DATE: March 8, 2021

TO: Al Raymond, Director of Development Services

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

Gulf Breeze Annex, Lots 5 & 6 (Final)
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:

Bass & Welsh Engineering, on behalf of property owner, David Nobles, 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 Gulf Breeze Annex, lots 5 & 6 addressed as 3333 Floyd Street, is a corner lot located south of Texan Trail and east of Santa Fe Street. This is a replat subdividing the east half of Lots 1-4 into two lots. The purpose of the plat is to obtain a residential building permit for the purpose of constructing a new residential home. The original subdivision was platted in May of 1942 within the jurisdiction of Nueces County. The land was annexed into the City of Corpus Christi in 1944 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 replat is in an old established neighborhood where there are very few, if any, existing sidewalks.

2. The possibility that there might be significant sidewalk construction in the future is very slim.

3. The requirement to construct the sidewalk with this replat would place an unnecessary financial and time burden on the owner.

4. The Comprehensive Plan will not be substantially affected and is not part of the Mobility Plan network.

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 lot is a corner lot from which a network can be continued west to Santa Fe and north to Ocean Dr.

3. The subject property is located approximately 560 feet away from a Commercial node at the intersection of Texan Trail and Santa Fe Street.

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-

Murray Bass, Jr., P.E., R.P.L.S.   3054 S. Alameda, zip 78404
Nixon M. Welsh, P.E., R.P.L.S.   361 882-5521~ fax 361 882-1265
www.bass-welsh.com   e-mail: murrayjr@aol.com
                                          e-mail: nixmw1@gmail.com

BASS & WELSH ENGINEERING
Engineering Firm Reg. No. F-52
Surveying Firm Reg. No. 100027-00
P.O. Box 6397
Corpus Christi, TX 78466-6397

January 29, 2021

Mr. Andrew Dimas
Department of Development Services
City of Corpus Christi
P.O. Box 9277
Corpus Christi, TX 78469-9277

RE: Request for waiver, Gul Breeze Annex, Lots 5 & 6

Dear Mr. Dimas:

On behalf of the owner of the property covered by the above referenced plat, Mr. David Nobles, we would like to request a waiver for the sidewalk requirement that was placed on the plat during review.

These two lots are in an old and established neighborhood where there are very few, if any, existing sidewalks. The possibility that there might be significant sidewalk construction in the future is very slim and the requirement to construct the sidewalk with this replat would place an unnecessary financial and time burden on the owner.

We will be available to answer questions or provide additional data should you need it.

Yours very truly,

Murray Bass, Jr., P.E., R.P.L.S.

MBJ:sab

CC: David Nobles

09097-LTR.doc

Exhibit A

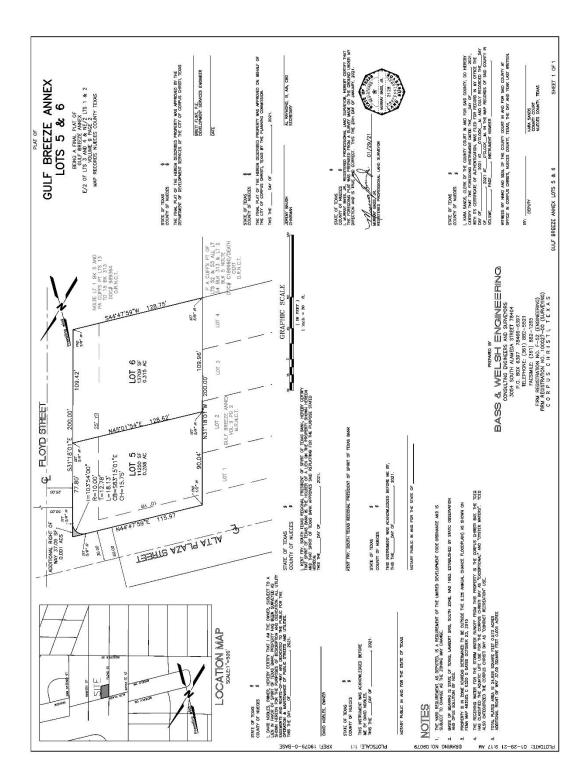PLAT OF
GULF BREEZE ANNEX
LOTS 5 & 6

BEING A FINAL PLAT OF
GULF BREEZE ANNEX
E/2 OF LTS 3 AND 4 & NE/2 LTS 1 & 2
VOLUME 9 PAGE 2
MAP RECORDS NUECES COUNTY TEXAS

STATE OF TEXAS
COUNTY OF NUECES

THE FINAL PLAT OF THE HEREIN DESCRIBED PROPERTY WAS APPROVED BY THE DEPARTMENT OF DEVELOPMENT SERVICES OF THE CITY OF CORPUS CHRISTI, TEXAS

BRETT FLINT, P.E.
DEVELOPMENT SERVICES ENGINEER
DATE

STATE OF TEXAS
COUNTY OF NUECES

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

THIS THE _____ DAY OF _____ 2021.

AL RAYMOND, III, AIA, CBO
SECRETARY

JEREMY BAUGH
CHAIRMAN

STATE OF TEXAS
COUNTY OF NUECES

I, MURRAY BASS, JR., REGISTERED PROFESSIONAL LAND SURVEYOR, HEREBY CERTIFY THAT THE FOREGOING PLAT WAS PREPARED FROM A SURVEY MADE ON THE GROUND UNDER MY DIRECTION AND IS TRUE AND CORRECT. THIS THE 29th DAY OF JANUARY, 2021.

MURRAY BASS, JR.
REGISTERED PROFESSIONAL LAND SURVEYOR

01/29/21

MURRAY BASS, JR.
21128

STATE OF TEXAS
COUNTY OF NUECES

I, KARA SANDS, CLERK OF THE COUNTY COURT IN AND FOR SAID COUNTY, DO HEREBY CERTIFY THAT THE FOREGOING INSTRUMENT DATED THE _____ DAY OF _____ 2021, WITH ITS CERTIFICATE OF AUTHENTICATION, WAS FILED FOR RECORD IN MY OFFICE THE _____ DAY OF _____ 2021 AT _____ O'CLOCK _____ M. IN THE MAP RECORDS OF SAID COUNTY IN VOLUME _____ PAGE _____ INSTRUMENT NUMBER

WITNESS MY HAND AND SEAL OF THE COUNTY COURT IN AND FOR SAID COUNTY AT OFFICE IN CORPUS CHRISTI, NUECES COUNTY, TEXAS, THE DAY AND YEAR LAST WRITTEN.

KARA SANDS
COUNTY CLERK
NUECES COUNTY, TEXAS

BY: _____
DEPUTY

GULF BREEZE ANNEX LOTS 5 & 6

SHEET 1 OF 1

LOCATION MAP
SCALE:1"=500'

SITE

STATE OF TEXAS
COUNTY OF NUECES

I, DAVID NOBLES, OWNER, HEREBY CERTIFY THAT I AM THE OWNER, SUBJECT TO A LIEN IN FAVOR OF SPIRIT OF TEXAS BANK, PROPERTY HAS BEEN SURVEYED AS SHOWN HEREIN FOR THE PURPOSES OF DESCRIPTION AND DEDICATION, ALL EASEMENTS AND RIGHTS-OF-WAY ARE DEDICATED TO THE PUBLIC FOR THE OPERATION & MAINTENANCE OF PUBLIC STREETS AND UTILITIES.
THIS THE _____ DAY OF _____ 2021.

DAVID NOBLES, OWNER

STATE OF TEXAS
COUNTY OF NUECES

THIS INSTRUMENT WAS ACKNOWLEDGED BEFORE ME BY DAVID NOBLES,
THIS THE _____ DAY OF _____ 2021.

NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS

STATE OF TEXAS
COUNTY OF NUECES

I, KENT FRY, SOUTH TEXAS REGIONAL PRESIDENT OF SPIRIT OF TEXAS BANK, HEREBY CERTIFY THAT SPIRIT OF TEXAS BANK IS THE HOLDER OF A LIEN ON THE PROPERTY SHOWN HEREIN AND THE SPIRIT OF TEXAS BANK APPROVES SAID REPLATTING FOR THE PURPOSE STATED HEREIN.
THIS THE _____ DAY OF _____ 2021.

KENT FRY, SOUTH TEXAS REGIONAL PRESIDENT OF SPIRIT OF TEXAS BANK

STATE OF TEXAS
COUNTY OF NUECES

THIS INSTRUMENT WAS ACKNOWLEDGED BEFORE ME BY,
THIS THE _____ DAY OF _____ 2021.

NOTARY PUBLIC IN AND FOR THE STATE OF

NOTES

1. THE YARD REQUIREMENT, AS DEPICTED, IS A REQUIREMENT OF THE UNIFIED DEVELOPMENT CODE ORDINANCE AND IS SUBJECT TO CHANGE AS THE ZONING MAY CHANGE.

2. BASIS OF BEARING IS STATE OF TEXAS, LAMBERT GRID, SOUTH ZONE, NAD 1983, ESTABLISHED BY STATIC OBSERVATION AND OPUS SOLUTION BY N83.

3. PROPERTY IS IN ZONE X/AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN) AS SHOWN ON FEMA MAP 48355G 0320 G DATED OCTOBER 23, 2015

4. THE RECEIVING WATER FOR THE STORM WATER RUNOFF FROM THIS PROPERTY IS THE CORPUS CHRISTI BAY. THE TCEQ HAS CLASSIFIED THE AQUATIC LIFE USE FOR THE CORPUS CHRISTI BAY AS "EXCEPTIONAL" AND CATEGORIZED THE CORPUS CHRISTI BAY AS "CONTACT RECREATION" USE.

5. TOTAL PLATTED AREA IS 24,959 SQUARE FEET 0.573 ACRES ADDITIONAL RIGHT OF WAY 37.09 SQUARE FEET 0.001 ACRES

PREPARED BY
BASS & WELSH ENGINEERING
CONSULTING ENGINEERS AND SURVEYORS
3054 SOUTH ALAMEDA STREET 78404
P.O. BOX 6397 78466-6397
TELEPHONE: (361) 882-5521
FACSIMILE: (361) 882-1265
FIRM REGISTRATION NO. F-52 (ENGINEERING)
FIRM REGISTRATION NO. 100027-00 (SURVEYING)
CORPUS CHRISTI, TEXAS

GRAPHIC SCALE
(IN FEET)
1 inch = 30 ft.

LOT 6
13709 SF
0.315 AC

LOT 5
11250 SF
0.258 AC

FLOYD STREET

ALTA PLAZA STREET

S44°47'59"W 128.75'
N44°47'59"E 115.97'
S31°18'01"E 200.00'
N31°18'01"E 200.00'
N45°01'54"E 128.62'
N31°18'01"W 200.00'
109.42'
109.96'
90.04'
77.80'

l=103°54'00"
R=10.00'
l=18.13'
T=12.78'
CB=S83°15'01"E
CH=15.75'

ADDITIONAL RIGHT OF WAY 37.09 SF
0.001 ACS

LOT 1
LOT 2
(GULF BREEZE ANNEX
VOL.9 PG 2
M.R.N.C.T.)
LOT 3
LOT 4

N OLTE LT 1 BK. 5 AND
PA CLIFFS PT LTS 13
TO 15 BK 313
D.R.N.C.T.

P A CLIFFS PT OF
LTS 12 & 53 ALL LT
54 BLK 313 & LT 2
BLK 5 N OLTE
DOC# C189980/DEATH
CERT
D.R.N.C.T.

XREF: 19079-0-BASE
PLOTSCALE: 1:1
DRAWING NO: 09079
PLOTDATE: 01-29-21 9:17 AM

Exhibit B