

AGENDA MEMORANDUM
Planning Commission Meeting of January 6, 2021

DATE: December 22, 2020
TO: Al Raymond, Director of Development Services
FROM: Mark Orozco, Engineering Associate, Development Services
MarkOr@cctexas.com
(361) 826-3921

Flour Bluff Gardens, Block 4, Lot 15R (Replat)
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:

Urban Engineering, on behalf of Joshua L. Gonzales, property owner, submitted a request for 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 Flour Bluff Gardens, Block 4, Lot 15R, Replat (0.53 acres +/-), is in Flour Bluff, located on the west side of Waldron Road, north of Don Patricio Road. The land is zoned "RS-6" Single-Family 6 District. The original subdivision plat was approved by the Nueces County Commissioners and recorded in 1947. The City of Corpus Christi annexed this area in 1961. The property is located at the intersection of Don Patricio Road, a collector on the Urban Transportation Plan and Dove Lane, a "paper" street.

The site is not within in an AICUZ zone and is currently vacant. The owner proposes to develop a single-family home on a .53-acre lot.

On December 9, 2020, Planning Commission approved a waiver from the requirement to construct Dove Lane and associated sidewalk and approved the plat. This request is to waive construction of a sidewalk on Don Patricio Road.

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.1-4, that a waiver *may* be granted, in accordance with the waiver procedure in Section 3.8.3.D., but only if certain conditions exist:

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.

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.
3. Sidewalks shall not be required for residential subdivisions in the Farm-Rural and Residential Estate zoning districts.
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 and approved by the Assistant City Manager of Development Services.

None of the enumerated conditions in UDC 8.2.2.B.1-4 for a sidewalk waiver exist on this subject property.

In any event, 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 sidewalk should be required because:

1. No current sidewalk network exists along Don Patricio Road. The subdivision was approved with a rural street section containing ditches. The nearest existing sidewalk is at an east intersection with Waldron Road.
2. On December 9th, 2020 the Planning Commission granted a waiver request, associated with this project, from construction of Dove Lane and associated improvements which included sidewalk.
3. The property is not located along an existing or foreseeably planned CCRTA fixed route service.
4. Waiver of sidewalk will not be detrimental to the public health, safety, or general welfare, and adjacent property will not be restricted or rendered unfeasible.

5. The Comprehensive Plan will not be substantially affected.

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.
2. Within residential subdivisions, sidewalks having a width of not less than 4-feet and thickness of not less than 4” shall be required on streets that are in the Urban Transportation Plan as Arterials and Collectors. Don Patricio Road is a Collector street.

STAFF RECOMMENDATION:

Staff recommends approval of the waiver from the sidewalk construction requirement.

Planning Commission may choose to follow or decline Staff’s recommendation, and Planning Commission may approve, approve with conditions, or deny the waiver request.

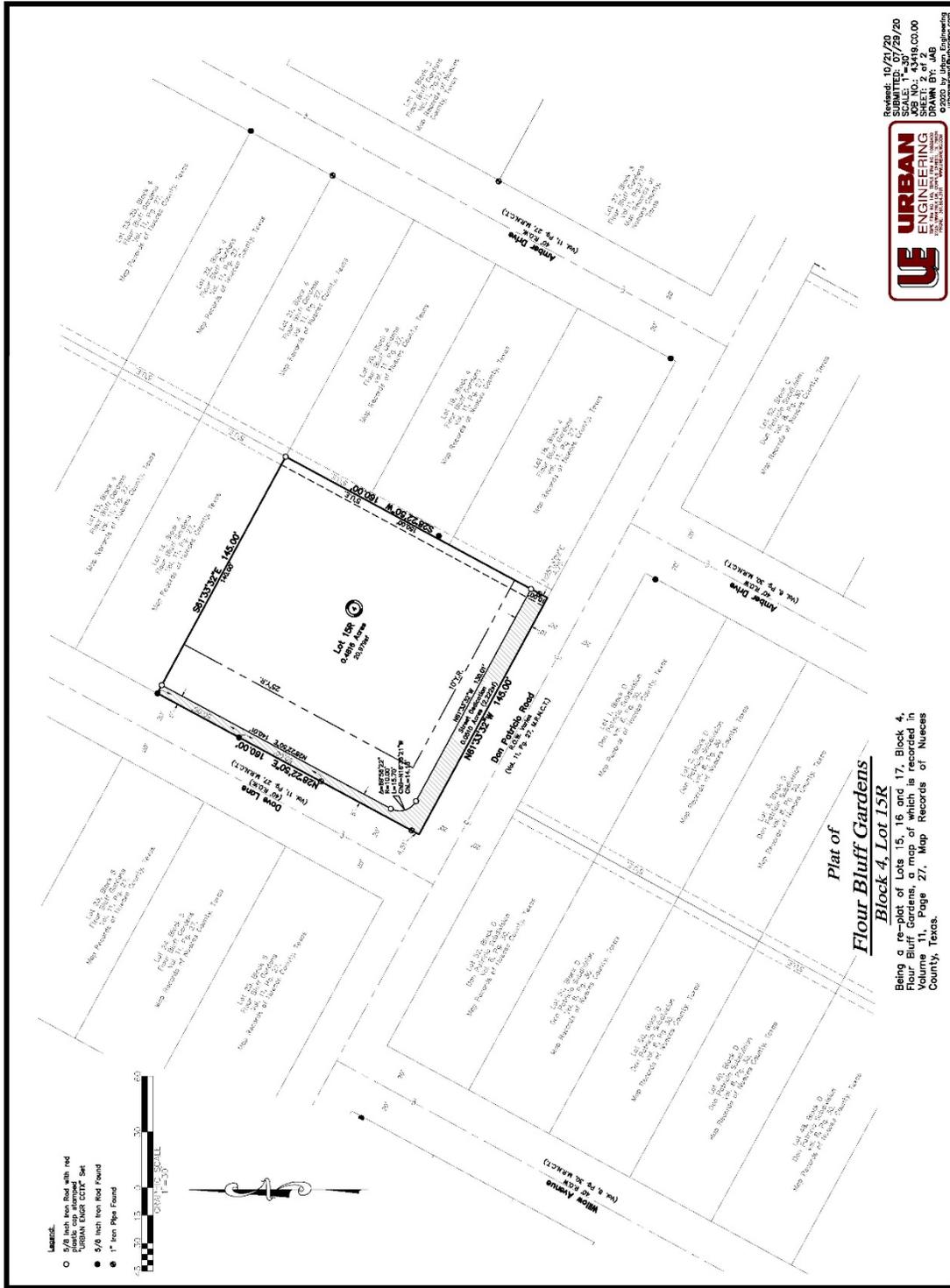
LIST OF SUPPORTING DOCUMENTS:

Exhibit A – Final Plat

Exhibit B – Waiver Request Letter

PowerPoint Presentation-Waiver from Sidewalk Requirement

Exhibit A



Prepared: 10/01/20
 SUBMITTED: 07/23/20
 SCALE: 1"=30'
 SHEET: 2 of 2
 DRAWN BY: JAB
 CHECKED BY: JAB
 PROJECT: 15R



Being a re-plot of Lots 15, 16 and 17, Block 4,
 Flour Bluff Gardens, a map of which is recorded in
 Volume 11, Page 27, Map Records of Nueces
 County, Texas.

Exhibit B



Job No. 43419.C0.00

December 21, 2020

Mr. Andrew Dimas, Senior City Planner
Development Services, City of Corpus Christi
2406 Leopard
Corpus Christi, TX 78408

Subject: Flour Bluff Gardens, Block 4, Lot 15R (Re-Plat)

Mr. Dimas

We, Urban Engineering, on behalf of Joshua L. Gonzales, hereby request a waiver for the required sidewalk construction along Don Patricio Road, as part of the plat review of the subject property. As allowed under Section 3.8.3.D of the Unified Development Code (UDC), we are requesting a waiver to Sections 8.1.3 and 8.1.4 based on the following reasons:

- The granting of the waiver is not detrimental to the public health, safety or general welfare, nor is it injurious to other property in the area, or to the City in administering the UDC.
- The granting of the waiver would not substantially conflict with the Comprehensive Plan or the purposes of the UDC.
- There are no existing sidewalks anywhere in the vicinity of the subject property and therefore constructing a sidewalk would have no connectivity and would serve no purpose.
- On December 9th, 2020, the Planning Commission granted a waiver request, associated with this project, from construction of Dove Lane and associated improvements which included sidewalk.

Thank You,

A handwritten signature in blue ink, appearing to read 'Xavier Galvan', written in a cursive style.

Xavier Galvan