



**CITY OF PORT ARANSAS, TEXAS**

**MINUTES OF**

**PLANNING AND ZONING COMMISSION  
REGULAR MEETING/PUBLIC HEARING  
Monday, October 27<sup>th</sup>, 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 Chairman Becky Corder at 3:00 pm on Monday, October 27<sup>th</sup>, 2014 in the Council Chambers of the Port Aransas City Hall, 710 W Avenue A, Port Aransas, Texas.

**PLANNING & ZONING MEMBERS PRESENT**

P&Z Chairman Becky Corder  
P&Z Co-Chairman Mike Garlough  
P&Z Commissioner Bruce Clark  
P&Z Commissioner Randy D'Herde  
P&Z Commissioner Wendy Moore  
P&Z Commissioner Chuck Crawford  
P&Z Commissioner Nick Lorette

**STAFF MEMBERS PRESENT**

Development Services Director Rick Adams  
Planning Assistant Nicole Hammock

**Council Members Present**

Beverly Bolner (in audience)

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 Planning and Zoning Commission.

3. **PUBLIC HEARINGS:** *In accordance with the Open Meetings 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.*

- A. Public hearing to receive comments on **Preliminary Plat request #PPLT 140955**, Port Street Subdivision, a 15.95 acre tract of land being Lots 1 through 5, Block 175

and Lots 2 through 6, Block 176, State Land Survey on Mustang Island, recorded in the General Land Office in the city of Austin, State of Texas. Request By: Port Street, LLC (Nick Lorette). Property Location: 1100 Block of Port Street.

1. Julie Findley (1111 Whispering Sands) spoke not against the development, but rather in favor of Paradise Pond, specifically on her hopes that the developer works in a buffer zone between the houses and Paradise Pond and that the drainage plan can help the pond area as well.
2. Cameron Pratt (639 E Ave B) spoke about her concerns with the Port St project, namely the serious shortage that Port Aransas has with affordable single family homes for people that want to live here full-time. She suggests the property should be zoned R-1, without allowing short-term rentals. She stated that she thinks the number of homes is too great for the size of the project. She asked that anyone that stands to gain from this project, even if it is just the appearance of conflict of interest, to refrain from voting and put the city's interest ahead of their own.
3. Thom Farrell (developer) thanked the commission for their volunteered time and talent on the board. He told the commission that this tract of land is zoned commercial, and Nick Lorette asked for the opportunity to make a part of that tract into residential housing. He mentioned that he realizes that a large number of people thought that this vacant piece of land was a park, but that it is, in fact, a privately owned piece of commercial property. He mentioned that the density that they are proposing is roughly half of what is allowed by ordinance, and that this is one of the more minimal uses of that property. He stated that they will do what they can to promote these as owner-occupied homes, and that they will be on the lower end of the price spectrum. He said the property will not be rezoned, that it is commercial and will remain commercial.
4. Mallory Kollaja (505 Twelfth St) spoke on her concern about the density of the project. Her main concern was that there is only one street for ingress/egress for over a 100 properties onto a street that the new ferry stacking lanes will also feed onto. She stated that she understands that the density complies with the current zoning, but isn't sure that this development is in the best interest of Port Aransas.

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

- A. Discussion and take appropriate action on the Monday June 30<sup>th</sup>, 2014, Planning and Zoning Regular Meeting Minutes; Monday September 29<sup>th</sup>, 2014, Planning and Zoning Regular Meeting Minutes.

**MOTION: Commissioner Bruce Clark made the motion to approve minutes as presented. Seconded by Commissioner Nick Lorette and carried with the following vote:**

Name	Yes	No	Abstain	Absent
Chairman Corder	x			
Co-Chairman Garlough	x			

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

- B. (Item C was taken up before item B) Discuss and take action to confirm that the **“No” Dune Permit and Beachfront Construction Certificate application #BFDP-140954** – The Boardwalk, Block 2, Lot 14, is consistent with the City’s Coastal Management Plan. A portion of the property is located outside the 1000’ setback line and construction has begun in that area, on the remainder of the lot, the owners propose to construct typical residential improvements. Construction shall not adversely affect any critical dunes. Applicant: Blue Water Homes (Chris Banta). Property Location: 853 Parkplace.

With the Commission’s approval, Chair Becky Corder called item C ahead of item B, so that the persons involved with item C would not have to remain at the meeting through the discussion of item B. There was no objection.

Director of Development Rick Adams presented BFDP 140954. The house at 853 Parkplace is currently under construction and is outside of the area that would require a dune permit. Additional improvements were wanted by the homeowner in a corner section of property which requires a “No” dune permit. No plans are required at this stage, the “no” dune permit would be granted for the entire delineated area in the application. Staff recommends approval. Commissioner Bruce Clark mentioned the notes from the reviewing engineer. Daniel Mazoch of Urban Engineering spoke in response to the comments of the reviewing engineer, reiterating that the “limit of construction” hatched area was the only area in which building would be permissible.

**MOTION: Commissioner Bruce Clark made the motion to confirm action to confirm that the “No” Dune Permit and Beachfront Construction Certificate application #BFDP-140954 – The Boardwalk, Block 2, Lot 14, is consistent with the City’s Coastal Management Plan. Seconded by Commissioner Mike Garlough and carried with the following vote:**

Name	Yes	No	Abstain	Absent
Chairman Corder	x			
Co-Chairman Garlough	x			
Commissioner Moore	x			
Commissioner D’Herde	x			
Commissioner Clark	x			
Commissioner Lorette	x			

Commissioner Crawford	x			
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- C. Discussion and take appropriate action on **Preliminary Plat request #PPLT 140955**, Port Street Subdivision, a 15.95 acre tract of land being Lots 1 through 5, Block 175 and Lots 2 through 6, Block 176, State Land Survey on Mustang Island, recorded in the General Land Office in the city of Austin, State of Texas. Request By: Port Street, LLC (Nick Lorette). Property Location: 1100 Block of Port Street.

Chair Becky Corder made sure that everyone understood that a zoning change was not being considered, that this was a preliminary plat and the process is different than that of a zoning change.

Director of Development Rick Adams presented PPLT 140955, Port Street CUD. Rick said that there was a significant “back and forth” with the applicant and that each item that the city had concerns with was satisfied and now meets current ordinances. He mentioned that there was no utility approval contained within the information packet from the Nueces County Water Control and Improvement District #4 (NCWCID#4), but that that approval was worked out with Mark Young.

Mark Young stated that the District requires the proper easements, widths, and cross-sections and that they are content with the preliminary plat. Commissioner Randy D’Herde asked about the easement that would have to come across the 67 acre city-owned property. Mark Young informed him that the sanitary sewer easement hasn’t been addressed yet because that easement is not part of this plat, but that all of the easements within the plat are good.

Director of Development Rick Adams let the Commission know that there were questions brought up that there was a possibility of a second ingress/egress road into the development. Rick said that staff would not hold up the approval process, but that more research needed to be done on the applicability of the Fire Code, so any approval should be dependent on that. The Commission discussed that most subdivisions in Port Aransas only have one entrance (Island Moorings, Channel Vista, all the Hwy361 subdivisions).

Commissioner Bruce Clark asked about the reviewing engineer’s (Naismith Engineering) six comments. De Angelo Reyes (Urban Engineering) explained that the last three comments on Naismith’s list have been corrected and that the incorrect address was a mistake (mailing address city listed as Port Aransas rather than Portland). When asked about the tightness of parking, Jim Urban (Urban Engineering) addressed the Commission. He stated that the Cottage Unit Development (CUD) requirements were two spaces on each lot. The parking plan proposed in this project has at least two spaces on each lot in addition to two on-street parking spots as well. He pointed out the parking table on the plat that would require on-site parking based on the number of bedrooms in each house. He explained that typical city streets are 28 feet curb to curb, and that this is laid out a little differently because of the valley gutters. The street with the concrete valley gutters will be 32 feet, with the asphalted portion being 20 feet wide. The asphalt will act as the fire lane and the concrete valley gutters acting as the parking area. He mentioned the Fire Code discussion, specifically Appendix D that seems to require an additional entrance into a subdivision of this size. Jim does not think that the city is bound by Appendix D because

it requires specific mention of adoption in the ordinance, and goes on to say that the city should not adopt it because there are other consequences that would come with it that are not favorable to the city (i.e. having to sign any city street that is less than 34 feet wide “no parking” on one entire side). He suggested that the Planning and Zoning Commission look closely at Appendix D before deciding on adopting it.

Commissioner Bruce Clark asked about how this subdivision was going to work with the ferry stacking lanes and the rerouting of Port Street to connect with Avenue A. Director of Development Rick Adams stated that for the purpose of this plat, that was not looked at, namely because the city has not acquired that property yet, and no civil plans or building permits were in place.

Commissioner Mike Garlough pointed out that part of the preliminary plat process requires restrictive covenants be presented and asked if any were submitted. Rick Adams stated that they were not submitted, but that is not unusual, as they are rarely submitted. Mike said that this subdivision is getting much more attention than most and is being presented as “affordable” housing and for long-term residents rather than short-term rentals, but there are no restrictions to ensure that that is really how it will turn out. Mike mentioned that this would be a good opportunity to get those covenants with the application in order for the commission to feel confident in what they are putting their approval stamp on and providing to council. Rick invited Jim Urban to address the issue. Jim said that while the ordinance does require CCRs be presented, that there was not any commitment made from the developer to limit short-term rentals, but rather to let the market dictate what the uses be for that area. Jim Urban said that the CUD ordinance is a prescriptive ordinance, not a judgment call, and that they have worked quite a bit with city staff to ensure that the proposed plan meets all of the criteria. Mike stated that it was his understanding that the CUD ordinance was not created for something of this magnitude, but Chairwoman Becky Corder pointed out that the CUD ordinance does not specify a maximum size. Some question was made in reference to the preamble of the CUD ordinance, and Rick Adams let the commission know that City Attorney Mike Morris did say that the CUD ordinance was somewhat prescriptive, regardless of what the preamble states.

Commissioner Wendy Moore compared this proposed subdivision to Channel Vista, which has 125 lots, five feeder streets, and one ingress/egress road onto cut-off. Rick reiterated that in a CUD, the height is restricted to 27 feet, in essence, two stories. Wendy said if that the commission’s job was to determine if the CUD met with the letter of the law, then that is what they should do. She agreed with Mike Garlough that the covenants would be beneficial to have, but just last month they approved another CUD that was submitted with no covenants.

Commissioner Chuck Crawford brought up some of the drainage issues, and Rick told him that while that was not a part of the plat, that the drainage plans are looked at carefully when civil and building plans are brought forth. Jim Urban came forward and said that there has been some discussion about drainage in regards to Paradise Pond. He said they looked at it, and if it was beneficial, some drainage could be diverted to Paradise Pond. He suggested that prior to this land being developed, Paradise Pond should be dug out a little to make it a little deeper, and to ensure that it will still hold water in drier times. Some discussion was had on run-off and pollution in reference to drainage being diverted into the pond and it was agreed that those are discussions that would have to be had when the time came to determine what was to be done. Cameron Pratt suggested that a green space

(similar to a marsh) could be used to divert the water through and clean it up a bit before it entered Paradise Pond.

Commissioner Randy D’Herde asked if from a real estate standpoint, this would qualify as “affordable” housing. Becky Corder said that the real solution to having affordable housing will probably be something like a large apartment complex with reasonable rents, and not necessarily owning a home. The homes in this subdivision are a lower cost, and more attainable, but are not necessarily “affordable.”

Rick says that the city recommends approval with the stipulation that the applicability of the Fire Code Appendix D is more thoroughly researched. Some discussion was had on the proper way to word a motion.

**MOTION: Commissioner Bruce Clark made the motion to approve Preliminary Plat request #PPLT 140955, Port Street Subdivision subject to review of the International Fire Code. Seconded by Commissioner Wendy Moore and carried with the following vote:**

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

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

Commissioner mentioned that the Commission would be revisiting the comprehensive plan in the next few months and would be asking for volunteers from the community to be a part of those workshops.

7. **ADJOURNMENT OF REGULAR MEETING:** Upon completion of the posted agenda, Chair Corder adjourned the meeting at 4:00 pm.

**CITY OF PORT ARANSAS, TEXAS**

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Bruce Clark, Acting Chair

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Planning and Zoning Secretary