



AGENDA MEMORANDUM

Planning Commission Meeting of May 13, 2020

DATE: Mary 7, 2020

TO: Al Raymond, Director of Development Services

FROM: Jalal Saleh, Engineer III, Development Services
JalalS@cctexas.com
(361) 826-3568

Don Patricio, Block F, Lot 47R (Final Plat)

Request for a Plat Waiver for construction to the Street Right-of-Way Dimensional Standards in Section 8.2.1.B

BACKGROUND:

Munoz Engineering, LLC., on behalf of Jeffrey Ryan Kraus, property owners, submitted a request for a waiver of the plat requirement to construct streets according to the Local Street Standards in Section 8.2.1.B of the Unified Development Code (UDC). The plat (Don Patricio, Block F, Lot 47R) will provide an additional 5-foot dedication to meet the standard 50-foot right-of-way width for Poplar Street. Currently, Poplar Street does not exist and is considered a "Paper Street". The original subdivision plat was approved by the Nueces County Commissioners and recorded in 1941. The plat provided street dedication for the layout of the subdivision, but many streets were ultimately not completed and constructed by the developer. The City of Corpus Christi annexed this area in 1961. There have been numerous city projects that have provided street and utility construction for blocks west of Poplar Street.

The subject property, known as the proposed Don Patricio, Block F, Lot 47R, Final Plat (0.92 acres +/-), is in Flour Bluff, located on the west side of Waldron Road, south of Don Patricio Road. The land is zoned "RS-6" Single-Family 6 District. The site is not within in an AICUZ zone and is currently vacant. The owner proposes to develop a single-family home on a .92-acre lot.

STAFF ANALYSIS and FINDINGS:

UDC Sections 8.1.4 and 8.2.1 require construction of streets as part of the platting process.

Section 3.8.3.D of the UDC provides factors to consider plat waivers, and states that the need for the waiver shall be demonstrated to the Planning Commission's satisfaction. 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 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. The applicant states that they do not believe the street with curb, gutter and sidewalk should be required because:

1. The proposed street is considered a “Paper Street” since the plat of the subdivision that indicates Poplar Street was filed and recorded on May 10, 1941.
2. The adjacent properties to this “Paper Street” have and are being developed as large tract single-family lots and are not requiring access from Poplar Street.
3. The street would be a dead-end street that would not be extended, of which is evident since the proposed street was platted 79-years ago and has not been constructed.
4. The area is not located along an existing or foreseeably planned CCRTA service route.
5. The Comprehensive Plan will not be substantially affected.
6. Not providing the street will not be a detrimental to the public health, safety, or general welfare within or adjacent to the subdivision.
7. The property is not along a road on the Mobility Plan or ADA Master Plan.

Factors weighing against the waiver and in support of requiring street:

1. The property is in the “RS-6” Single-Family 6 District and is a corner lot from which a street and sidewalk network can be continued for future development of single-family homes down Poplar Street. The crossroad is Don Patricio Road, designated as Collector street on the Urban Transportation Plan (UTP). The property is less than a half-mile from an existing Arterial Road (Waldron Road).
2. The approval of the requested waiver will put extra burden on the additional lots which must have access to Poplar, they will end up constructing more of Poplar Street than their fair share.

STAFF RECOMMENDATION:

Staff recommends denial of the waiver from construction of Poplar Street to the Local Street Standards in Section 8.2.1.B. of the Unified Development Code (UDC). The Planning Commission may choose to follow or decline Staff’s recommendation, and Planning Commission may approve, approve with conditions, or deny the waiver request.

Exhibit A



Exhibit B



MUNOZ ENGINEERING

Practical Engineering Solutions

May 5, 2020

Andrew Dimas, Senior City Planner
City of Corpus Christi – Development Services Department
2406 Leopard Street
Corpus Christi, Texas 78408

**RE: DON PATRICIO, BLOCK F, LOT 47R
REQUEST FOR A PLAT WAIVER FOR THE STREET CONSTRUCTION**

Dear Mr. Dimas,

On behalf of our Client, Jeffrey Kraus, we hereby request for a waiver for required improvements for street construction as required per City of Corpus Christi Unified Development Code (UDC) Article 8, Section 8.1.3 and Section 8.1.4 for the construction of Popular Avenue. We request the waiver per the following reasons:

1. The proposed street is considered a "Paper Street" since the plat of the subdivision that indicates Popular Street was filed and recorded on May 10, 1941.
2. The adjacent properties to this "Paper Street" have and are being developed as large tract single-family lots and are not requiring access from Popular Street.
3. The street would be a dead-end street that would be not be extended, of which is evident since the proposed street was platted 79-years ago and has not been constructed.
4. The area is not located on any transit stops.
5. The comprehensive plan will not be substantially affected.
6. Not providing the street will not be detrimental to the public health, safety, or general welfare within or adjacent to the subdivision.

This waiver therefore will require no street construction as the streets that are required for the development have been constructed and there are no additional streets required as part of the Urban Transportation Plan.

Please feel free to contact us if you have any comments or questions.

Sincerely,
Munoz Engineering, LLC

Thomas Tiffin, PE
Project Manager