

## AGENDA MEMORANDUM

Planning Commission Meeting of January 11, 2023

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**DATE:** January 11, 2023

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

**FROM:** Bria A. Whitmire, Engineer V, Development Services  
briaaw@cctexas.com  
(361) 826-3268

### **SMT Corpus**

Request for a plat waiver for the wastewater infrastructure requirements  
in Sections 3.30.1.A, 3.30.2.C, 8.1.4 and 8.2.7 of the Unified Development Code

### **BACKGROUND:**

I, James Leabman, on behalf of SMT Energy owner of the referenced property, would like to request waiver for the construction of the wastewater line.

The subject property, known as the proposed **SMT Corpus** (6.881 acres +/-), located south of Holly Road. The land is zoned "IL" District. The original subdivision (Vol 7 Page 16) was approved by the Commissioners Court of Nueces County and recorded in 1940. The City of Corpus Christi annexed the area in 1962. Holly Road is not on the wastewater Master Plan.

The current lot is vacant, and water and stormwater lines are running in front of the property but there is no wastewater line.

**The waiver request** is for the construction of the wastewater line from the closest manhole to the east edge of the property to meet the UDC plat requirements. The distance for the wastewater line is approximately 200 feet, which would require a total of 450 feet to include the full frontage.

### **STAFF ANALYSIS and FINDINGS:**

UDC Section 3.30.1.A, 3.30.2.C, 8.1.4 and 8.2.7 requires construction of a wastewater line as part of the platting process as long there is an existing collection line of adequate capacity within 1,000 ft. of the property.

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 for the construction of the wastewater infrastructure**

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.
4. The granting of the waiver would not substantially conflict with the Comprehensive Plan and the purposes of this Unified Development Code.
5. This project is a utility only and will have no facilities onsite, thus no need a septic system or wastewater connectivity going forward. All other surrounding properties are already connected to the City's wastewater system.

### **Factors weighing against the waiver request for the construction of wastewater infrastructure**

1. Wastewater service is reasonably accessible for this area as the nearest wastewater connectivity is around 200 feet away, which would be a 450 foot installation to include the full frontage. Per UDC section 8.2.7.d.ii:

*"Collection Lines of adequate capacity to service the proposed development are within 1,000 feet of the subdivision and can be extended in accordance with Subsection 8.2.7.A of this Code."*

2. Similar case: AT&T utility site without onsite facilities built the required wastewater infrastructure per the UDC without going through the waiver process.

**STAFF RECOMMENDATION:**

Staff recommends **approval of the waiver** request for the construction wastewater line to meet UDC plat requirements.

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:**

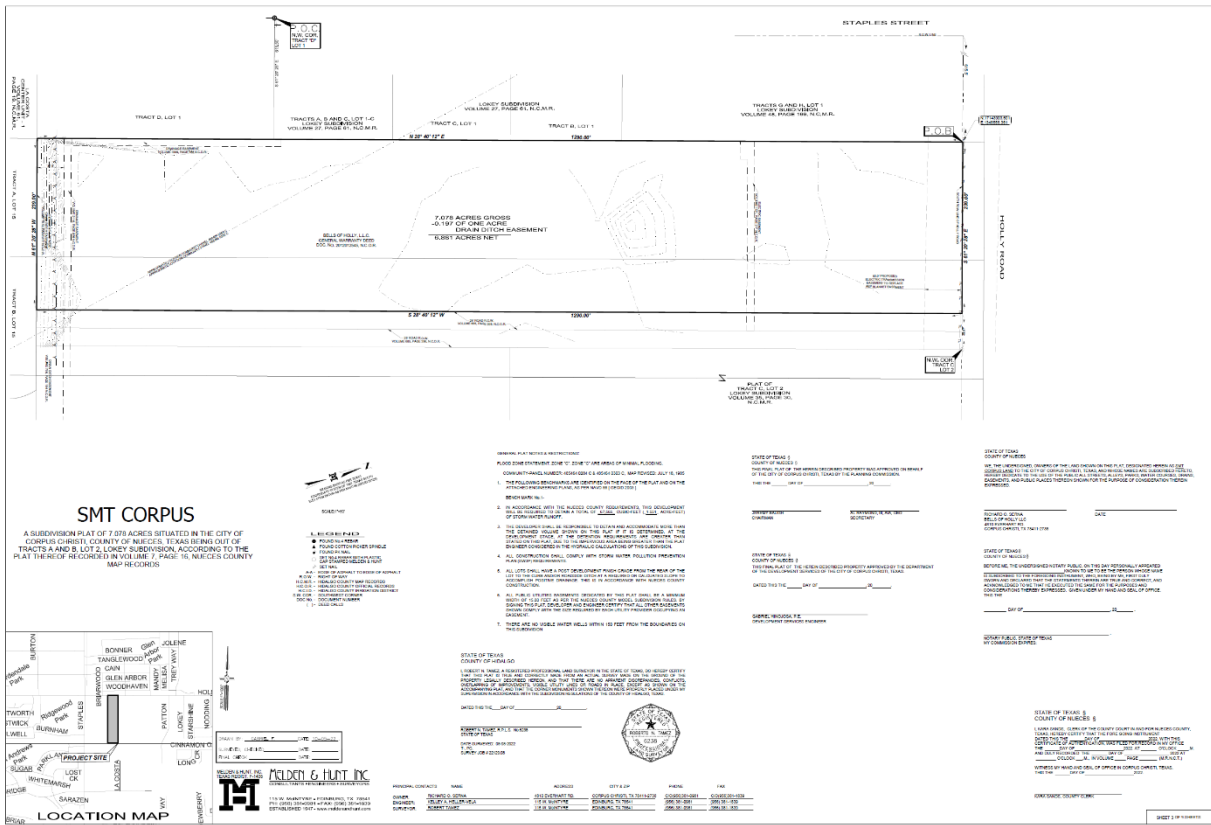
Exhibit A – Final Plat

Exhibit B – Waiver Request Letter

Exhibit C – Cost Estimate

Exhibit D – PowerPoint Presentation-Waiver from Wastewater, Street and Public Improvements  
Sidewalk Requirement

Exhibit A



## Exhibit B



December 20, 2022

**Submitted by:**

James Leabman  
Director of Development, SMT Energy  
Phone: 781.801.2317  
Email: [James@smtenergy.com](mailto:James@smtenergy.com)

**Submitted to:**

Mr. Mark Zans  
City Planner, Corpus Christi  
Phone: 361.826.3553  
Email: [MarkZ2@cctexas.com](mailto:MarkZ2@cctexas.com)

**Re: 22PL1166 SMT Corpus LLC - Standalone Energy Storage Project – Plat Wastewater Waiver**

Mr. Zans,

I am writing to formally request a waiver of subdivision requirements specified by the Corpus Christi, Texas Unified Development Code ("UDC"). Specifically, SMT Energy requests a waiver of requirements under UDC 8.2.7 in accordance with UDC 3.8.3.D. Because the proposed development has zero wastewater needs, the waiving of requirements under UDC 8.2.7 will not be detrimental to public health, safety or general welfare.

UDC 3.8.3.D lists the following conditions determining the validity of a waiver request for a Preliminary Plat:

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

SMT Energy's request meets these conditions for the following reasons:

The requested waiver meets **condition 1** because the proposed use is an unmanned battery energy storage system with zero wastewater discharge. Therefore, waiving requirements under UDC 8.2.7 will not be detrimental to public health, safety or general welfare, or be injurious to other property in the area.



The requested waiver meets **condition 2** because it solely pertains to case 22PL1166

The requested waiver meets **condition 4** because it would not conflict with the Comprehensive Plan or the purposes of the UDC in any way. UDC 1.2.1 states that [its purpose is] "*to improve and protect the public health, safety, and welfare.*" As an unmanned use, the facility would not discharge wastewater. Therefore, waiving the wastewater requirement would not pose any danger to public health, safety, or welfare.

Thank you for your consideration.

Sincerely,  
James Leabman

## Exhibit C



### Exhibit A – Wastewater Connection Path and Budget

The proposed wastewater connection path would consist of 250 feet of subgrade construction, would originate from the northwest corner of the site and terminate at the wastewater manhole on the south side of Holly Road. The expected construction budget is \$100,000 due to significant excavation required and does not include ongoing maintenance requirements. Please see the map below for more details.

