



## **AGENDA MEMORANDUM**

Planning Commission Meeting of March 31, 2021

**DATE:** March 22, 2021

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

**FROM:** Mark Orozco, Engineering Associate, Development Services  
MarkOr@cctexas.com  
(361) 826-3921

**Gateway Park, Block 5, Lots 16A, 16B, 16C, 17A and 17B (Final 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:**

Brister Surveying, on behalf of property owner, Toscana Bay Custom Homes, LLC, 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 Gateway Park, Block 5, Lots 16A, 16B, 16C, 17A and 17B, addressed as 1121 and 1125 O'Connell Street, is located south of South Padre Island Drive and west of Laguna Shores Road. This is a replat subdividing (2) Lots and a portion lot into five (5) lots. The purpose of the plat is to obtain two residential building permits for the purpose of constructing new residential townhomes. The original subdivision was platted in June of 1940 within the jurisdiction of Nueces County. The land was annexed into the City of Corpus Christi in 1961 and is currently zoned "RM-1" Multi-Family 1 District. UDC Section 4.4.3.C allows Townhomes to be built in a Multi-family district using the Townhomes development standards.

### **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 Development Code (UDC).
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 (UDC).

**Factors in Support of the Waiver.** The applicant states that they do not believe sidewalk should be required because:

1. There are currently no adjacent sidewalks along O'Connell Street to connect to.
2. The property is not located along an existing or foreseeably planned CCRTA service route.
3. There are open ditches along the right of way of O'Connell Street, which would make it unsafe for pedestrians to use sidewalk.
4. The waiver of the sidewalk will not be detrimental to the public health, safety, or general welfare.
5. The waiver of the sidewalk will not affect the adjacent property in a manner to restrict or render unfeasible.

**Factors Against the waiver and in support of requiring sidewalk construction:**

1. The property is zoned "RM-1 Multi-Family 6 District from which a sidewalk network can be provided meeting current standards for a residential street.
2. The property is adjacent to Commercial lots and is 145 ft to a Commercial node along South Padre Island Drive.

3. The Commercial node along South Padre Island Drive has a sidewalk network running along the frontage road.

**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 – Waiver Request Letter  
Exhibit B – Final Plat  
PowerPoint Presentation-

***Brister Surveying Inc.***

4455 South Padre Island Dr. #51

Corpus Christi, Texas 78411

(361) 850-1800

[bristersurveying@corpus.txcba.com](mailto:bristersurveying@corpus.txcba.com)

Firm Registration No. 10072800

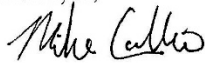
March 9, 2021

Dear Mr. Dimas,

On behalf of our client Toscana Bay Custom Homes, LLC, we would like to request for 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 O'Connell Street for the replat of Block 5, Lots 16, 17, and the south 25' of Miller Street (A.K.A. Gateway Drive), of the Gateway Park Subdivision, also known as 1121 and 1125 O'Connell Street. 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 O'Connell Street to connect to.
- There are no bus stops located along O'Connell Street.
- There are open ditches along the right of way of O'Connell Street which would make it unsafe for pedestrians to use sidewalk.
- 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.

Exhibit A

