



AGENDA MEMORANDUM

Planning Commission Meeting of June 23, 2021

DATE: June 14, 2021

TO: Al Raymond, Director of Development Services

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

Countiss Addition, Block 1 Lot 15 (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, Inc., on behalf of property owner, April Luna, 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 Countiss Addition, Block 1 Lot 15 addressed as 12518 Up River Road, is located east of Sharpsburg Road and north of Up River Road. This is a Final plat for 0.67 acres, in which the property has never been part of a previously platted subdivision. The purpose for platting is to obtain a residential building permit for constructing a new residential home. The land was annexed into the City of Corpus Christi in 1962 and is currently zoned "RS-6 Single-family 6 District

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. Section 8.2.C provides that an administrative waiver may be granted under the following conditions:

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, or
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, or
3. The lot is a minimum of 22,000 square feet and zoned Farm Rural or, Residential Estate, or

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, or
5. Sidewalk construction is not required if all the following conditions are met:
 - a. The lot does not front on, and is not adjacent to, a right-of-way, street, alignment, or corridor that is designated on:
 - i. The Urban Transportation Plan (UTP) or Thoroughfare Plan, or has a right-of-way width greater than 50 feet, or
 - ii. the MobilityCCPlan, including the Trails Master Plan (HikeBikeCC) and the ADA Master Plan, or-
 - iii. the Corpus Christi Metropolitan Planning Organization's (MPO) Strategic Plan for Active Mobility, or
 - iv. any other plan that designates sidewalks or active transportation improvements.
 - b. The lot is zoned Farm Rural, Residential Estate or Single-Family Residential RS-4.5, RS-6, RS-10, RS-15, RS-22, or Single Family Residential Two Family (RS-TF).
 - c. There are no existing or planned sidewalks on adjacent lots.
 - d. At least 75% of the block face (lots fronting on the same side of the street as the subject plat) is improved, as measured by the number of lots, or, by the linear footage of the block face, and does not have sidewalks.

None of the enumerated conditions in UDC 8.2.2.B.1-5 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 located in front of the adjacent lots, or in the general area adjacent to Up River Road.

2. The adjacent lots are owned by the City of Corpus Christi. Therefore, it seems unlikely sidewalk would be constructed in the future in front of those lots unless a broad sidewalk construction project is considered for the area.
3. Up River Road in this area is constructed as a rural pavement section with no curb and gutter. Therefore, 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.
4. The property is not in the ADA Master plan or the CC Mobility Plan.

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

1. The property is zoned "RS-6 Single-Family 6 District from which a sidewalk network can be provided meeting current standards for a residential street.
2. Up River Road is a C1 Collector street as per the Urban Transportation Plan with a sidewalk network on both sides on the streets.
3. There is a sidewalk network across the street in the nearby River Bend Estates neighborhood accessing Up River 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-



May 6, 2021

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

Subject: Countiss Addition, Block 1, Lot 15

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, or in the general area adjacent to Up River Rd.
2. The adjacent lots are owned by the City. Therefore, it seems unlikely sidewalk would be constructed in the future in front of those lots unless a broad sidewalk construction project is considered for the area.
3. Up River Road in this area is constructed as a rural pavement section with no curb and gutter. Therefore, 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,

A handwritten signature in blue ink, appearing to read 'Michael C. York', with a stylized flourish at the end.

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

TEXAS GEO TECH
LAND SURVEYING, INC.
26 DALLAS TR. SUITE 1115 S. 53095
CORPUS CHRISTI, TX 78405-9555
(512) 682-0702