



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

Smuggler's Cove PUD (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:

Hanson Professional Services, on behalf of property owner, Ocean Harbor, 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 Smuggler's Cove Planned Unit Development (PUD) addressed as 14805 Windward Drive, is located along the west side of Windward Drive, south of St. Bartholomew Drive, and north of Robla Drive. This is a final plat for 2.13 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 1981 and is currently zoned "RM-AT/IO" Multifamily AT 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. 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 Mobility CC Plan, including the Trails Master Plan (Hike Bike CC) 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 District or Two-Family "RS-TF" District.
 - 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 Windward Drive and none of the developed properties within this portion of Padre Island have sidewalks.
2. 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.
3. Interior sidewalks provide safe access from the parking areas throughout the development.
4. The Comprehensive Plan will not be substantially affected, and the Bicycle Mobility Plan does not show any routes through this property. However, there is a bike lane marked on the pavement along Windward Drive.
5. The adjacent lots are already platted. Therefore, it seems unlikely a sidewalk would be constructed in the future in front of those lots unless a broad sidewalk construction project is considered for the area.

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

1. The property is zoned "RM-AT/IO" Multifamily AT District with the Island Overlay and located at a street corner. A street corner is the ideal place from which a sidewalk network can be provided meeting current standards for a collector street.
2. Both Windward Drive and St. Bartholomew Drive are "C1" Collector Streets as per the Urban Transportation Plan (UTP) with a sidewalk network on both sides on the streets.
3. The subject property is located on North Padre Island and is one of the busiest tourist areas in Corpus Christi. Providing the sidewalk facility is paramount to ensuring pedestrian safety.
4. Both Windward Drive and St. Bartholomew Drive are listed on the Strategic Plan for Mobility.
5. Windward Drive is listed on the ADA Master plan.

STAFF RECOMMENDATION:

Staff recommends denial 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

Exhibit A



June 16, 2021

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

RE: 21PL1043- Smuggler's Cove, PUD: Request for a Plat Waiver of the Sidewalk Construction Requirement

Dear Mr. Dimas:

On behalf of our client Ocean Harbor II, LLC., we hereby request for a plat waiver of the sidewalk construction. We request the waiver per the following reasons:

1. None of the developed properties within this portion of Padre Island have sidewalks.
2. The area is not located on any transit stops or transportation plan.
3. 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.
4. Interior sidewalks provide safe access from the parking areas throughout the development.
5. The Comprehensive Plan will not be substantially affected.
6. The Bicycle Mobility Plan does not show any routes through this property and there is a bike lane marked on the pavement along Windward.

Please feel free to contact us if there are any questions.

Sincerely,
Hanson Professional Services, Inc.

A handwritten signature in blue ink, appearing to read "Craig B. Thompson".

Craig B. Thompson, P.E.
Project Engineer

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