



AGENDA MEMORANDUM

Public Hearing for the Planning Commission Meeting of August 10, 2022

DATE: August 4, 2022

TO: Nina Nixon-Mendez, Asst. Director of Development Services

FROM: Mark Orozco, Sr. City Planner, Development Services
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**Appeal from a Staff Determination of Plat Expiration
for
Industrial Technology Park Unit 3, Lot 2 (21PL1025)**

REQUEST:

The applicant, Manok Investments, LTD, is appealing a Staff determination that the Industrial Technology Park Unit 3, Lot 2 - Final Plat (21PL1025) has expired as a result of not meeting the Planning Commission Action letter providing for 6-months from date of PC approval. If the Planning Commission approves appeal this will extend the plat to August 10, 2023. This represents a 12-month extension from the August 10th, 2022, Planning Commission meeting.

BACKGROUND:

The final plat was approved on September 1, 2021, and expired on March 1, 2022, after 6-months. An expired plat must be resubmitted to Development Services for processing as a new plat. The UDC provides that a plat expiration may be appealed to Planning Commission within 30 days of notification of a plat expiration. The client chose to submit an application for an appeal to the expiration date, instead of resubmitting a new plat application for review and paying an additional plat application fee. In addition to the plat being deemed expired; the Public Improvement approval and release for construction is also deemed expired. A new Public improvement resubmittal will be assessed the new review fees associated with the plan review.

The applicant asserts the following:

- Manok Investments is a company based in different city and contacted local contractors in the city of Corpus Christi, unfortunately contractors were unable to start construction job and public improvements, due to the fact there is a lack of employees during this period of PANDEMIC.
- It was a misunderstanding on the dates from the "APROVED PLAT" (September 6, 2021 letter, and the "RELEASE FOR CONSTRUCTION" (December 13 2021) letter we were with not proper knowledge of what date to follow therefore assumed we still have time to work on requested item on the list.

- Manok investments contracted the services of a different construction people and is ready to start the construction process moving forward upon approval of appeal and permits without having any further delay.

Zoning: The subject property is zoned “IL” Light Industrial District.

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

Event	Date
Plat Application Received	2-11-2021
Planning Commission Plat Approval Date	9-1-2021
Release of Construction letter	12-13-2021
Applicant came to Development Services requesting approval to start construction. Department informed the representative the Plat had expired along with the approval of the Public Improvement plans with the expiration Date of Approved Plat on 3/1/2022	8-3-2022
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).	3-1-2022
Applicant Submits Request for Appeal of Staff Determination of Plat Expiration	8-4-2022

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	Public improvement plans approved on 12-13-2022 with Release letter stating what is required to start construction.

improvements are secured by 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.	Applicant acknowledges that construction had not started and came into Development services to request to start construction.
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 not meeting the PC Action letter expiration date as well as expiring the approval of the construction plans.
4. An expired plat must be resubmitted to Development Services for processing as a new plat.	Due to the plat expiring, the applicant must resubmit a new plat to Development Services along with a new submittal to the Public Improvements. Both items have application fees.

STAFF RECOMMENDATION:

Staff recommends Denial of the appeal. With denial the applicant can resubmit a plat application as well as Public Improvement resubmittal. During the preparation of this appeal, City staff confirmed with the applicant's representative, Joe Blanco, the information listed above.

LIST OF SUPPORTING DOCUMENTS:

- Applicant's Letter Request to Appeal Determination of Plat Expiration.
- PC Action Letter from Staff to Applicant, Dated 9/1/2021
- Release of Construction letter