



AGENDA MEMORANDUM

Public Hearing for the Planning Commission Meeting of June 13, 2018

DATE: June 5, 2018

TO: Corpus Christi Planning Commission

FROM: Nina Nixon-Méndez, FAICP, Director,
Development Services Department
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**Appeal from a Staff Determination of Plat Expiration
as a Result of Insufficient Progress on Construction of Improvements
Aruba P.U.D. Plat (17PL1082)**

REQUEST:

The applicant is appealing a Staff determination that the Aruba P.U.D. plat (17PL 1082) has expired as a result of insufficient progress on construction of improvements.

BACKGROUND:

- The applicant states that, because of Hurricane Harvey, and massive repairs to over 100 dwelling units damaged on his other properties, and insurance settlement efforts, he missed the date to ask for a time extension of the Aruba P.U.D. plat. Applicant states that he would have either asked for an extension before the expiration date, or he would have been making substantial progress on the construction of improvements, had Hurricane Harvey not occurred.
- The application for the plat, named “Aruba P.U.D.” (Case No. 17PL1082), was for the creation of 56-lot subdivision, consisting of 52 single-family lots, one (1) commercial lot, one (1) lot of common area for private access (interior private streets) and private utility easement, and two (2) lots of common area to provide land for community structures. The general location of the plat is on Padre Island, east of Park Road 22, and north of Whitecap Boulevard. More specifically, it is located on the west side of Leeward Drive, between Robla Drive and Running Light Drive.
- **Zoning:** The plat is zoned RM-AT/IO/PUD, that is, Residential Multi-Family Apartment Tourist / with Island Overlay / and a Planned Unit Development (PUD) Overlay. The PUD was enacted by Ordinance Number 031217 on August 15, 2017, with a time limit of 24 months. The PUD would expire on or around August 15, 2019, unless a complete building permit application has been submitted by that time.

- **Timeline:** A timeline of events relevant to this request is summarized below:

Event	Date
Application Received	7/26/2017
Technical Review Committee (TRC) Meeting Date	8/3/2017
Hurricane Harvey makes landfall along Texas coast	8/25 & 8/26/2017
Planning Commission Plat Approval Date	9/20/2017
Letter sent to applicant and consultant, informing of 6-month Expiration Date of Approved Plat on 3/20/2018	9/25/2017
6-Month Expiration Date of Approved Plat ⁽¹⁾ This is the deadline to satisfy <u>ONE</u> of the following: (i) have improvements ⁽²⁾ in place, and record the plat, <u>OR</u> ; (ii) initiate construction of improvements and have substantial progress continue; <u>OR</u> (iii) provide a financial guarantee to the City for improvements construction).	3/20/2018
Applicant's Consultant Communicates with City Staff about Determination that Plat Expired as a Result of Insufficient Progress	4/19/2018
Applicant Submits Request for Extension of Plat Expiration Deadline to City Manager	5/11/2018
Applicant Submits Request for Appeal of Staff Determination of Plat Expiration	5/17/2018
Deadline to File Appeal of Staff Determination of Plat Expiration	5/19/2018

Notes:

- (1) Plat Expiration is discussed in Unified Development Code (UDC) Section 3.8.5.F (for Final Plats) and UDC Section 3.11.5 (for Replats without Vacation).
- (2) "Improvements" are: A. Streets (including but not limited to pavement, curb and gutter, and sidewalks); B. Water system; C. Wastewater system; D. Storm water system; E. Public open space; and F. Permanent monument markers. (UDC Section 8.1.4).

- **Plat Expiration per UDC Section 3.8.5.F.** The requirements regarding plat expiration per UDC Section 3.8.5.F (Final Plat Expiration) are stated in the table below, with Staff findings for each provision:

UDC Section 3.8.5.F Requirements	Staff Finding
1. If improvements are not in place or construction initiated on said improvements within six months of such plat approval, the final plat shall expire, unless the improvements are secured by a developer's financial guarantee.	Improvements are not in place. Construction is not initiated. Complete construction plans were not submitted or approved by the deadline (per UDC Section 8.1.4). No Release Letter authorizing initiation of construction was issued by Staff. Staff has not received a developer's financial guarantee.
2. A final plat shall not expire if construction has been initiated and substantial progress continues toward completion of the improvements.	Construction has not been initiated. Substantial progress is neither initiated nor continuing.
3. A determination that a plat has expired as a result of insufficient progress may be appealed to the Planning Commission within 30 days of notification that the plat has expired.	Plat has expired as a result of insufficient progress. Applicant's appeal of this determination was submitted timely within 30 days of notification that the plat has expired.
4. An expired plat must be resubmitted to Development Services for processing as a new plat.	Because the plat has expired, applicant must resubmit a new plat to Development Services.
5. The applicant may submit a written request for a time extension of six months. Such request shall be submitted <i>no later than five business days prior to the last scheduled meeting of the Planning Commission immediately prior to the date of the expiration of said plat.</i>	Plat expired Tuesday, March 20, 2018. The last scheduled meeting of the Planning Commission prior to this date was Wednesday, March 7, 2018. A request for time extension was required to be submitted five business days prior, that is, by Wednesday, February 28, 2018. No request for time extension was filed by that date.

STAFF RECOMMENDATION:

Staff recommends denial of the appeal of determination of expiration, denial of the extension of plat expiration date, and the resubmittal of the expired plat for processing as a new plat.

LIST OF SUPPORTING DOCUMENTS:

- Applicant's Letter Request to Appeal Determination of Plat Expiration, and, Request for Extension of Plat Expiration Date, Dated 5/17/2018
- Approval Letter from Staff to Applicant, Dated 9/25/2018