

## AGENDA MEMORANDUM

Planning Commission Meeting of November 16, 2022

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**DATE:** November 16, 2022

**TO:** Al Raymond, Director of Development Services

**FROM:** David Diaz, Engineer Associate, Development Services  
Davidd6@cctexas.com  
(361) 826-3254

**Tyler Subdivision, Block 8, Lots 12 & 13A (Replat 13R)**  
Request for a Plat Waiver of the Sidewalk and Bicycle Boulevard Construction Requirements  
in Section 8.1.4 and 8.2.2 of the Unified Development Code

### **BACKGROUND:**

We, McClintock Surveying, on behalf of Cameron J. Shia, owner of the referenced property, would like to request a waiver of the plat requirement to construct a sidewalk and a bike boulevard across the frontage of this property in Section 8.1.4.A and 8.2.2.A of the Unified Development Code (UDC).

The subject property, known as the proposed **Tyler Subdivision, Block 8, Lot 13R**. (.275 acres +/-), is located South of Yorktown Blvd. and East of Laguna Shores Rd. The land for Tyler Subdivision, Block 8, Lot 13R is zoned "RS - 4.5". The original subdivision (Vol 36 Page 90 and Vol 49 Page 91) was approved by Nueces County and recorded in 1970 and 1984 respectively. The Bicycle Mobility Plan has a Bike Boulevard along Laguna Shores Road from Wyndale Street to Yorktown Blvd.

The proposed Lot 13R is currently developed with two existing structures. There is an existing 8" waterline that runs along Laguna Shores Rd, outside of the property, as well as a 10" CIPP sanitary line that runs along the street outside of the property line.

The waiver is for 120' of sidewalk and bike path running along Laguna Shores Road. The Applicant's waiver request also includes a wastewater fee exemption request. Only requests with fees greater than \$50,000 are considered by Planning Commission (UDC 8.5.2.G. Exemptions); thus, that request is not part of this waiver request. Fees \$50,000 and less are considered administratively by the Director of Development Services.

## **STAFF ANALYSIS and FINDINGS:**

UDC Section 8.1.4 require construction of sidewalk and bike trails as part of the platting process. 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.
5. Concrete sidewalks, having a width of not less than 4 feet and thickness of not less than 4 inches, shall be constructed in accordance with Subsection 8.2.1.B, Street Right-of-Way Dimensional Standards, and the ADA Master Plan, within all subdivisions except as provided below.
  - a. Within industrial subdivisions, sidewalks having a width of not less than 4 feet and thickness of not less than 4 inches shall be required only on streets that meet any of the following conditions:
    - i. Streets that are in the Urban Transportation Plan as arterials or collectors;
    - ii. Through-streets that either are connecting to existing streets or to proposed arterials or collectors; or
    - iii. Perimeter streets where a sidewalk presently exists to the boundary of industrial subdivisions.

UDC Section 8.2.2.C allows for Administrative Exemptions for sidewalk construction for residential lots that meet certain provisions; however, since the property fronts on a street that is listed on the MobilityCCPlan and as a Parkway on the Transportation Plan it does not qualify for an exception:

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 instance, 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:
- a. The lot does not front on, and is not adjacent to, a right-of-way, street, alignment, or corridor that is designated on:
    - i. The Urban Transportation Plan (UTP) or Thoroughfare Plan, or has a right-of-way width greater than 50 feet, or
    - ii. the MobilityCCPlan, including the Trails Master Plan (HikeBikeCC) and the ADA Master Plan, or-
    - iii. the Corpus Christi Metropolitan Planning Organization's (MPO) Strategic Plan for Active Mobility, or
    - iv. any other plan that designates sidewalks or active transportation improvements.
  - b. 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);
  - c. There are no existing or planned sidewalks on adjacent lots;
  - d. 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.

**Factors in Support of the Waiver.**

1. Construction would not be feasible requiring modifications to the recently completed Stage 3 "Laguna Shores Road Reconstruction" seriously impairing the newly constructed drainage and concrete driveway structures.
2. There are no other existing sidewalks adjacent to this property to tie onto or extend a sidewalk to.
3. There appears to be sufficient pavement behind the fog lines of the newly improved "Laguna Shores Road" to accommodate cyclist or pedestrians currently.
4. Estimated costs associated with such a project are far beyond the means of the owner.

**Factors weighing against the waiver:**

1. Plan CC's vision for transportation and mobility for the community calls for connected networks of good streets and sidewalks and safe bicycle routes.
2. UDC Section 3.8.3.C.2 states that the preliminary plat is consistent with the Comprehensive Plan, Utility Master Plans and any other adopted plans. This includes the Bicycle Mobility Plan.

**STAFF RECOMMENDATION:**

Staff recommends **approval** of the waiver from the sidewalk and bicycle boulevard construction requirement on Laguna Shores Road. This is a developed block with no existing sidewalks to connect to, nor bus stops. Furthermore, Laguna Shores Road was recently reconstructed, and no sidewalk or bicycle tracks were implemented in the new construction.

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 – Final Plat

Exhibit B – Waiver Request Letter

Exhibit C – PowerPoint Presentation - Waiver from Sidewalk and Bike Boulevard Requirement

# Exhibit A



SCALE: 1" = 20'

**PLAT OF  
LOT 13R, BLOCK 8, "TYLER SUBDIVISION"**

BEING A MINOR PLAT OF:  
LOTS TWELVE (12) AND THIRTEEN-A (13A), BLOCK EIGHT (8), TYLER SUBDIVISION  
A SUBDIVISION OF THE CITY OF CORPUS CHRISTI, NUECES COUNTY, TEXAS  
ACCORDING TO THE RECORD PLAT OR MAP THEREOF FILED IN VOLUME 36,  
PAGE 90, & VOLUME 49, PAGE 91 OF THE MAP RECORDS OF NUECES COUNTY, TEXAS  
DEED REFERENCE: 2017022223 - 2020041799 D.R.N.C.T.

**\* NOTES \***

1. THE BASIS OF BEARING FOR THIS SURVEY IS GRID NORTH, BASED UPON ROCKWELL OBSERVATIONS, REFERENCED TO NAD 83, TEXAS STATE PLANE COORDINATES, SOUTH ZONE, CONNECTED TO AIR-CROSS, GRIND, COURSE # 2.5, SURVEY 17.
2. THIS SURVEY CONFORMS TO TEXAS BOARD OF PROFESSIONAL ENGINEERS AND LAND SURVEYORS MINIMUM STANDARDS FOR URBAN PROPERTY SURVEYS.
3. ALL DISTANCES TO STRUCTURES ARE TAKEN PERPENDICULAR FROM LOT LINES.
4. WHERE SURVEYED OR COMPUTED COURSES DIFFER FROM THOSE OF RECORD, THE RECORD COURSE IS EXPRESSED IN FRACCTIONS, (1/2, 1/8, 3/16, 1/4) (1/8, 3/16, 1/4).
5. THIS PLAT IS BASED ON FIELD SURVEYS CONDUCTED 08/10 & 15/2022.
6. TOTAL PLATTED AREA CONTAINS 0.275 ACRE OF LAND.
7. THE ZONING REQUIREMENT AS DICTATED, IS A REQUIREMENT OF THE UNITED DEVELOPMENT CODE AND IS SUBJECT TO CHANGE AS THE ZONING MAY CHANGE.
8. THE RECEIVING WATER FOR THE STORM WATER RUNOFF FROM THIS PROPERTY IS THE LAGUNA MADRE. THE TCEC HAS CLASSIFIED THE AQUATIC LIFE USE FOR THE LAGUNA MADRE AS "EXCEPTIONAL" AND "OYSTER WATERS". TCEC ALSO CATEGORIZED THE LAGUNA MADRE AS "CONTACT RECREATION" USE.

STATE OF TEXAS ~  
COUNTY OF NUECES ~

I, CAMERON J. SHIA, THE UNDERSIGNED, CERTIFY THAT I AM THE OWNER OF LOTS 12R AND 13A, BLOCK 8, TYLER SUBDIVISION AS SHOWN ON THIS PLAT. I APPROVE THIS SURVEY AND PLAT AND DEDICATE OF RESERVE FOR PUBLIC OR PRIVATE USE AS NOTED. ALL EASEMENTS, PUBLIC UTILITY AVENUE, AND RIGHTS-OF-WAY AS SHOWN AND DESCRIBED ON THIS PLAT.

DATE: \_\_\_\_\_, 2022

CAMERON J. SHIA, OWNER

STATE OF TEXAS ~  
COUNTY OF NUECES ~

SUBSCRIBED AND SIGNED TO BEFORE ME THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2022.

BY: \_\_\_\_\_ PERSONALLY

APPEARING BEFORE ME:

NOTARY PUBLIC FOR IN AND FOR THE STATE OF TEXAS  
MY COMMISSION EXPIRES: \_\_\_\_\_

STATE OF TEXAS ~  
COUNTY OF NUECES ~

THIS FINAL PLAT OF THE HEREIN DESCRIBED PROPERTY APPROVED BY THE DEPARTMENT OF DEVELOPMENT SERVICES OF THE CITY OF CORPUS CHRISTI, TEXAS  
THIS THE \_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_

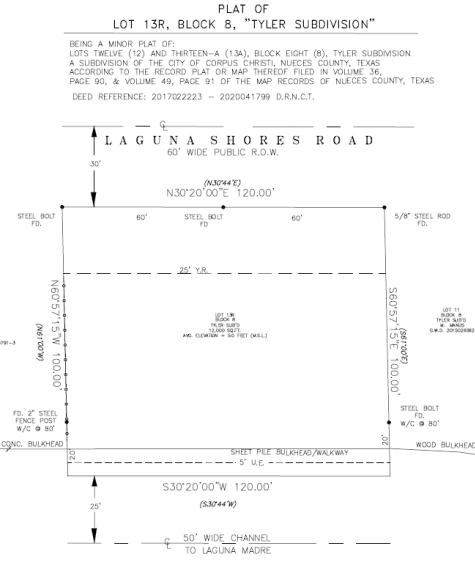
BY: \_\_\_\_\_ P.E., CEM. CEM.  
DEVELOPMENT SERVICES ENGINEER

STATE OF TEXAS ~  
COUNTY OF NUECES ~

I, KANA SANDS, CLERK OF THE COUNTY COURT IN AND FOR SAID COUNTY, DO HEREBY CERTIFY THAT THE FOREGOING INSTRUMENT DATED THE \_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_, AT \_\_\_\_ O'CLOCK \_\_\_\_ M., AND FILED RECORDED THE \_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_, AT \_\_\_\_ O'CLOCK \_\_\_\_ M., IN SAID COUNTY IN VOLUME \_\_\_\_ PAGE \_\_\_\_ MAP RECORDS.

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

No. \_\_\_\_\_ FILED FOR RECORD \_\_\_\_\_ KANA SANDS, COUNTY CLERK  
AT \_\_\_\_\_ O'CLOCK \_\_\_\_ M. \_\_\_\_\_ NUECES COUNTY, TEXAS  
BY \_\_\_\_\_ DEPUTY



**\* FLOOD INFORMATION \***

THIS TRACT LIES WITHIN THE BOUNDARIES OF A FLOOD HAZARD AREA DESIGNATED AS "F-2" AS APPROPRIATED SOURCE FOR F.E.M.A. FLOOD INSURANCE DATA MAP (FIRM) #48444 (ISSUE REVISED 7/18/1985). BASE FLOOD ELEVATION 12 FEET MSL.

FIRM REFERENCE: COUNTY PANEL #48444-05840  
MAP EFFECTIVE DATE: 07/18/1985 FEMA  
AN ELEVATION SURVEY WAS NOT CONDUCTED ON THIS PARCEL.

**\* LEGEND \***

- PROPERTY CORNER AS NOTED
- TO SURVEY WIDE (COURSE VALUE PER RECORD PLAT)
- PROPERTY LINE
- BUILDING SETBACK LINE
- EASEMENT LINE
- CHAIN LINK FENCE LINE

**\* SURVEYOR'S CERTIFICATION \***

I, the undersigned, hereby certify that I am a Professional Land Surveyor, licensed and registered in the State of Texas, and that this plat represents a survey by me, or under my direct supervision and is true and correct to the best of my knowledge, information and belief.

DATED: \_\_\_\_\_

BY: \_\_\_\_\_ Sr., R.P.L.S.,  
Registration No. 5907

GRAPHIC SCALE  
0 10 20 40 60  
1" = 20'

**McCLINTOCK SURVEYING**  
REGISTERED PROFESSIONAL LAND SURVEYORS  
2509 PINE STREET KENNESAW, GA 30144  
T.R.P.P.A. LS. Reg. #907 301-847-6872 Page 1 of 1.

## Exhibit B

**R. Scott McClintock, Sr., RPLS**  
*McClintock Surveying*  
1209 Park Street Kerrville, TX 78028  
361-947-6812 *mobile/text*

**City of Corpus Christi, Texas**  
**Planning and Zoning Commission**  
Development Services Department  
P.O. Box 9277  
Frost Bank Bldg. – 2406 Leopard Street  
Corpus Christi, Texas 78469-9277

October 7, 2022

Reference: Final Plat Submittal TYLER SUBDIVISION, BLOCK 8, LOT S 12 & 13A (Replat 13R)  
**PROJECT 22PL1149** (Cameron J. Shia)

Dear Commissioners;

On behalf of my client, Mr. Cameron J. Shia and pursuant to the provisions of UDC Code 3.8.3D a waiver of the construction of a sidewalk and bike path across the frontage of this property is respectfully requested.

This request is made as the construction would not be feasible requiring modifications to the recently completed Stage 3 "Laguna Shores Road reconstruction" seriously impairing the newly constructed drainage and concrete driveway structures. *(Please refer to enclosed photos)* There are no other existing sidewalks adjacent to this property to tie onto or extent a sidewalk to. There appears to be sufficient pavement behind the fog lines of the newly improved "Laguna Shores Road" to accommodate cyclists or pedestrians currently. Lastly, the estimated costs associated with such a project are far beyond the means of the owner.

In regards to the sewer acreage fees; the building located on current Lot 12 is not occupied nor has it been occupied. There are no sanitary facilities (i.e. "bathroom") in the building and only serves as covered parking at this time. The building was never finished only used as storage by the previous owner. If the building is ever completed, a request for services will be made and fees paid at that time. Thank you for your assistance, an approval of this request will be most appreciated.

Best Regards,

R. Scott McClintock, Sr., RPLS

Attachments: Photos  
CC: Cameron Shia