



AGENDA MEMORANDUM

Planning Commission Meeting of March 31, 2021

DATE: March 23, 2021

TO: Al Raymond, Director of Development Services

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

Padre Island-Corpus Christi No. 1, Block 29, Lot 5AR (Final)
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:

York Engineering, on behalf of property owner, Isla de Mario, LLC and Cortidal, 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 Padre Island-Corpus Christi No. 1, Block 29, Lot 5A addressed as 14318 Park Road 22 (South Padre Island Drive), is located along the east side or the same roadway. This is a replat combining lots 5A and 6A into lot 5AR. The purpose of the plat is to combine the lots for a mixed-use development. The original subdivision was platted in July of 1950 within the jurisdiction of Nueces County on Padre Island. The land was annexed into the City of Corpus Christi in 1981 and is currently zoned "CR-2" Resort Commercial District with the Island Overlay.

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 is no sidewalk along the frontage on the adjacent lots which are already developed.
2. There is no existing sidewalk network on the same side of Park Road 22 (South Padre Island Drive) anywhere on Padre Island.
3. Park Road 22 has a high-speed limit and is not constructed with curb and gutter to provide a physical barrier between traffic and pedestrians creating potential safety hazards for pedestrians. Pedestrian access in the area, if implemented, should be part of a comprehensive design with pedestrian safety as a focus.
4. The lack of curb and gutter will allow storm water to drain from the roadway across the sidewalk potentially limiting access during storm events.
5. 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.
6. The Comprehensive Plan will not be substantially affected.

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

1. The property is zoned "CR-2" Resort Commercial District with the Island Overlay from which a sidewalk network can be provided meeting current standards for a residential street.
2. There are some undeveloped properties on Park Road 22 in the general area that would provide an opportunity to add portions of a sidewalk network in the future.
3. Park Road 22 is designated as a "A2" Arterial Street according to the Urban Transportation Plan and has both commercial and residential uses along its frontages.
4. The subject property is located approximately 980 feet away from Packery Channel Park Road providing beach access and access to Packery Channel Park.

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-Waiver from Sidewalk Requirement



March 11, 2021

Platting
Development Services Department
City of Corpus Christi
2406 Leopard St, Suite 100
Corpus Christi, Texas 78408

Subject: Padre Island No. 1, Block 29, Lot 5AR

To Whom it May Concern:

The Owner/Developer platting the subject property would like to request a waiver for the required sidewalk construction. The reasons for the request are stated below:

1. There is no sidewalk located in front of the adjacent lots which are already developed. Therefore, it is not likely the sidewalk would be extended in the future unless done so via a larger sidewalk project for the area.
2. The remainder of this side of Park Road 22 does not have sidewalk anywhere on Padre Island. Park Road 22 roadway has a high speed limit and is not constructed with curb and gutter. The lack of curb and gutter creates a safety hazard for pedestrians as there is no protection from vehicles traveling at high rates of speed along the curved roadway. For safety reasons, we believe a sidewalk network for Park Road 22 should be designed as a complete network with the proper safety measures.
3. As there is no curb and gutter, the roadway drains onto the adjacent parkways (greenspace beside paved lanes) with no inlets to receive storm water. So, during rain events, the sidewalk will effectively be located in the waterway.

Please contact me with any questions or concerns you may have.

Sincerely,

Michael C. York, P.E.
President
York Engineering, Inc.

Exhibit B