

AGENDA MEMORANDUM

Planning Commission Meeting of September 7, 2022

DATE: September 7, 2022

TO: Al Raymond, Director of Development Services

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

Bayside Acres Block 1, Lot 2R

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, Brister Surveying Inc., on behalf of James H. Danglade, owner 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 **Bayside Acres Block 1, Lot 2R** (.210 acres +/-), is located west of Sweet Bay Drive and south of Yorktown Boulevard. The land for Bayside Acres Block 1, Lot 2R is zoned "CN-1". The original subdivision (Vol 15 Page 31) was approved by Nueces County and recorded in 1953.

The proposed Lot 2R is currently undeveloped with no existing structures. There is an existing 6" waterline and gas line that run along Sweet Bay Drive, outside of the property.

The sidewalk waiver is for 75' of sidewalk running along Sweet Bay Drive.

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.
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.

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 property fronts on a street that is listed on the MobilityCCPlan and as a Collector 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. There are currently no adjacent sidewalks along Sweet Bay Drive to connect to.
- 2. There are open ditches along the right of way of Sweet Bay Drive which would make it unsafe for pedestrians to use sidewalk.
- 3. There are no bus stops located along Sweet Bay Drive.
- 4. Waiver of sidewalk will not be detrimental to the public health, safety, or general welfare.
- 5. Waiver of sidewalk will not affect the adjacent property in a manner to restrict or render unfeasible.

Factors weighing against the waiver:

- 1. Yorktown is designated a C2 Collector in the Urban Transportation Plan (UTP) and is located approximately 190' north of the subject property.
- 2. Plan CC's vision for transportation and mobility for the community calls for connected networks of good streets and sidewalks and safe bicycle routes.
 - a. There is currently approximately 2,600 linear feet of existing sidewalk along Holland Drive, located to the west of this property and over 6,000 linear feet of sidewalk located throughout the adjacent subdivision to the east.

STAFF RECOMMENDATION:

Staff recommends **approval** of the waiver from the sidewalk construction requirement on Sweet Bay Drive. This is a developed block with no existing sidewalks to connect to, nor bus stops. Furthermore, the open ditches along this street create an unsafe condition for the use of a sidewalk, meaning the street would be safer without the installation of this sidewalk.

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

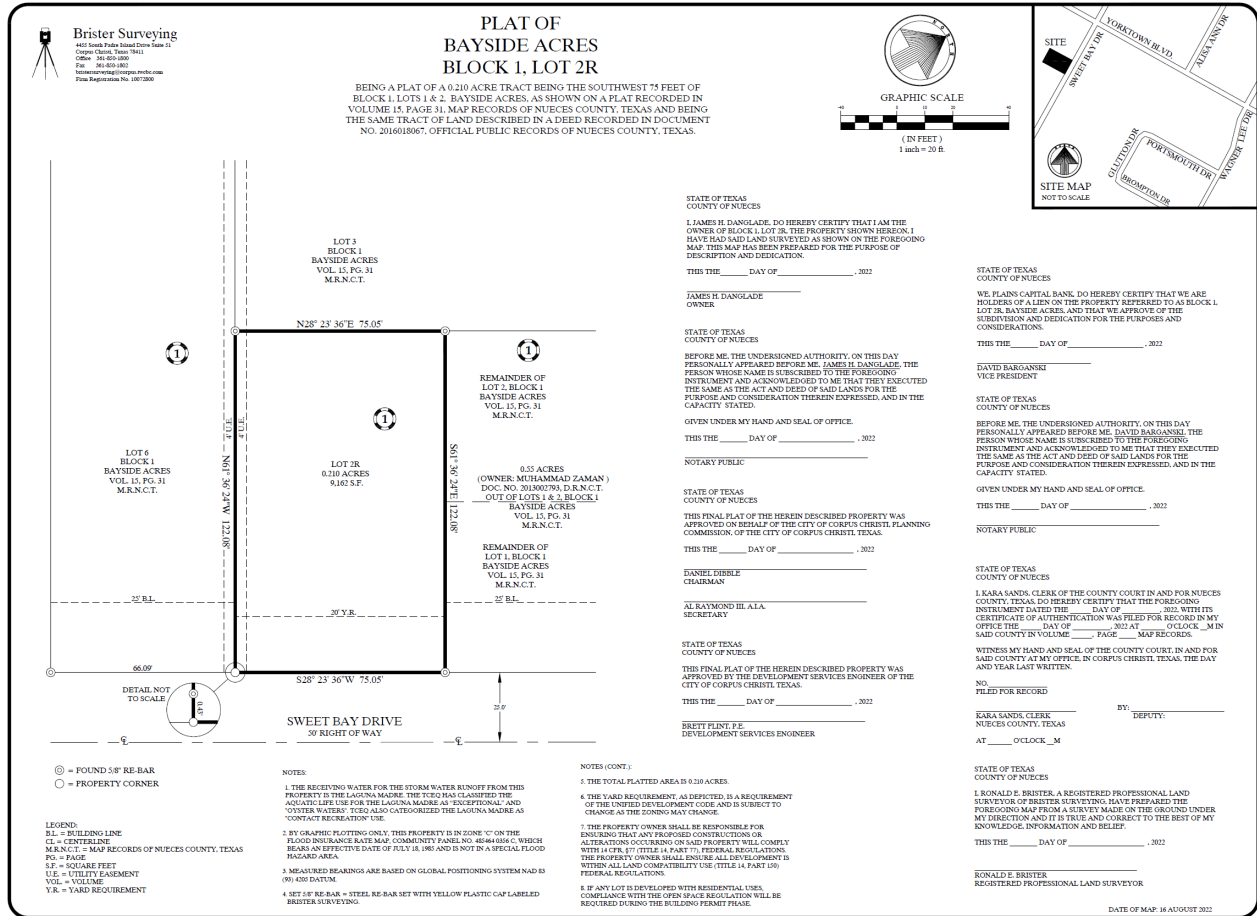


Exhibit B

Brister Surveying Inc.

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Corpus Christi, Texas 78411
(361) 850-1800
bristersurveying@corpus.twcbc.com
Firm Registration No. 10072800

August 16, 2022

To whom it may concern,

On behalf of our client James H. Dangle, we would like to request a waiver of the sidewalk construction requirement per City of Corpus Christi Development Code (UDC) Section 8.1.4.A, Section 8.1.12.E.3 and Section 8.2.2 along Sweet Bay Drive for the final plat of Block 1, Lot 2R, Bayside Acres, and also part of what is known as 349 Yorktown Boulevard. A few of the reasons why we feel it is unnecessary for the construction of a sidewalk are as follows:

- There are currently no adjacent sidewalks along Sweet Bay Drive to connect to.
- There are open ditches along the right of way of Sweet Bay Drive which would make it unsafe for pedestrians to use sidewalk.
- There are no bus stops located along Sweet Bay Drive.
- Waiver of sidewalk will not be detrimental to the public health, safety, or general welfare.
- Waiver of sidewalk will not affect the adjacent property in a manner to restrict or render unfeasible.

Thank you,



Mike Collier
Brister Surveying, Inc.