. No mitigation is necessary for the residence as no critical dunes will be impacted. No impervious driveways or parking are proposed. A 12’ pervious paver driveway to the residence from the private access (separate application) is proposed, as well as pervious paving parking (1,024 sq. ft.) mostly below the residence. No other amenities associated with the residence are proposed at this time. Applicant/Owner: Joseph Cabela. Property location: 3316 On the Beach.**

Information was forwarded to the City’s Engineer for review and consideration with report submitted and shown as follows:

1/03/2014:(Daniel Mazoch) I have reviewed the subject “Dune Permit” with regards to the requirements established in the Port Aransas Coastal Management Plan and offer the following comments:

1. The cover states “For interim review, not for permitting, bidding or construction purposes.” Being that this is a permit application note should be revised or removed so that permitting is a permitted use.
2. The property is not currently served with public water or sewer. In order to develop the property an onsite septic system or extension of public utilities will be required. According to the Coastal Management Plan Section 6.D.10, septic systems must be located landward of any structures they serve. The location of the septic system and water welling systems are subject to review and approval by Nueces County Water Control and Improvement District No. 4. The construction of these facilities requires a Dune Permit and therefore should be included in this application.

Rick Adams- we went back and forth with the engineer (owners agent) about the access drive (provided that the access drive is approved) we did not want access to this property coming off of the east/west leg of that access drive. The access drive will come in and make a dog leg to the right which will also service, in the future, the landward four (4) lots of Seahawk Subdivision. With this change the entry will be to the rear of the lot because we will now have that access road that comes down east/west and makes the dog leg. The other item we talked about was with the Water District about the septic system and having an approved sanitation plan presented by a sanitation engineer prior to bringing it before P&Z. What we found was that you really can’t get a sanitation plan done correctly without trenching and doing work in the dunes. Which led us to the egg before the chicken argument so Scott Mack (Water District) and I had a discussion and essentially the decision we agreed upon, that was reasonable, there really is no lot that you could not have a septic system designed on. With that in mind we would ask the applicant to submit something to the Water District about what the plan was likely to be and prior to any building permit being issued that it be approved subject to the final sanitation plan being presented to the Water District as well as the City. With that being said staff recommends approval subject to a final sanitation plan being submitted and approved by both the Water District and the City and subject to the upcoming permit for access easement being approved.

Chair Becky Corder changed the order of the agenda by moving onto item B first then on to item A.

Commissioner Bruce Clark – in the notes it states that they need to put in a site plan or the location of the septic system and I never saw that so is that a deal breaker for the approval of this permit?

Rick Adams – in our Coastal Management Plan (CMP) it has to be landward and again the feelings of the Water District and the City is there was no instance where there could not be an acceptable system designed, it could get complicated and expensive but that was not our concern. The Water District was comfortable as the ultimate per miter of the septic system to allow us to proceed with the dune permit application so that the engineer could get in there to trench and get us the plan and location for the septic system. Again it would all be subject to conformance with the CMP and acceptance by the Water District.

Commissioner Bruce Clark – do we need to word in approval from the Water District into this motion?

Rick Adams – would not hurt, it just makes it clearer.

No other questions or comments were heard.

**MOTION:** Commissioner Bruce Clark made the motion to recommend approval of Dune Permit and Beachfront Construction Certificate application #BFDP-131112 Seahawk Addition, Lot D, Port Aransas, Nueces County, Texas, subject to the Nueces County Water District’s approval of the septic system. Seconded by Commissioner Chuck Crawford and carried with the following vote:

Name	Yes	No	Abstain	Absent
Chair Corder	X			
Co-Chair Garlough				X

Commissioner Moore	X			
Commissioner D’Herde	X			
Commissioner Clark	X			
Commissioner Lorette	X			
Commissioner Crawford	X			

**B. Discussion and take appropriate action on Dune Permit and Beachfront Construction Certificate application BFDP-131113, Seahawk Addition, Lot D (Access Path), Port Aransas, Nueces County, Texas. The proposed project consists of providing a new, improved private access from the beach. A single family residence application is being applied for separately. A dedicated and platted 20’ private access easement from the beach will be permitted and improved (dune damage from foot traffic within the easement is occurring). In addition, the improved access can be used by an additional six (6) residential lots, which will avoid the proliferation of additional access points. Only a small amount of mitigation will be required as a result of the access road, which is expected to alleviate existing conditions to dunes and dune vegetation. A TxGLO easement will be necessary for the access. Applicant/Owner: Joseph Cabela. Property location: 3300 Block of On the Beach.**

Information was forwarded to the City’s Engineer for review and consideration with report submitted and shown as follows:

1/03/2014: (Daniel Mazoch) I have reviewed the subject “Dune Permit” with regards to the requirements established in the Port Aransas Coastal Management Plan and offer the following comments:

1. The cover states “For interim review, not for permitting, bidding or construction purposes.” Being that this is a permit application note should be revised or removed so that permitting is a permitted use.
2. Final approval of this Dune Permit and Beachfront Construction Certificate shall be subject to issuance of a land lease by the GLO granting access across the subject state owned lands.

Rick Adams pointed out that Jay Gardner of Naismith Engineering Inc.(submitting engineer for the applicant) was present in the audience to answer any questions. This was split into two separate permits due to consultation with General Land Office (GLO). Hopefully this will be the final access for the remaining Seahawk lots. There will be language just to guarantee that all remaining Seahawk lots will have access to it now and in the future, some kind of shared use agreement the owners and the engineer are aware but it has not been crafted yet.

Commissioner Bruce Clark – that would be part of the motion?

Rick Adams – yes.

No other comments or questions were heard.

**MOTION:** Commissioner Bruce Clark made a motion to recommend approval of Dune Permit and Beachfront Construction Certificate application #BFDP-131113, Seahawk Addition Lot D (Access Path) subject to a future shared use agreement between the Seahawk property owners and a lease agreement with General Land Office (GLO). Seconded by Commissioner Randy D’Herde and carried with the following vote:

Name	Yes	No	Abstain	Absent
Chair Corder	X			
Co-Chair Garlough				X

Commissioner Moore	X			
Commissioner D’Herde	X			
Commissioner Clark	X			
Commissioner Lorette	X			
Commissioner Crawford	X			

**C. Discussion and take appropriate action on a NO Dune Permit and Beachfront Construction Certificate application BFD-140059, Lighthouse Addition, Lot 18, Port Aransas, Nueces County, Texas. The owners propose to remodel their existing home. The proposed modifications include: conversion of existing garage into bedroom, construction of new garage, patio upgrade, addition of elevator, additional 2<sup>nd</sup> floor bedroom and construction of a pool. Construction shall not adversely affect any critical dunes. Applicant/Owner: Robert & Janet Kincaid. Property location: 822 Sea Breeze Lane.**

Information was forwarded to the City’s Engineer for review and consideration with report submitted and shown as follows:

2/10/2014: (Jay Gardner) Naismith Engineering, Inc. (NEI) has reviewed the referenced Dune Permit and Beachfront Construction Certificate application for the referenced project for compliance with Coastal Management Plan. We offer the following comment:

- The plans show a hot tub that is not mentioned, nor shown on the plans as an impact.
- The patio is not shown, nor the effects on hydrology mentioned.

2/13/2014: (Daniel Mazoch) Response to Naismith Comments regarding Lot 18, Lighthouse Addition – No Dune Permit & Beachfront Construction Certificate BFD-140059.

We have reviewed the comments provided by Naismith Engineering, Inc. (NEI) pertaining to the subject No Dune Permit & Beachfront Construction Certificate Application. The following feedback is intended to clarify and address such comments and should be considered an addition to the Application itself.

1. Amend Section D of the application to read: “The owners propose to remodel their existing home. The proposed modifications include: conversion of existing garage into bedroom, construction of new garage, patio upgrade, addition of elevator, additional 2<sup>nd</sup> floor bedroom, and construction of a pool **and hot tub**. Construction shall not adversely affect any critical dunes.” The proposed hot tub appears on Exhibit A and Exhibit C of the application.

2. The proposed patio appears on Exhibit A and Exhibit C of the application. The patio will be covered by the second floor extension and the pavement will be sloped away from the existing residence. The site will be graded to handle its drainage in accordance with the City of Port Aransas Drainage Master Plan and shall not affect the overall local dune hydrology. Discharge will sheet flow to Sea Breeze ROW.

Rick Adams – in having a discussion with GLO about the concept of taking an entire footprint of a lot when possible and using that for consideration of all mitigation because our CMP is worded a little different where it talks about detailed plans, drawings, placement of the house, etc. with the ideal being the exact location of the house for mitigation. Our approach was to take the entire property for mitigation and then it would not matter where any amenities or structures would go. This would have been helpful in this instance because the property has already been mitigated and there is no adverse affect to any critical dunes but because they are adding features they have to get a dune permit and go back to GLO. Exhibit B

is a good example of where the different items are going to be placed and there will be no adverse affect to critical dunes, staff recommends approval.

No other comments or questions were heard.

**MOTION:** Commissioner Bruce Clark made the motion to recommend approval of NO Dune Permit and Beachfront Construction Certificate application BFDP-140059, Lighthouse Addition, Lot 18, Port Aransas, Nueces County, Texas as presented. Seconded by Commissioner Wendy Moore and carried with the following vote:

Name	Yes	No	Abstain	Absent
Chair Corder	X			
Co-Chair Garlough				X
Commissioner Moore	X			
Commissioner D’Herde	X			
Commissioner Clark	X			
Commissioner Lorette	X			
Commissioner Crawford	X			

**D. Discussion and take appropriate action on Dune Permit and Beachfront Construction Certificate application BFDP-140060, Beachwalk NUD, Lot 24, Port Aransas, Nueces County, Texas. The applicant is proposing the construction of a new pool and associated patio and landscaping. Applicant/Owner: Kathy S. Miller. Property location: 273 Beachwalk Lane.**

Information was forwarded to the City’s Engineer for review and consideration with report submitted and shown as follows:

2/10/2014: (Jay Gardner) Naismith Engineering, Inc. (NEI) has reviewed the referenced Dune Permit and Beachfront Construction Certificate application for the referenced project for compliance with coastal Management Plan. We offer the following comment:

- From the plat, it appears that the mitigation is off-site on State of Texas property that is deeded to the City of Port Aransas. Please provide the easement/agreement for this arrangement with the City/State.
- A statement of Proof of Applicants financial capability is missing.

2/19/2014: (Daniel Mazoch) Response to Naismith Comments regarding Lot 24, Beachwalk NUD – BFDP-140060.

We have reviewed the comments provided by Naismith Engineering, Inc. (NEI) pertaining to the subject Dune Permit & Beachfront Construction Certificate Application. The following feedback is intended to clarify and address such comments and should be considered an addition to the Application itself.

1. We request that an agreement be made with the City and/or State [as required] allowing mitigation at the location shown on Attachment 2b of the application.

2. In the past several years which I have been preparing and reviewing these applications I don’t believe I have seen any “proof of applicant’s financial capability” in an application. I think the general consensus was this statement is quite subjective; what is really desired here? Proof of employment, bank statements, loan information, a signed declaration of financial capability? If the City desires a particular document please let us know so that we may accommodate.

Rick Adams – the applicant is proposing to construct a pool to the seaward side of their property and given the location requires a dune permit with some mitigation, other than that it is fairly straight forward with one additional item. Mr. Stan Starrett deeded the Lot in front of the properties (adjacent to the beach) to the City of Port Aransas, staff will have to develop some type of easement agreement for the mitigation on City property as there is a part of the mitigation that will go onto our property.

Commissioner Bruce Clark – does the City’s lease need to be mentioned in the motion?

Rick Adams – I think there is no harm to include an acceptable lease for mitigation be developed with the City and it will be handled internally.

Daniel Mazoch – engineer for the applicant, the best photograph to identify the dunes would be this one facing east behind the existing residence. If you look towards the blue home that is one of the critical dunes and then the other is off to the right side and they are not very large but I walked the site and determined that they needed to be mitigated for verses going for a NO dune permit, therefore we show that mitigation.

Rick Adams – we are not going to second guess you but it really looks like the best mitigation site and there was no way to keep it within.....

Daniel Mazoch – the benefit of keeping it within the property there is not really a benefit to that because you would be creating like a pile of sand with a larger dune behind it and tying it into that existing dune creates a more natural shape dune and the flow won’t get trapped there for a mosquito breeding ground.

Commissioner Bruce Clark – asked staff (Rick Adams) if they recommend approval.

Rick Adams – yes, subject to creating an agreement for the mitigation site.

No other comments or questions were heard.

**MOTION:** Commissioner Bruce Clark made the motion to recommend approval of Dune Permit and Beachfront Construction Certificate application #BFDP-140060, Beachwalk NUD, Lot 24, Port Aransas, Nueces County, Texas subject to a mitigation lease with the City of Port Aransas. Seconded by Commissioner Randy D’Herde and carried with the following vote:

Name	Yes	No	Abstain	Absent
Chair Corder	X			
Co-Chair Garlough				X
Commissioner Moore	X			
Commissioner D’Herde	X			
Commissioner Clark	X			
Commissioner Lorette	X			
Commissioner Crawford	X			

**4. PLANNING AND ZONING COMMENTS AND ITEMS FOR FUTURE CONSIDERATION:**

- A. Revisit the thoroughfare plan (Spring Break)
- B. Variance Fee Structure

**5. ADJOURNMENT OF REGULAR MEETING:** - Upon completion of the posted agenda, Chair Corder adjourned the meeting at 3:40 pm.

**CITY OF PORT ARANSAS, TEXAS**

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Becky Corder, Chair

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Planning and Zoning Secretary