

## **AGENDA MEMORANDUM**

Planning Commission Meeting of August 10, 2022

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**DATE:** August 10, 2022

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

**FROM:** Sergio Luna, Engineer II, Development Services  
sergiol@cctexas.com  
(361) 826-3568

### **Driscoll Village Lots 27-37 Block 7**

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:**

We, Bass & Welsh Engineering, on behalf of TMEK Devops, LLC, owners of the referenced property, would like to request 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 **Driscoll Village Lots 27-37 Block 7** (1.86 acres +/-), located north of Mueller Street. The land is zoned "RM-6" District. The original subdivision (Vol 4 Page 5) was approved by Nueces County and recorded in 1925. The City of Corpus Christi annexed the area in 1939. The property is located on the east of Mueller Street not on the Transportation Plan.

The current lot is vacant with a water, wastewater stormwater ditch running in front of the property along Mueller Street. The zoning is RM-1 and 11 individual townhomes are planned for development.

The sidewalk waiver is for an 860' section running along Mueller Street.

### **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, 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.

The enumerated conditions in UDC 3.8.3.D for an administrative sidewalk waiver are not fully met on this subject property.

UDC Section 8.2.2.C allows for Administrative Exemptions for sidewalk construction for residential lots that meet certain provisions; however, since the zoning is RM-1 and there are sidewalks on the lots that abut the property on the north, 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.** The applicant states that they do not believe the sidewalk should be required because:

1. There is a drainage ditch along the south side of Mueller Street and the side slope of the deep ditch intersects the surface right at the right-of-way line.
2. The roadway for that length does not have a curb and gutter and only partially on the opposite of the street.

**Factors weighing against the waiver:**

1. Building the sidewalk on Mueller Street will connect with the sidewalk network at Nandina and link the neighborhood on the north. The new sidewalk will also connect with the tied sidewalk at Mueller.
2. The opposite side of Mueller Street has a sidewalk with curb and gutter.
3. The neighborhood patterns show a combination of tied sidewalks, sidewalks with buffers and sidewalks on the property side of the ditch.
4. Woodlawn Park and a senior center are located approximately 300 feet from the property.

**STAFF RECOMMENDATION:**

Staff recommends **disapproval** of the waiver from the sidewalk construction requirement on Mueller Street

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 Requirement

Exhibit A

PLAT OF

# DRISCOLL VILLAGE

## LOTS 27-37, BLOCK 7

BEING A REPLAT OF BLOCK 7 LOT 28 DRISCOLL VILLAGE AS  
RECORDED IN  
VOLUME 64 PAGE 194 OF MAP RECORDS NUECES COUNTY TEXAS

LOCATION MAP  
SCALE 1"=500'

STATE OF TEXAS §  
COUNTY OF NUECES §

I, KEN TIERNEY, MANAGING MEMBER OF MEK DEVOPS, LLC, HEREBY CERTIFY THAT MEK DEVOPS, LLC, IS THE OWNER OF THE PROPERTY SHOWN HEREON. I HAVE HAD SAID PROPERTY SURVEYED AS SHOWN FOR THE PURPOSES OF DESCRIPTION AND DEDICATION. ALL UTILITY EASEMENTS AND RIGHTS-OF-WAY ARE DEDICATED TO THE PUBLIC FOR THE OPERATION & MAINTENANCE OF PUBLIC STREETS AND UTILITIES.

THIS THE \_\_\_\_ DAY OF \_\_\_\_\_, 2022.

KEN TIERNEY, MANAGING MEMBER OF MEK DEVOPS, LLC

STATE OF TEXAS §  
COUNTY OF NUECES §

THIS INSTRUMENT WAS ACKNOWLEDGED BEFORE ME BY  
KEN TIERNEY, MANAGING MEMBER OF MEK DEVOPS, LLC

THIS THE \_\_\_\_ DAY OF \_\_\_\_\_, 2022.

NOTARY PUBLIC IN AND FOR THE STATE OF 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 \_\_\_\_\_, 2022.

DAN CHIRBLE  
CHAIRMAN

AL RAYMOND A.L.A.  
SECRETARY

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, TO THE BEST OF MY KNOWLEDGE & BELIEF, THIS THE 13th DAY OF APRIL, JUNE.

MURRAY BASS, JR.  
REGISTERED PROFESSIONAL LAND SURVEYOR

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 \_\_\_\_\_, 2022 WITH ITS CERTIFICATE OF AUTHENTICATION, WAS FILED FOR RECORD IN MY OFFICE THE \_\_\_\_ DAY OF \_\_\_\_\_, 2022 AT \_\_\_\_ O'CLOCK \_\_\_\_ M. AND DULY RECORDED THE \_\_\_\_ DAY OF \_\_\_\_\_, 2022 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.

BY: DEPUTY \_\_\_\_\_ KARA SANDS  
COUNTY CLERK  
NUECES COUNTY, TEXAS

**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. BASE OF BEARING IS STATE OF TEXAS, LANDMETER GRID, SOUTH ZONE, HAD 1983, ESTABLISHED BY STATE ORIGINATOR AND GPS SOLUTION BY NGS. ELEVATIONS REFER TO MHD 1985.
3. THIS PROPERTY LIES WITHIN FLOOD ZONE C, AS SHOWN ON FEMA PANEL 485464 0166 C DATED JULY 18, 1985, AND IS NOT WITHIN THE 100 YEAR FLOOD PLAN.
4. THE RECEIVING WATER FOR THE STORMWATER RUNOFF FROM THIS PROPERTY IS THE CORPUS CHRISTI INNER HARBOR. THE TIES HAS CLASSIFIED THE AQUATIC LIFE USE FOR THE CORPUS CHRISTI INNER HARBOR AS "INTERMEDIATE".
5. TOTAL PLATED AREA IS 1.86 ACRES
6. ALL CORNERS SHOWN AS A 5/8" IRON ROD WITH YELLOW CAP STAMPED "BASS & WELSH"

PREPARED BY

**BASS & WELSH ENGINEERING**

CONSULTING ENGINEERS AND SURVEYORS  
3054 SOUTH ALAMEDA STREET 78404  
P.O. BOX 6387 78466-6387  
TELEPHONE: (361) 862-5021  
FACSIMILE: (361) 862-1265  
FIRM REGISTRATION NO. F-52 (ENGINEERING)  
FIRM REGISTRATION NO. 100027-50 (SURVEYING)  
C O R P O R A T E D I N T H E S T A T E O F T E X A S

DRISCOLL VILLAGE LOTS 27-37 BLOCK 7

SHEET 1 OF 1

Exhibit B

MURRAY BASS, JR., P.E., R.P.L.S.  
NIXON M. WELSH, P.E., R.P.L.S.  
www.bass-welsh.com

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**BASS & WELSH ENGINEERING**  
Engineering Firm Reg. No. F-52  
Surveying Firm Reg. No. 100027-00  
P.O. Box 6397  
Corpus Christi, TX 78466-6397  
July 6, 2022

Development Services Engineer  
Department of Development Services  
2406 Leopard St.  
Corpus Christi, TX 78408

Subject: Waiver Request for sidewalk construction, 22PL1105, Driscoll Village, Block 7, Lots 26-36.

Dear Sir,

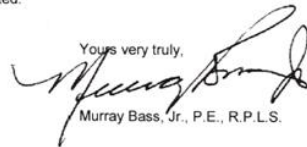
On behalf of our client MEK Devops, LLC, owner of the above referenced property, we would like to request a waiver of the sidewalk construction requirement along Mueller Street.

There is a drainage ditch along the south side of Mueller Street and the side slope of the deep ditch intersects the surface right at the right-of-way line. The roadway for that length does not have curb and gutter and only partially on the opposite of the street.

The waiver application fee has been paid.

Your approval of this request will be greatly appreciated.

Yours very truly,



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

MBJ:mbj

Waiver Request ltr