



AGENDA MEMORANDUM

Planning Commission Meeting of March 31, 2021

DATE: March 24, 2021

TO: Al Raymond, Director of Development Services

FROM: Mark Orozco, Engineering Associate, Development Services
MarkOr@cctexas.com
(361) 826-3921

Baker Acres, Block 2, Lots 4A & 4B (Replat)

Request for a Plat Waiver of the Sidewalk Construction Requirements
in Section 8.1.4 and 8.2.2 of the Unified Development Code

BACKGROUND:

Govind Development, LLC, on behalf of property owner, Erick Rocha, submitted a request for a waiver of the plat requirement to construct a sidewalk in Section 8.1.4.A and 8.2.2.A of the Unified Development Code (UDC).

The subject property, known as the proposed Baker Acres, Block 2, Lots 4A & 4B, addressed as 1202 Purdue Road, is located east of Flour Bluff Drive and north of Purdue Drive. This is a replat subdividing one Lot into two lots. The purpose of the plat is to obtain two residential building permits for the purpose of constructing new residential homes. The original subdivision was platted in April of 1971 within the jurisdiction of Corpus Christi. The land was annexed into the City of Corpus Christi in 1961 and is currently zoned "RS-6 Single-family 6 District

STAFF ANALYSIS and FINDINGS:

UDC Sections 3.30.1 and 8.1.4 require construction of sidewalk as part of the platting process. The UDC also states, under Section 8.2.2.B.1-4, that a waiver *may* be granted, in accordance with the waiver procedure in Section 3.8.3.D., but only if certain conditions exist:

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 instance, a sidewalk only shall be required on one side of the street right-of-way.
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.
3. Sidewalks shall not be required for residential subdivisions in the Farm-Rural and Residential Estate zoning districts.

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 and approved by the Assistant City Manager of Development Services.

None of the enumerated conditions in UDC 8.2.2.B.1-4 for a sidewalk waiver exist on this subject property.

In any event, Section 3.8.3.D of the UDC provides factors to consider plat waivers, and states that the need for the waiver shall be demonstrated to the Planning Commission's satisfaction. 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 (UDC).
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 (UDC).

Factors in Support of the Waiver. The applicant states that they do not believe sidewalk should be required because:

1. The area is a residential area with no heavy pedestrian traffic since there are no shopping areas in proximity.
2. There are currently no sidewalks the entire length of Sentinel Drive north of Purdue to Division Road and beyond. In addition, there are also no sidewalks in the immediate parallel streets such as Woodcrest Drive and Orange Drive.
3. The street has an open ditch drainage system and the sidewalk would fall in the location of the open ditch which would require installing an underground storm water system for the placement of the sidewalk and create a financial burden for the landowner, whereas the rest of the neighborhood would remain an open ditch system.
4. In addition, as per UDC Section 8.1.4.A, there are no construction plans involved with this plat for street improvements, the landowner is only making two lots out of one previously platted lot and will not be doing any street improvements which encompass a sidewalk.
5. More importantly, per UDC Section 8.1.5 Continuity of Improvements, it states that all required improvements shall be designed and installed in order to provide for a system of utilities, storm water and streets and to create continuity of improvements among adjacent properties. There is no continuity in this case because there is no underground storm water system or sidewalks in the entire neighborhood along Sentinel Drive or other streets running parallel to Sentinel Drive.

Factors Against the waiver and in support of requiring sidewalk construction:

1. The property is zoned “RS-6 Single-Family 6 District from which a sidewalk network can be provided meeting current standards for a residential street.
2. The property is a corner lot with an existing sidewalk on Purdue Road for a connection point.
3. Purdue is a C1 Collector street as per the Urban Transportation Plan with a sidewalk network on both sides on the streets.

STAFF RECOMMENDATION:

Staff recommends approval of the waiver from the sidewalk construction requirement.

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

LIST OF SUPPORTING DOCUMENTS:

Exhibit A – Waiver Request Letter
Exhibit B – Final Plat
PowerPoint Presentation-



9510 Leopard St. Corpus Christi, TX 78409

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Office: (361) 241-2777 • Fax: (361) 241-2200

20PL 1130
Bakers Acres
Block 2, Lots 4A and 4B (Final)
REQUEST FOR WAIVER

As per Development Services Engineering Action Comment indicating a required sidewalk along the frontage of the lots along Sentinel Street as a condition for approval of the above referenced plat, we would like to request a waiver of this requirement for the following reasons:

1. The area is a residential area but with no heavy pedestrian traffic.
2. There are currently no sidewalks the entire length of Sentinel Drive north of Purdue to Division Street and beyond. In addition, there are also no sidewalks in the immediate parallel streets such as Woodcrest Drive and Orange Drive.
3. The street has an open ditch drainage system and the sidewalk would fall in the location of the open ditch which would require installing an underground storm water system for the placement of the sidewalk and create a financial burden for the landowner, whereas the rest of the neighborhood would remain an open ditch system.
4. There is no heavy foot traffic in this area since there are no shopping areas in close proximity to the residences and the residences are far apart.
5. As previously mentioned, the existing public roadway for Sentinel Street is a two lane street with open bar ditches on each side with no sidewalks, which is typical of most neighborhoods in Flour Bluff and the construction of sidewalks on an individual basis would place an under financial burden on an individual landowner.
6. In addition, as per UDC 8.1.4.A, there are no construction plans involved with this Plat for street improvements, the landowner is only making two lots out of one previously platted lot and will not be doing any streets improvements which encompass a sidewalk.
7. More importantly, per UDC 8.1.5. Continuity of Improvements, it states that all required improvements shall be designed and install in order to provide for a system of utilities, storm water and streets and to create continuity of improvements among adjacent properties. There is no continuity in this case cause there is no underground storm water system or sidewalks in the entire neighborhood along Sentinel Drive or other streets running parallel to Sentinel Drive.

For these reasons, we would like Development Services to grant us a waiver of the sidewalk requirements.

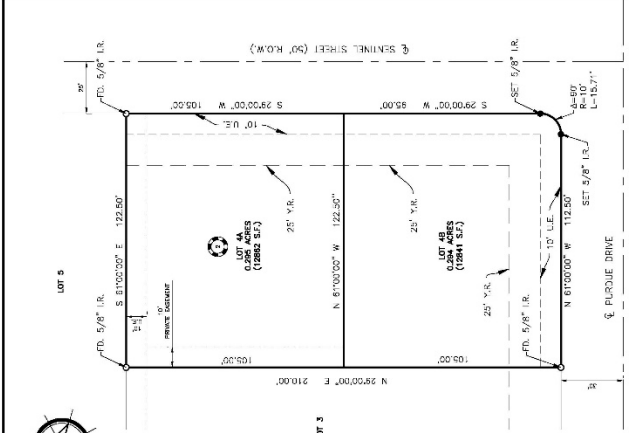
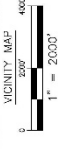
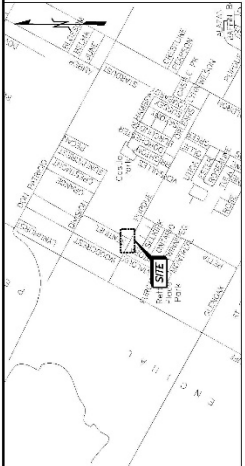
Sincerely,
GOVIND DEVELOPMENT, LLC

A handwritten signature in black ink, appearing to read "George Rubalcaba".

George Rubalcaba, RPLS, LSLS
Survey Group Manager

03-02-2021

Exhibit A



**BAKERS ACRES
BLOCK 2, LOTS 4A AND 4B**
BEING A REPLAT OF BLOCK 2, LOT 4,
BAKERS ACRES, AS RECORDED IN
VOLUME 36, PAGE 160, MAP RECORDS
OF NUECES COUNTY, TEXAS.

- GENERAL NOTES:**
1. VARIOUS REQUIREMENTS AS SPECIFIED ARE A REQUIREMENT OF THE UNIFIED DEVELOPMENT CODE AND SUBJECT TO CHANGE, AS THE ZONING MAY CHANGE.
 2. FOUND 2/9"-NO.1 IRON RODS AT ALL LOT CORNERS, UNLESS OTHERWISE NOTED.
 3. AC DENOTES ACRES OF LAND.
 4. S.F. DENOTES SQUARE FEET OF LAND.
 5. Y.R. DENOTES YARD REQUIREMENTS.
 6. L.E. DENOTES UTILITY EASEMENT.
 7. D.E. DENOTES DRAINAGE EASEMENT.
 8. THE PROPERTY HAS FLOOD ZONE 5, COMMUNITY #386104, PANEL #107 OF CORPUS CHRISTI MAPS DATED 7/19/1982 AND IS NOT WITHIN THE 100 YEAR FLOOD PLAIN.
 9. THE RECEIVING WATERS FOR THE STORM WATER RUNOFF FROM THIS PROPERTY IS THE OSO BAY. THE TCD HAS CLASSIFIED THE AQUATIC USE FOR THE OSO BAY AS "EXCEPTIONAL AND COOLER WATERS" RECREATION USE.
 10. TOTAL PLATTED AREA IS 25,703.54 S.F. (0.59 AC).
 11. BASIS OF BEARINGS IS NAD 1983 STATE PLANE, TEXAS SOUTH ZONE, 4269 FEET PROJECTION, UTM83 CONFORMAL CONIC.
 12. PRIVATE 10' EASEMENT TO BE MAINTAINED BY LANDOWNERS.

THE STATE OF TEXAS
COUNTY OF NUECES

THE FINAL PLAT OF THE HEREIN DESCRIBED PROPERTY WAS APPROVED BY THE CITY OF CORPUS CHRISTI, TEXAS BY THE PLANNING COMMISSION.

THIS IS THE _____ DAY OF _____, 2021.

ERICK BAUGH
CHAIRMAN

AL REYNOLD, A.I.A.
SECRETARY

THE STATE OF TEXAS
COUNTY OF NUECES

THIS FINAL PLAT OF THE HEREIN DESCRIBED PROPERTY IS APPROVED BY THE DEVELOPMENT SERVICES ENGINEER OF THE CITY OF CORPUS CHRISTI, TEXAS.

THIS IS THE _____ DAY OF _____, 2021.

DEVAUGHN SHAWKES, ENGINEER
A.A., SALEM, P.E.

THE STATE OF TEXAS
COUNTY OF NUECES

I, ERICK ROCHA, HEREBY CERTIFY THAT I AM THE OWNER OF BLOCK 2, LOTS 4A AND 4B, BAKERS ACRES, IMPACT WITHIN THE BOUNDARIES OF THE STREETS, AS SHOWN, ARE DEDICATED TO THE PUBLIC FOREVER AND THAT ALL EASEMENTS AND UTILITIES ARE TO BE INSTALLED AND MAINTAINED FOR THE PURPOSE OF DESCRIPTION AND DEDICATION.

THIS IS THE _____ DAY OF _____, 2021.

ERICK ROCHA

THE STATE OF TEXAS
COUNTY OF NUECES

BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED ERICK ROCHA, KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED ABOVE, WHOSE SIGNATURE AND NAME ARE HEREON SET FORTH, WHO HAS EXPRESSED THE SAME FOR THE PURPOSES AND CONSIDERATION HEREIN SHOWN, HEREIN AND TO COMPLETE SUCH OPERATIONS WITH DUE AND REASONABLE DILIGENCE, CONSENT WITH SOUND PROFESSIONAL JUDGMENT.

THIS IS THE _____ DAY OF _____, 2021.

NOTARY PUBLIC IN AND FOR NUECES COUNTY, TEXAS

THE STATE OF TEXAS
COUNTY OF NUECES

I, GEORGE RUBEN CARA, A REGISTERED PROFESSIONAL LAND SURVEYOR OF THE STATE OF TEXAS, HAVE REVIEWED THE PLAT AND CORRECTLY MADE ON THE GROUND UNDER MY DIRECTION AND IN TRUTH AND CORRECT FAITH AND BELIEF, AND I HAVE REVIEWED THE RECORDS OF THE PUBLIC RECORDS OF NUECES COUNTY, TEXAS, TO SEE THAT ALL LOT AND BLOCK CORNERS AS SHOWN HEREIN AND TO COMPLETE SUCH OPERATIONS WITH DUE AND REASONABLE DILIGENCE, CONSENT WITH SOUND PROFESSIONAL JUDGMENT.

THIS IS THE _____ DAY OF _____, 2021.

GEORGE RUBEN CARA, A REGISTERED PROFESSIONAL LAND SURVEYOR
SURVEYOR
GEORGE RUBEN CARA, P.E. 584229
1000 W. 14TH STREET, SUITE 100
CORPUS CHRISTI, TX 78410

THE STATE OF TEXAS
COUNTY OF NUECES

I, KARA SANDS, CLERK OF THE COUNTY COURT, IN AND FOR NUECES COUNTY, TEXAS, HEREBY CERTIFY THAT THE FOREGOING CERTIFICATE OF AUTHENTICATION, WAS FILED FOR RECORD IN MY OFFICE OF THE PUBLIC RECORDS, ON _____ DAY OF _____, 2021, AT _____ O'CLOCK _____ P.M. MAP RECORDS OF NUECES COUNTY, TEXAS (MAP NO. _____).

WITNESS MY HAND AND SEAL OF OFFICE IN CORPUS CHRISTI, TEXAS, THIS THE _____ DAY OF _____, 2021.

KARA SANDS, COUNTY CLERK DEPUTY TO THE COUNTY CLERK

GROUND DEVELOPMENT, LLC
1000 W. 14TH STREET, SUITE 100
CORPUS CHRISTI, TEXAS 78410
PH: 361-241-2777 FIRM NO. 10193600

