



AGENDA MEMORANDUM

Planning Commission Meeting of October 13, 2021

DATE: October 4, 2021

TO: Al Raymond, Director of Development Services

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

Highway Village Section No 1, Block 3, Lots 2R (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:

York Engineering, on behalf of AK, LLC, 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 Highway Village Section No. 1, Block 3, Lots 2R, Replat (1.24 acres +/-), located east of McKinzie Road and south of Harrington Drive. The land is zoned "CG-2" General Commercial District. The original subdivision plat was approved by the Nueces County Commissioners and recorded in 1948. The City of Corpus Christi annexed this area in 1962. The replatted property will have two frontages. One on Leopard Street, which has a current sidewalk along the frontage, and one on North Harrington Drive. North Harrington Drive is a residential street without a sidewalk and is on the Mobility plan.

The site is not within in the Naval Air Station's AICUZ zone. The owner proposes to replat the (4) four lots into one commercial lot for future development. The current lots are vacant and have existing public Utilities along the frontage and will provide upgraded water public improvements for the Commercial development. This request is to waive construction of a sidewalk on North Harrington Drive.

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, that a waiver *may* be granted, in accordance with the waiver procedure in Section 3.8.3.D:

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;
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

The granting of the waiver would not substantially conflict with the Comprehensive Plan and the purposes of this Unified Development Code.

Further UDC Section 8.2.2.C allows for Administrative Exemptions for sidewalk construction for residential lots that meet certain provisions; however, since the property is zoned Commercial and the property fronts on a street that is listed on the MobilityCCPlan it does not qualify for an exception:

8.2.2.C An administrative exception may be granted to the standard in paragraph 8.2.2.A only when the following conditions are met:

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) of 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.

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. There is no sidewalk 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. North Harrington Drive 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 along the roadway. For safety reasons, we believe a sidewalk network for North Harrington Drive 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) and is conveyed via roadside ditch. Constructing sidewalk in the right-of-way would reduce the capacity of the existing roadside ditches, or would require construction of storm sewer facilities under the sidewalk.

Factors weighing against the waiver:

1. The property is in the "CG-2" General Commercial District and is near an intersection where a Commercial hub is located with a sidewalk network on both sides of McKinzie Road within 100 feet of the property.
2. The property fronting North Harrington Drive (Lot 12R) does not meet the Exemptions in UDC Section 8.2.2.B. 1-4 or in Section 8.2.2.C Administrative Exemptions as the property is a Commercial lot.
3. North Harrington Drive is on the MobilityCCPlan.

STAFF RECOMMENDATION:

Staff recommends approval of the waiver from the sidewalk construction requirement. The depth of the drainage swale would make the construction of a sidewalk impracticable.

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 B



September 14, 2021

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

Subject: Highway Village Section No. 1, Block 3, Lot 2R

To Whom it May Concern:

The Owner/Developer platting the subject property would like to request a waiver for the required sidewalk construction along North Harrington Drive. 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. North Harrington Drive 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 along the roadway. For safety reasons, we believe a sidewalk network for North Harrington Drive 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) and is conveyed via roadside ditch. Constructing sidewalk in the right-of-way would reduce the capacity of the existing roadside ditches, or would require construction of storm sewer facilities under the sidewalk.

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

Sincerely,

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