

AGENDA MEMORANDUM

Planning Commission Meeting of August 10, 2022

DATE: August 10, 2022

TO: Al Raymond, Director of Development Services

FROM: Sergio Luna, Engineer II, Development Services
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(361) 826-3568

Kingsley Heights

Request for a plat waiver for Off-Road Multi-Use Trail and One Way Cycle Track Construction in Section 3.8.3.C of the Unified Development Code

BACKGROUND:

We, Govind Development LLC, on behalf of Next Sports LLC owner of the referenced property, would like to request waivers of the plat requirements to the Off-Road Multi-Use Trail and One Way Cycle Track Construction.

The subject property, known as the proposed **Kingsley Heights** (46.19 acres +/-), located west of Cliff Maus Drive. The property is divided through the middle by Old Brownsville Rd. The land is zoned "CG-2" and "CN-1" District. The original subdivision (Vol A Page 53) was approved by the Commissioners Court of Nueces County and recorded in 1908. The City of Corpus Christi annexed the area in 1954.

The waiver request is for the construction of 3,240' of an Off-Road Multi-Use Trail running along with the ditch on the left side of the property and the construction of 700' of a One-Way Cycle Track running along the south side of the lot.

STAFF ANALYSIS and FINDINGS:

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 as they relate to:

- a. The City's future streets, sidewalks, alleys, public open space and other public improvements; and
- b. The extension of the City limits or the extension, improvement or widening of its roads, taking into account access to and extension of water, storm water and wastewater mains and the instrumentalities of public utilities.

UDC Section 8.1.3.A states that all infrastructure and public improvements shall be designed and installed in accordance with the Comprehensive Plans and applicable area development and master plans.

UDC Section 8.1.4: During platting the “developer shall provide:

- A. Streets, including but not limited to pavement, curb and gutter, sidewalks, roadside ditches, hike and bike trails....”

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.

Factors in Support of the waiver request

The applicant states that they do not believe the construction of 3,240’ of an Off-Road Multi-Use Trail and 700’ of a One-Way Cycle Track should be required for the following reasons:

1. Regarding the Off-Road Multi-Use Trail along the existing drainage ditch, the berm on the east side of the existing ditch and which lies within the existing 90 -foot wide drainage easement is the only means by which maintenance is done on the ditch and will not accommodate a trail.
2. In addition, the length of the existing ditch is minimal and would allow continuity to the trail within the immediate area.
3. The location of the proposed project is not an intensely pedestrian area and is more vehicular oriented.
4. Regarding the One-Way Cycle Track, the request would maintain only a small portion of street with such bicycle track facilities since the area does not presently have such facilities anywhere and the area is not accommodating to bicycle traffic and does not exhibit even a small amount of bicycle traffic.
5. Finally, the area does not have the room to accommodate either of the two facilities and would be a costly endeavor and undue financial burden to the landowner to accomplish. And endeavor that would lend itself more to a bond issue type project.

Factors weighing against the waiver request

1. 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.

2. The Off-Road Multi-Use Trail and the One-Way Cycle Track are clearly defined on the Bicycle Mobility Plan. Not building these tracks will remove the connectivity of bicycle network and future construction of three quarters of a mile that are part of the trail.
3. Building these tracks will promote future pedestrian and bicycle traffic as the area develops. A sports complex and hotel are proposed. These uses would generate pedestrian and bicycle traffic. The proposed trail and track would link to West Oso High School and the adjacent neighborhood north of Bear Lane, and Westhaven Park and adjacent La Molina neighborhoods east of Cliff Maus Dr. There is an existing crosswalk across Cliff Maus Dr. from Rockford Dr. to Westhaven Park.
4. There are two bus stops on Bear Lane which support pedestrian and bicycle intermodal connections in close proximity to the Off-Road Multi-Use trail. One bus stop in front of West Oso High School is approximately 371 feet from the proposed off-road multi-use trail and another is 1000 feet to the east of the proposed trail. Each of these stops has 11-17 daily boardings. A third bus stop on Old Brownsville Road is 472 feet from the proposed trail which has 18 – 33 daily boardings.
5. The drainage ditch berm width is approximately 35 feet and is wide enough that permits the building of the Off-Road Multi-Use Trail.
6. Rockford Dr. (a paper street with utilities) is 50 ft. in width by 600 ft in length and would need to be constructed with the final plat in Phase II of the development. This would require additional dedication of 12 feet of ROW to accommodate the One-Way Cycle Track. The street segment is short and dead ends at the drainage. Staff recommends, in lieu of construction of Rockford Dr. and the One-Way Cycle Track, that the Off-Road Multi-Use Trail be continued within the Rockford Dr. ROW to connect the trail along the ditch to Claud Maus Dr. This would result in cost savings in not constructing a full road section yet providing pedestrian/bicycle access meeting the intent of the Mobility Plan.

STAFF RECOMMENDATION:

Staff recommends

- **Disapproval of the waiver** request for the construction of Off-Road Multi-Use Trail and
- **Approval of the waiver request for the construction of One-way cycle track (both sides) with the condition that an Off-Road Multi-Use Trail be constructed instead, and the street construction of Rockford Dr. be waived.**

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

Exhibit A

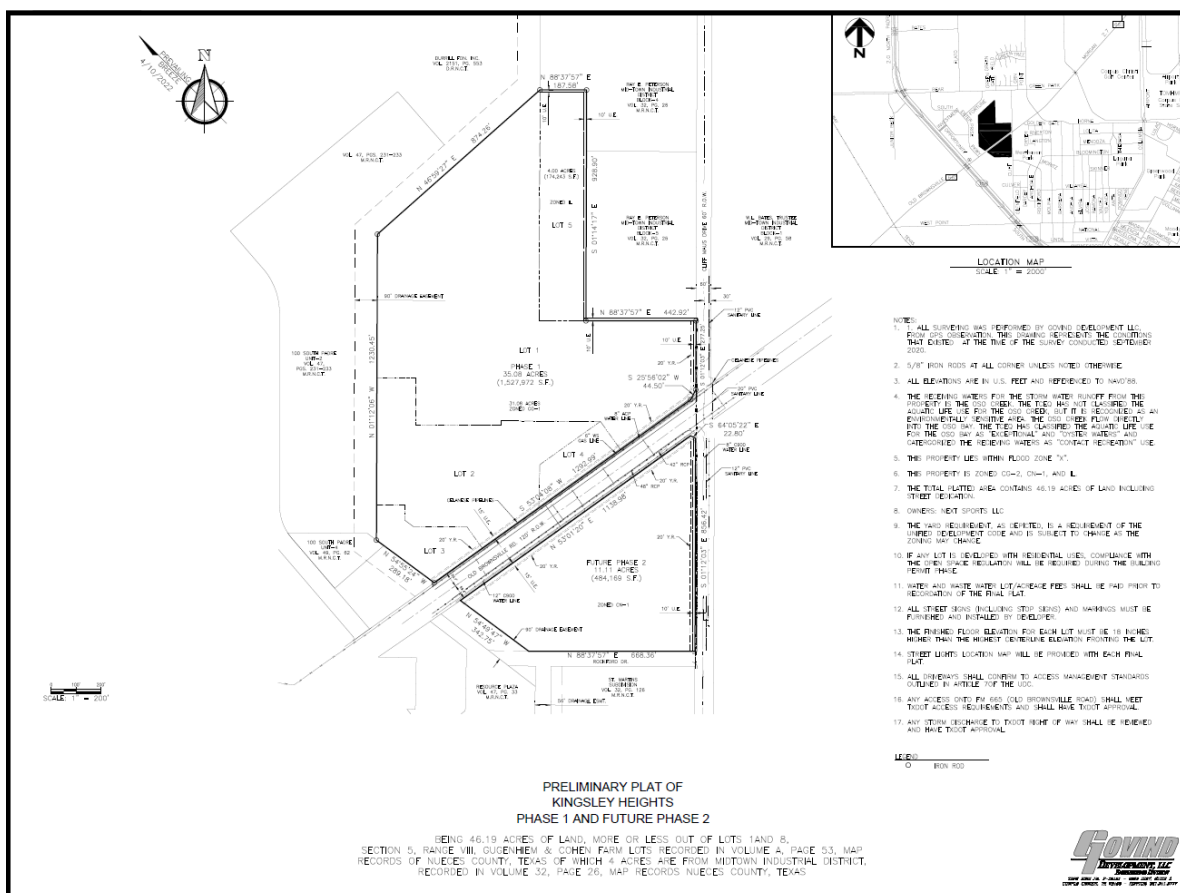


Exhibit B



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20KIN0085

June 20, 2022

Plat Applications
City of Corpus Christi
Corpus Christi, Texas

**RE: REQUEST FOR WAIVER ON BICYCLE MOBILITY PLAN FOR KINGSLEY HEIGHTS
PLAT APPLICATION**

As per comments by Planning/ESI on our plat application for Kingsley Heights, we're being ask to provide an Off-Road Multi-Use Trail along the existing drainage ditch on the west side of the proposed project and a One-Way Cycle Track being a bikeway on both sides of the existing streets physically separated from the vehicular traffic.

We are hereby requesting a waiver on these two requests for the following reasons.

1. Regarding the Off-Road Multi-Use Trail along the existing drainage ditch, the berm on the east side of the existing ditch and which lies withing the existing 90 foot wide drainage easement is the only means by which maintenance is done on the ditch and will not accommodate a trail.
2. In addition, the length of the existing ditch is minimal and would not provide any beneficial purpose to the area since there is no existing trail that would allow continuity to the trail within the immediate area.
3. The location of the proposed project is not an intensely pedestrian area and is more vehicular oriented.
4. Regarding the One-Way Cycle Track, the request would maintain only a small portion of street with such bicycle track facilities since the area does not presently have such facilities anywhere and the area is not accommodating to bicycle traffic and does not exhibit even a small amount of bicycle traffic.
5. Finally, the area does not have the room to accommodate either of the two facilities and would be a costly endeavor and undue financial burden to the landowner to accomplish. An endeavor that would lend itself more to a bond issue type project.

We ask that a waiver be granted based on the above reasons and we appreciate your consideration.

Sincerely,
GOVIND DEVELOPMENT, LLC

George Rubalcaba, RPLS, LSLS, P.E.