

AGENDA MEMORANDUM

Planning Commission Meeting of October 13, 2021

DATE: October 7, 2021

TO: Al Raymond, Director of Development Services

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

Nueces River Irrigation Park, Block 1, Lots 9A & 9B (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:

Urban Engineering, on behalf of LD Calallen CCTX Hwy 77, 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 Nueces River Irrigation Park, Block 1, Lots 9A & 9B, Final (16.17 acres +/-), located west of US Hwy 77 and south along CR 52. The land is zoned "RM-2" Multifamily 2 District for Lot 9A and "CG-2" General Commercial District for Lot 9B. The original subdivision plat was approved by the Nueces County Commissioners and recorded in 1909. The City of Corpus Christi annexed this property in May 2021. The property is located at the intersection of US Hwy 77 (Interstate 69), a designated Freeway on the Urban Transportation Plan (UTP) and CR 52, an arterial street designated on the UTP. The Unified Development Code does not require sidewalks for highways designated as Freeways.

The site is not within an AICUZ zone. The current lot is vacant, and the owner proposes to plat the property into two lots for a proposed apartment site on Lot 9A and a commercial lot on Lot 9B. This request is to waive construction of a sidewalk on County Road 52

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 is zoned RM-2 and CG-2 and fronts on a street that is listed on the Urban Transportation Plan as an Arterial street 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.

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. This development is for a proposed apartment site and a commercial tract.
2. The granting of the waiver is not detrimental to the public health, safety or general welfare, nor is it injurious to other property in the area, or to the City in administering the UDC. There are no sidewalks on either side of CR 52 nor along I-69 frontage road. CR 52 is a Strip paved street (No curb & gutter) that will not support sidewalk until street is upgraded to a curb & gutter section.
3. The granting of the waiver would not substantially conflict with the Comprehensive Plan or the purposes of the UDC. The existing conditions do not support pedestrian movements and development of adjoining property does not make any changes to existing transportation systems.
4. Application of a provision of this Unified Development Code will render subdivision of land unfeasible.
5. The conditions that create the need for the waiver shall not generally apply to other property in the vicinity. There is not any property in the vicinity that has sidewalks. That said, we believe the need for the waiver does apply to other property in the vicinity.

Factors weighing against the waiver:

1. The property is in the “RM-2” Multifamily 2 District and “CG-2” General Commercial District and is a corner lot from which a street and sidewalk network can connect to the Freeway.
2. This land was recently annexed, and a new lift station is being constructed north of CR 52 which will serve approximately 256 acres of land with various uses and build out rates that include low density residential, high density residential and commercial. It is anticipated that this will become a high growth area and the multifamily residential development will create a need for sidewalk along CR 52. Development of adjacent vacant tracts will provide an opportunity to expand a sidewalk network for future commercial and residential uses.
3. The property fronting CR 52 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 Urban Transportation Plan as an Arterial street.

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.

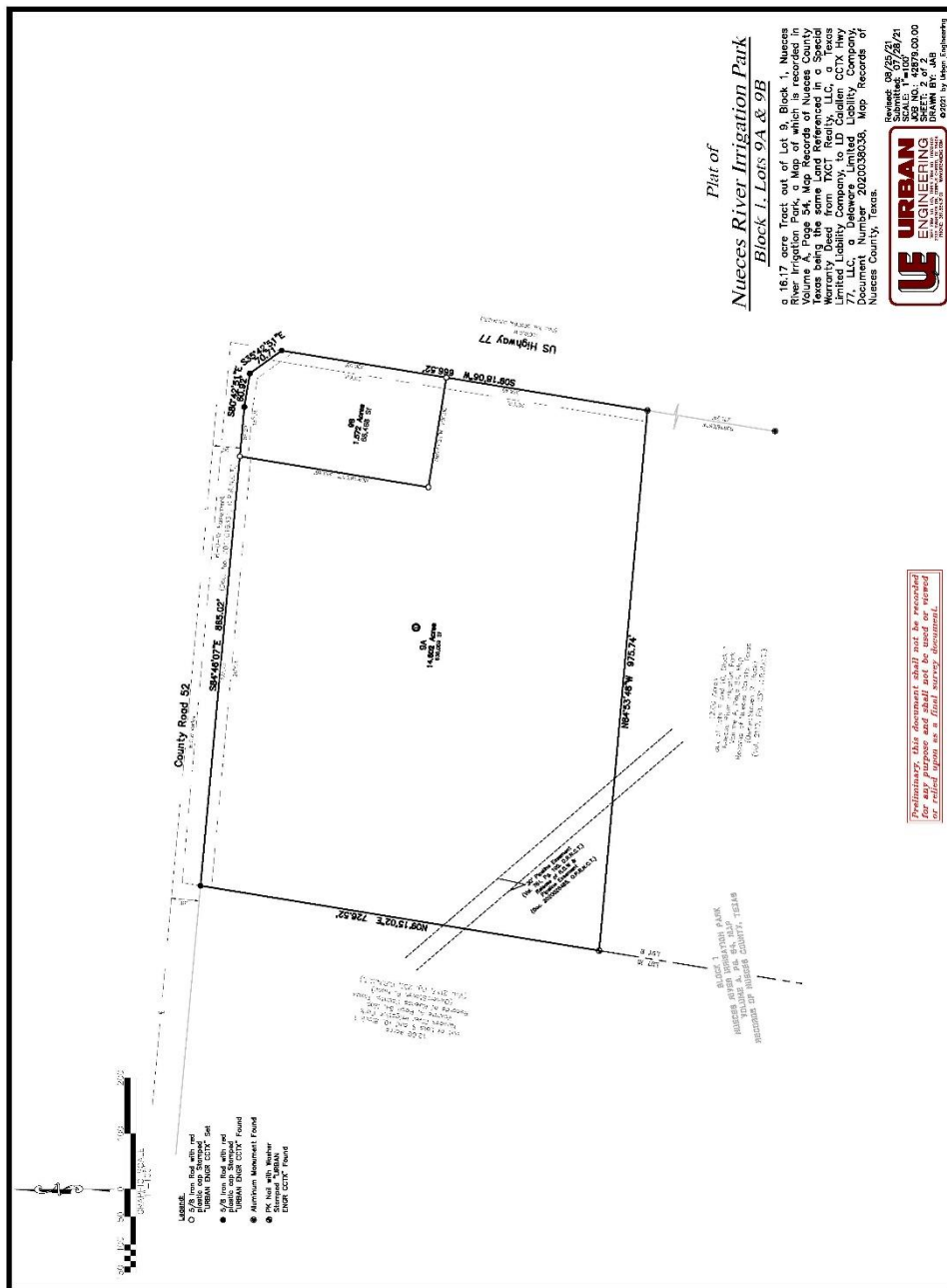
LIST OF SUPPORTING DOCUMENTS:

Exhibit A – Final Plat

Exhibit B – Waiver Request Letter

PowerPoint Presentation-Waiver from Sidewalk Requirement

Exhibit A



UE
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This document is a final survey document. It is to be used for any purpose and shall not be used or relied upon as a final survey document.

Exhibit B



Job No. 42879.C0.00

August 25, 2021

RECEIVED

◆ 17 SEP 2021 ◆

City of Corpus Christi
Development Services

Mr. Andrew Dimas, Senior City Planner
Development Services, City of Corpus Christi
2406 Leopard
Corpus Christi, TX 78408

Subject: Nueces River Irrigation Park Block 1, Lots 9A and 9B (Sidewalk Waiver Request)

Mr. Dimas

We, Urban Engineering, on behalf LD Calallen CCTX Hwy 77, LLC, hereby request a waiver for the sidewalk construction requirement, as part of the plat review of the subject property. As allowed under Section 3.8.3.D of the Unified Development Code (UDC), we are requesting a waiver to Sections 8.1.3 and 8.1.4 based on the following reasons:

- This development is for a proposed apartment site and a commercial tract.
- The granting of the waiver is not detrimental to the public health, safety or general welfare, nor is it injurious to other property in the area, or to the City in administering the UDC. There are no sidewalks on either side of CR-52 nor along I-69 frontage road. CR-52 is a Strip paved street (No curb & gutter) that will not support sidewalk until street is upgraded to a curb & gutter section.
- The granting of the waiver would not substantially conflict with the Comprehensive Plan or the purposes of the UDC. The existing conditions do not support pedestrian movements and development of adjoining property does not make any changes to existing transportation systems.
- Application of a provision of this Unified Development Code will render subdivision of land unfeasible.
- The conditions that create the need for the waiver shall not generally apply to other property in the vicinity. There is not any property in the vicinity that has sidewalk. That said, I believe the need for the waiver does apply to other property in the vicinity.

Thank You,

A handwritten signature in black ink that reads 'Joshua A. Buff'.

Joshua Buff

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