

## 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

**Ports O' Call, Block 20, Lots 6A through 6D, 7A through 7D, 12A through 12D, and  
13A through 13A through 13D (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:**

Frontier Surveying Company, on behalf of Corpus Christi Townhomes, 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 Ports O' Call Block 20, Lots 6A through 6D, 7A through 7D, 12A through 12D, and 13A through 13A through 13D, Replat (.81 acres +/-), located west of Gypsy Street between Ports O' Call Drive and Fortuna Bay Drive. The land is zoned "RM-3" Multifamily 3 District. The original subdivision plat was approved by the Planning Commission on behalf of the City of Corpus Christi and recorded in 1972. The City of Corpus Christi annexed this area in 1981. The replatted properties will have two frontages. Frontages are on Ports O' Call Drive and on Fortuna Bay Drive. Both streets are local residential streets.

The site is not within an AICUZ zone. The owner proposes to replat the (4) four lots into (16) sixteen lots for a Townhome development consisting of (4) four buildings with each building having (4) residential units. The townhome development will have shared parking. The current lots are vacant and have existing public Utilities along the frontage. This request is to waive construction of a sidewalks on Ports O' Call Drive and Fortuna Bay 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.

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 Multifamily 3 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. None of the other properties in the neighborhood have sidewalks.
2. There are no sidewalks to connect to.
3. There are no bus stops located along Ports O' Call or Fortuna Bay Drives.

**Factors weighing against the waiver:**

1. The property is in the "RM-3" General Commercial District and will not meet criteria for an exemption to sidewalk construction.
2. The entrance to this peninsula is Gypsy Street which is designated on the MobilityCCPlan as a Bike Route. Construction of a sidewalk will enhance connectivity for the area.
3. Fortuna Bay Drive has a City Park that has an existing sidewalk encompassing the entire park. With construction of a sidewalk along the frontage of Fortuna Bay Drive and use of a crosswalk, access to the park could be easily reached by the residents of the Townhome development.

**STAFF RECOMMENDATION:**

Weighing the factors, 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.

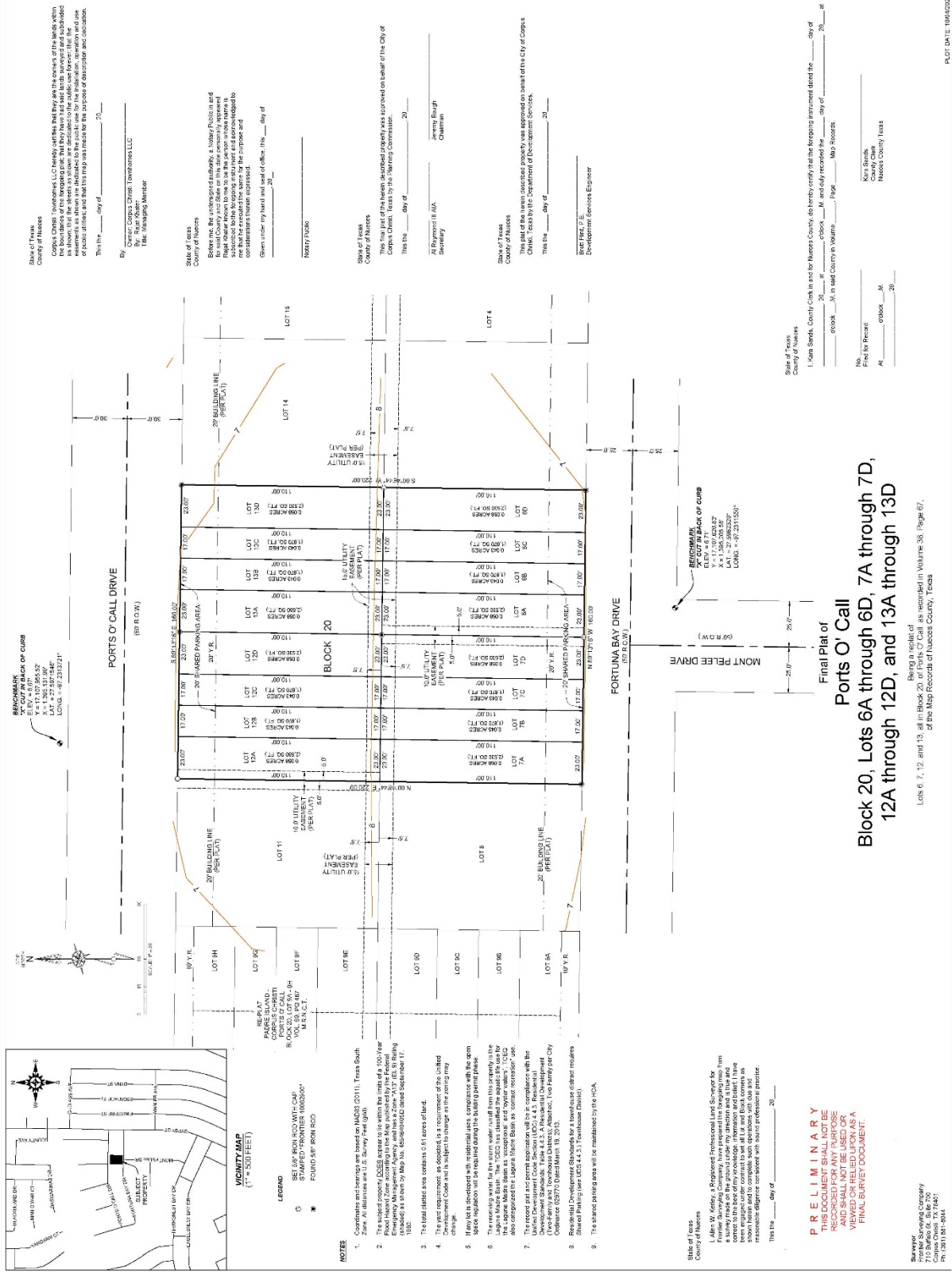
**LIST OF SUPPORTING DOCUMENTS:**

Exhibit A – Final Plat

Exhibit B – Waiver Request Letter

PowerPoint Presentation-Waiver from Sidewalk Requirement

# Exhibit A



PLAT DATE: 10/04/2023

## Exhibit B



710 Buffalo Street, Suite 700  
Corpus Christi, Texas 78401  
361/881-8044  
Fax 361/881-8340

October 4, 2021

City of Corpus Christi  
Development Services

RE: Request for Sidewalk Waiver

Project: 21PL1120 Port's O' Call, Block 20 Lots 6A, 7A through 7D, 12A through 12D and 13 through 13D

On behalf of our client, Frontier Surveying Company would like to request a waiver for sidewalk construction. Reasons we feel the sidewalk is unnecessary include the following:

- None of the other properties in the neighborhood have sidewalks.
- There are no sidewalks to connect to.
- There are no bus stops located along Ports' O Call or Fortuna Bay.

Sincerely,

A handwritten signature in cursive script that reads "Allen Kerley".

Allen Kerley, RPLS, PLS