

AGENDA MEMORANDUM

Planning Commission Meeting of November 13th, 2024

DATE: November 4, 2024

TO: Michael Dice, MBA, Interim Director of Development Services

FROM: Bria A. Whitmire, PE, CFM, CPM, ENV SP, Development Services Engineer
BriaW@cctexas.com
(361) 826-3268

PL8482 Rally Credit Union Calallen Block 1 Lots 1 and 2

Request for a Plat Waiver for Sidewalk Construction per
UDC Sections 3.8.5, 3.30.1, 8.1.4 and 8.2.2

BACKGROUND:

The applicant is splitting into two lots which is currently one 7.698-acre lot at 3801 FM 1889, near Northwest Boulevard (FM624). Upon plat review, this site was found to be subject to sidewalk construction. Pape Dawson, on behalf of their client Rally Credit Union, would like to request a waiver of the sidewalk construction.

This plat waiver request is for the construction of approximately 550 feet of sidewalk along FM 1889 per UDC Sections 3.8.5, 3.30.1, 8.1.4, and 8.2.2.

STAFF ANALYSIS AND FINDINGS:

UDC 3.8.5.D, Final Plat Review Criteria, includes compliance with subdivision design and improvement standards adopted by the city (found in Article 8 of the UDC) and that the tract of land is adequately served by the improvements that meet Article 8 standards.

UDC 3.30.1., a final plat shall not be approved until the developer has installed the improvements required by this Unified Development Code or has guaranteed that such improvements will be installed.

UDC 8.1.4., *Types of Improvements Required*, outline the following:

“In the absence of any provision to the contrary, the developer shall provide the following improvements, as approved in the construction plans, in conformity with the standards, specifications, and requirements of this Unified Development Code, the Design Standards, utility master plans, and any state or federal requirements. Improvements eligible for participation shall be in compliance with Section 8.4 (Ordinance 029765, 03/19/2013)

- A. **Streets**, including but not limited to pavement, curb and gutter, **sidewalks**, roadside ditches, hike and bike trails, alleys, bridges and street lighting;....”

Within Article 8, the applicable standards referenced are in UDC 8.2.2., *Sidewalk Design Standards*, and UDC 8.2.1., *Street Design Standards*.

UDC Section 8.2.2.C allows for Administrative Exemptions for sidewalk construction for residential lots that meet certain provisions.

“8.2.2.C: An administrative exception may be granted to the standard in paragraph 8.2.2.A only when the following conditions are met:

1. Sidewalks shall not be required along each side of a street right-of-way where such street is a permanent dead-end street and where there is pedestrian access from the permanent dead-end street to a paved hike and bike trail. In such instances, a sidewalk only shall be required on one side of the street right-of-way, or
2. Sidewalks shall not be required along street rights-of-way where each lot fronting on such street has direct access from the side or rear to a paved hike and bike trail, or
3. The lot is a minimum of 22,000 square feet and zoned Farm Rural or, Residential Estate, or
4. Sidewalks adjacent to private streets may be allowed to be placed on only one side of the street if the sidewalk width is 6 feet or greater, or
5. Sidewalk construction is not required if all the following conditions are met:
 1. The lot does not front on, and is not adjacent to, a right-of-way, street, alignment, or corridor that is designated on:
 - a. The Urban Transportation Plan (UTP) or Thoroughfare Plan, or has a right-of-way width greater than 50 feet, or
 - b. the MobilityCCPlan, including the Trails Master Plan (HikeBikeCC) and the ADA Master Plan, or-
 - c. the Corpus Christi Metropolitan Planning Organization's (MPO) Strategic Plan for Active Mobility, or
 - d. any other plan that designates sidewalks or active transportation improvements.
 2. The lot is zoned Farm Rural, Residential Estate or Single-Family Residential RS-4.5, RS-6, RS-10, RS-15, RS-22, or Single Family Residential Two Family (RS-TF);
 3. There are no existing or planned sidewalks on adjacent lots;
 4. At least 75% of the block face (lots fronting on the same side of the street as the subject plat) is improved, as measured by the number of lots, or, by the linear footage of the block face, and does not have sidewalks.”

The criteria listed in UDC 8.2.2.C for staff to administratively waive sidewalk is not applicable to this plat.

The UDC also states, under Section 8.2.2.B.1, that a waiver *may* be granted, in accordance with the waiver procedure in Section 3.8.3.D:

“The waiver may be approved, approved with conditions, or denied after consideration of the following factors:

1. The granting of the waiver shall not be detrimental to the public health, safety or general welfare, or be injurious to other property in the area, or to the City in administering this Unified Development Code;
2. The conditions that create the need for the waiver shall not generally apply to other property in the vicinity.
3. Application of a provision of this Unified Development Code will render subdivision of land unfeasible; or

4. The granting of the waiver would not substantially conflict with the Comprehensive Plan and the purposes of this Unified Development Code.”

The enumerated conditions in UDC 3.8.3.D for a sidewalk waiver are not fully met on this subject property.

FACTORS IN SUPPORT OF THE WAIVER REQUEST FOR SIDEWALK CONSTRUCTION:

1. There are currently no adjacent sidewalks along FM 1889 to connect to. The nearest sidewalk is 850 feet to the south. The next major thoroughfare is Northwest Blvd which also does not have sidewalks.
2. There is a drainage ditch along the right of way of FM 1889 which would make it unsafe for pedestrians to use the sidewalk.
3. There are no bus stops located along FM 1889.
4. Waiver of sidewalk will not be detrimental to the public health, safety, or general welfare.
5. Waiver of sidewalk will not affect the adjacent property in a manner to restrict or render unfeasible

FACTORS AGAINST THE WAIVER REQUEST FOR SIDEWALK CONSTRUCTION:

1. Not having sidewalks along a local street typically leads to pedestrians walking in roadways, an unsafe situation.
2. Construction of sidewalks, even unconnected sections, promotes the construction of sidewalks throughout the community.

STAFF RECOMMENDATION:

Staff recommends **Approval** of the waiver request from the sidewalk construction requirement as the portions that would have to be built to connect the sidewalk along FM 1886, residential and commercial, are already developed without a sidewalk, as well as the design complications due to the drainage ditch along FM 1886.

The Planning Commission may choose to follow or decline Staff’s recommendation, and the Planning Commission may approve, approve with conditions, or deny the waiver request.

LIST OF SUPPORTING DOCUMENTS:

- Exhibit A – Final Plat of Rally Credit Union Callalen
- Exhibit B – Sidewalk Waiver Request Letter
- Exhibit C – Area Map
- Exhibit D – Property Frontage images

Exhibit A – Final Plat of Rally Credit Union Calallen

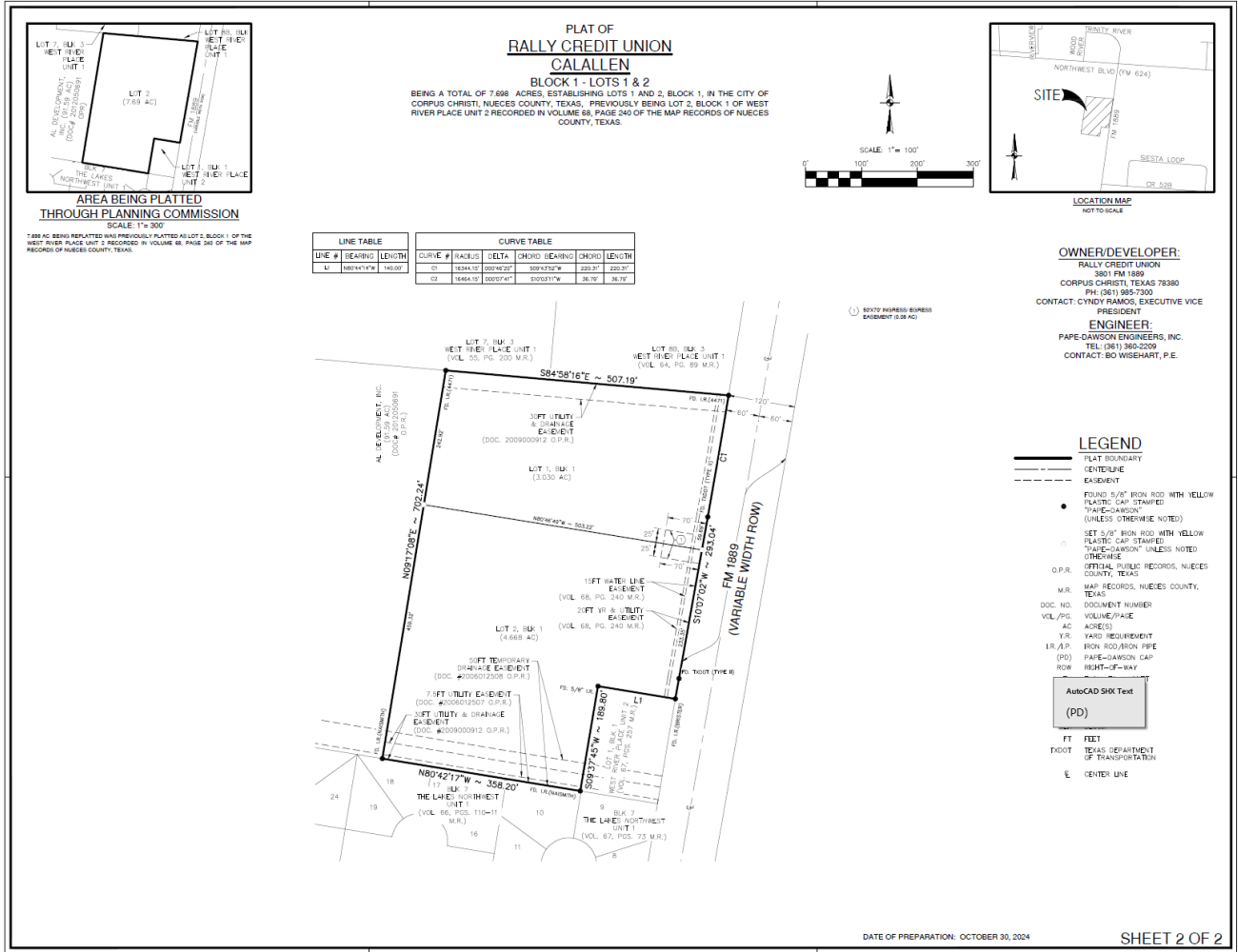


Exhibit B – Sidewalk Waiver Request Letter



October 21, 2024

Development Services
City of Corpus Christi
1201 Leopard Street
Corpus Christi, TX 78401

RE: Rally Credit Union Calallen Replat Sidewalk Waiver

To Whom It May Concern:

On behalf of our client, Rally Credit Union, we would like to request a waiver of the sidewalk construction requirement per City of Corpus Christi Development Code (UDC) Section 8.1.4.A, Section 8.1.12.E.3 and Section 8.2.2 along FM 1889 for the final replat of Rally Credit Union Callalen Replat, and known as 3801 FM 1889. A few of the reasons why we feel it is unnecessary for the construction of a sidewalk are as follows:

- There are currently no adjacent sidewalks along FM 1889 to connect to. The nearest sidewalk is 850 feet to the south. The next major thoroughfare is Northwest Blvd which also does not have sidewalks.
- There is a drainage ditch along the right of way of FM 1889 which would make it unsafe for pedestrians to use sidewalk.
- There are no bus stops located along FM 1889.
- Waiver of sidewalk will not be detrimental to the public health, safety, or general welfare.
- Waiver of sidewalk will not affect the adjacent property in a manner to restrict or render unfeasible.

Sincerely,
Pape-Dawson Consulting Engineers, LLC

A handwritten signature in blue ink that reads 'Bo Wisehart'.

Bo Wisehart, P.E.
Project Manager

P:\210\30\00\Word\Letters\Sidewalk Waiver letter to City.docx

Exhibit C – Area Map

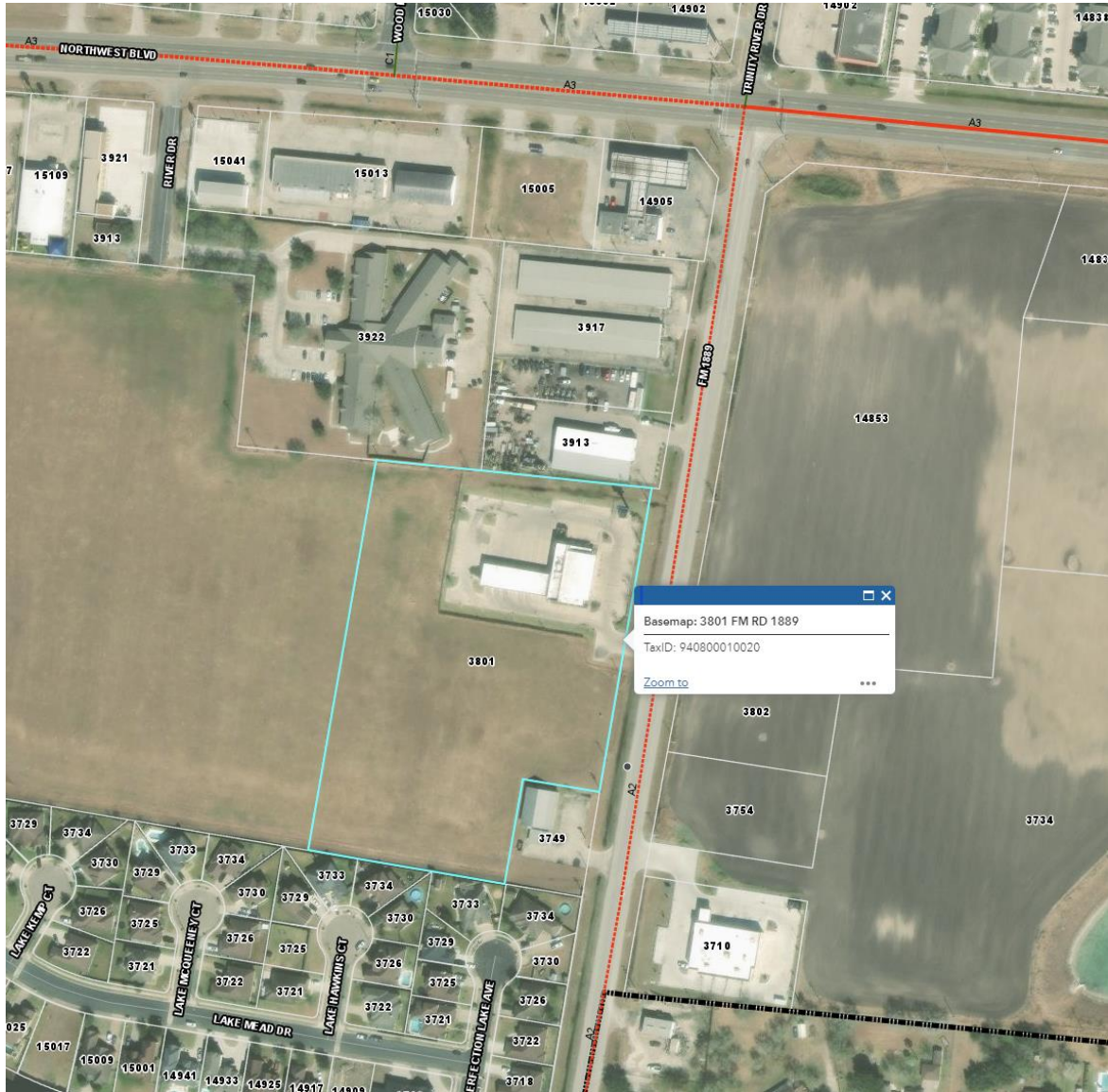


Exhibit D – Property Frontage images



Looking North from nearest sidewalk



Looking South from northern property line