

## 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

**Flour Bluff Estates No. 2, Block 4, Lots 1A & 1B (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:**

Texas Geo Tech Land Surveying, on behalf of D & K Lighting, Inc., 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 Flour Bluff Estates No. 2, Block 4, Lots 1A & 1B, Replat (0.38 acres +/-), is in Flour Bluff, located south of Webb street and east of Military drive. The land is zoned "RS-6" Single-Family 6 District. The original subdivision plat was approved by the Nueces County Commissioners and recorded in 1941. The City of Corpus Christi annexed this area in 1961. The property is located at the intersection of Webb Street, a residential street, and Military Drive, a residential street on the Mobility Plan.

The site is not within in the Naval Air Station's AICUZ zone. The current lot has a residential home with existing public Utilities. The owner proposes to replat the lot into two lots for an addition residential lot for future development.

Public improvement plans for a Wastewater line to Lot 1B from a manhole within the right of way's intersection has been approved. This request is to waive construction of a sidewalk on Military 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
4. The granting of the waiver would not substantially conflict with the Comprehensive Plan and the purposes of this Unified Development Code.

None of the enumerated conditions in UDC 3.8.3.D for a sidewalk waiver exist on this subject property.

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 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. No current sidewalk network exists along Military Drive or Webb St. The subdivision was approved with a rural street section containing ditches. The nearest existing sidewalk is at an east intersection with NAS Drive.
2. The property is not located along an existing or foreseeably planned CCRTA fixed route service.
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.

**Factors weighing against the waiver:**

1. The property is in the "RS-6" Single-Family 6 District and is a corner lot from which a street and sidewalk network can be continued.
2. The property is approximately 956 feet distance to a commercial area on NAS Dr. which has a sidewalk network on both sides and a bus route.
3. The subdividing of the property to add a new lot affords the opportunity to begin a sidewalk network on a corner lot and the new adjacent lot.

4. The property fronting Military Drive (Lot 1B) does not meet the Exemptions in UDC Section 8.2.2.C Administrative Exemptions as the lot fronts on and is adjacent to a street designated on the MobilityCCPlan.

**STAFF RECOMMENDATION:**

Staff recommends disapproval 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.

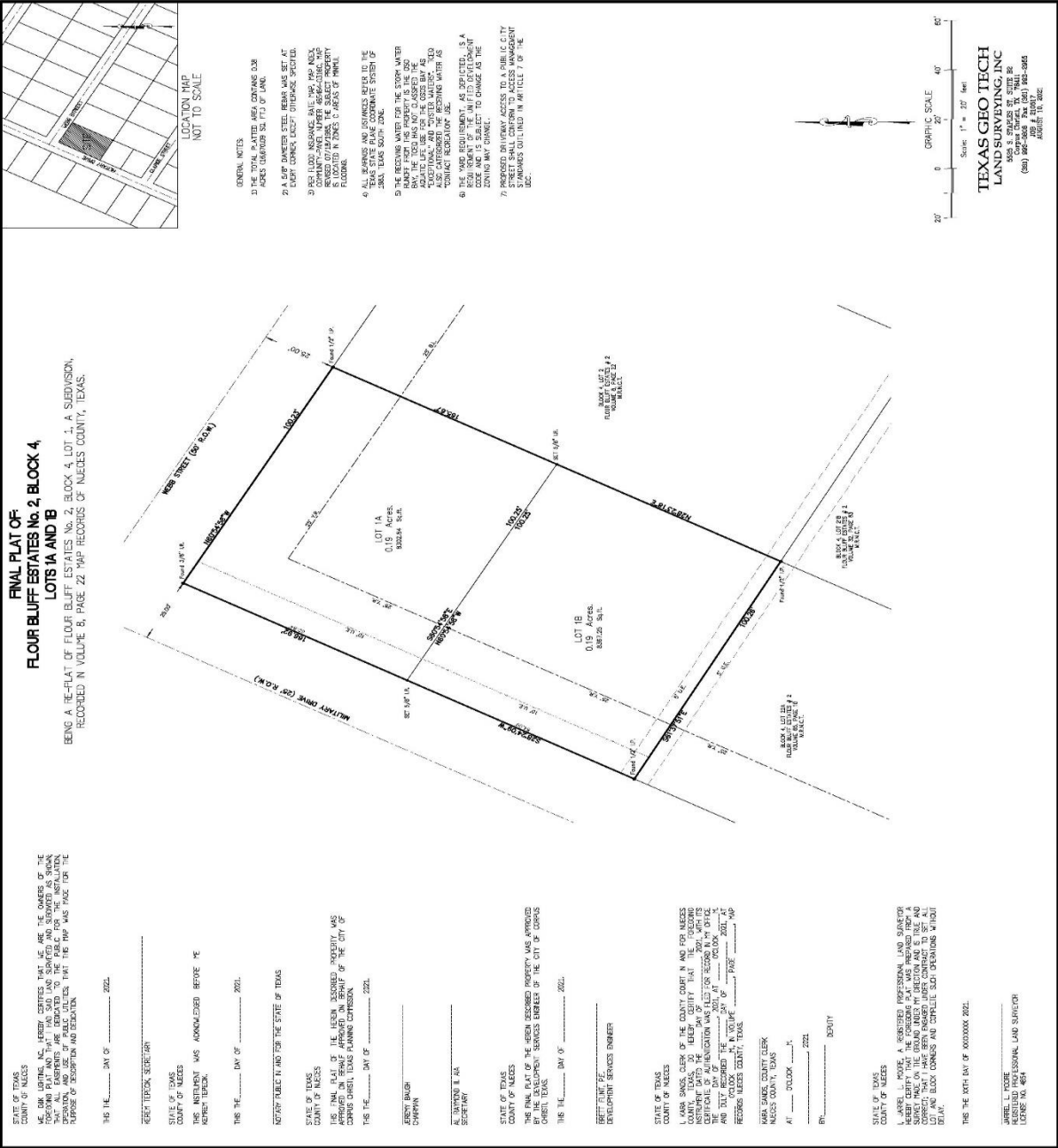
**LIST OF SUPPORTING DOCUMENTS:**

Exhibit A – Final Plat

Exhibit B – Waiver Request Letter

PowerPoint Presentation-Waiver from Sidewalk Requirement

Exhibit A



**FINAL PLAT OF  
FLOUR BLUFF ESTATES No. 2, BLOCK 4,  
LOTS 1A AND 1B**  
BEING A RE-PLAT OF FLOUR BLUFF ESTATES No. 2, BLOCK 4, LOT 1, A SUBDIVISION,  
RECORDED IN VOLUME 8, PAGE 22, MAP RECORDS OF MECKES COUNTY, TEXAS.

STATE OF TEXAS  
COUNTY OF MECKES

I, DAN LUTINSKI, COUNTY CLERK, HEREBY CERTIFY THAT I AM THE OWNER OF THE FOREGOING PLAT AND THAT I HAVE SAID AND SIGNED AND SHOWN AS SUCH TO THE COUNTY CLERK AND TO THE PUBLIC OFFICERS OF THE COUNTY OF MECKES, TEXAS, AND TO THE PUBLIC OFFICERS OF THE CITY OF MECKES, TEXAS, FOR THE PURPOSE OF DESCRIPTION AND REGISTRATION.

THIS IS THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 2021.

ROBERT TERBECK, SECRETARY  
COUNTY OF MECKES

THIS INSTRUMENT WAS ACKNOWLEDGED BEFORE ME  
KATHLEEN TERBECK

THIS IS THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 2021.

NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS

STATE OF TEXAS  
COUNTY OF MECKES

THE FINAL PLAT OF THE HEREIN DESCRIBED PROPERTY WAS APPROVED BY THE BOARD OF COUNTY COMMISSIONERS OF THE CITY OF MECKES, TEXAS, ON \_\_\_\_\_ DAY OF \_\_\_\_\_, 2021.

LENN BLAGH  
CHIEF CLERK

THIS IS THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 2021.

STATE OF TEXAS  
COUNTY OF MECKES

THE FINAL PLAT OF THE HEREIN DESCRIBED PROPERTY WAS APPROVED BY THE BOARD OF COUNTY COMMISSIONERS OF THE CITY OF MECKES, TEXAS, ON \_\_\_\_\_ DAY OF \_\_\_\_\_, 2021.

FRANK J. PETERSON  
DEVELOPMENT SERVICES ENGINEER

STATE OF TEXAS  
COUNTY OF MECKES

I, DANIEL SHANKS, CLERK OF THE COUNTY CLERK IN AND FOR MECKES COUNTY, TEXAS, DO HEREBY CERTIFY THAT THE FOREGOING INSTRUMENT DATED THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 2021, WITH ITS CORRECTIVE INSTRUMENT DATED \_\_\_\_\_, 2021, WAS FILED IN THE PUBLIC RECORDS OF MECKES COUNTY, TEXAS, ON \_\_\_\_\_ DAY OF \_\_\_\_\_, 2021, AT \_\_\_\_\_ O'CLOCK \_\_\_\_\_ M., AND THAT THE SAME IS A TRUE AND CORRECT COPY OF THE ORIGINAL INSTRUMENT AS FILED IN THE PUBLIC RECORDS OF MECKES COUNTY, TEXAS.

MECKES COUNTY CLERK  
MECKES COUNTY, TEXAS

AT \_\_\_\_\_ O'CLOCK \_\_\_\_\_ M.,  
ON \_\_\_\_\_ DAY OF \_\_\_\_\_, 2021.

BY \_\_\_\_\_ DEPUTY

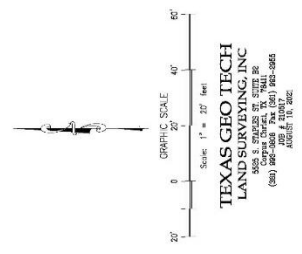
STATE OF TEXAS

I, JARREL L. MOORE, A REGISTERED PROFESSIONAL LAND SURVEYOR, HEREBY CERTIFY THAT I AM THE REGISTERED PROFESSIONAL LAND SURVEYOR WHO HAS PREPARED THE FOREGOING INSTRUMENT AND THAT I HAVE BEEN PROBABLY UNDER CONTRACT TO THE COUNTY OF MECKES, TEXAS, AND THAT I AM A MEMBER OF THE TEXAS SURVEYORS ASSOCIATION.

THIS IS THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 2021.

JARREL L. MOORE  
REGISTERED PROFESSIONAL LAND SURVEYOR  
LICENSE NO. 4584

- GENERAL NOTES
1. THE TOTAL PLAT AREA CONTAINS 0.38 ACRES (167,000 SQ. FT.) OF LAND.
  2. A 10' EASEMENT FOR WATER AND SEWER SERVICE IS SHOWN ON THE PLAT. THE EASEMENT IS 10' WIDE AND 10' DEEP. THE EASEMENT IS LOCATED IN THE CENTER OF THE PLAT.
  3. ALL EASEMENTS AND RIGHTS REFER TO THE TEXAS STATE PLANE COORDINATE SYSTEM OF 1983.
  4. ALL EASEMENTS AND RIGHTS REFER TO THE TEXAS STATE PLANE COORDINATE SYSTEM OF 1983.
  5. THE EASEMENT FOR WATER AND SEWER SERVICE IS 10' WIDE AND 10' DEEP. THE EASEMENT IS LOCATED IN THE CENTER OF THE PLAT.
  6. THE "AS-BUILT" REQUIREMENT, AS SET FORTH IN THE "AS-BUILT" REQUIREMENT, IS SUBJECT TO CHANGE AS THE PROJECT PROGRESSES.
  7. PROPOSED DRIVEWAY ACCESS TO A PUBLIC UTILITY SERVICE SHALL BE SUBJECT TO THE UTILITY SERVICE PROVIDER'S REQUIREMENTS OUTLINED IN ARTICLE 10 OF THE PLAT.



TEXAS GEO TECH  
LAND SURVEYING, INC.  
1500 W. WINDYBROOK DRIVE, SUITE 100  
MECKES COUNTY, TEXAS 75854  
(409) 592-3008 Fax: (409) 592-0888  
AUGUST 11th, 2021

Exhibit B



# Texas GeoTech

LAND SURVEYING, INC.

Mr. Brett Flint, P.E:

We are respectfully requesting on behalf of the owner, D & K LIGHTING, IND., a waiver for the construction of sidewalks. The reason we are asking for the waiver, is because there are no sidewalks on that street.

If you have any questions, please call me at (361) 438-2850 or e-mail me at roberto@texasgeotech.com.

July 20, 2021  
210517.doc



  
Jarrel L. Moore

