

AGENDA MEMORANDUM

Planning Commission Meeting of October 27, 2021

DATE: October 19, 2021

TO: Al Raymond, Director of Development Services

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

Cedar Grove, Block 3, Lot 5R Plat

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:

FMP Masonry, Inc., owner, submitted a request for a waiver of the plat requirement to construct 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 Cedar Grove, Block 3, Lot 5R Plat (3.33 acre +/-), is located north of Holly Road and west of Greenwood Drive. This is a Replat of two platted lots into one lot. With the land zoned IH (Heavy Industrial), the applicant states that the purpose of the plat is to develop the property for an Industrial development.

The property is currently vacant and is not within a Naval Air Station's AICUZ zone. The property has access to existing water and wastewater public Utilities along the frontage. This request is to waive construction of a sidewalk along the frontage of Holly Road.

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., for sidewalk construction within an Industrial subdivision where the street is meeting any of the following conditions:

8.2.2.2.A.1.

a. Within industrial subdivisions, sidewalks having a width of not less than 4 feet and thickness of not less than 4 inches shall be required only on streets that meet any of the following conditions.

1. Streets that are in the Urban Transportation Plan as arterials or collectors.
2. Through-streets that either are connecting to existing streets or to proposed arterials or

collectors.

3. Perimeter streets where a sidewalk presently exists to the boundary of industrial subdivisions.

Further UDC Section 8.2.2.C allows for Administrative Exemptions for sidewalk construction for residential lots that meet certain provisions. The subject lot is zoned Industrial and does not qualify for an Exemption.

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 sidewalk should be required because:

1. The owner intends to construct a new building on the property and install a sidewalk as a public improvement as part of the construction project for the building.
2. The waiver to the public improvement would allow for the sidewalk to be constructed after the major portion of the construction has been completed.
3. FMP Masonry, Inc. would be agreeable to the completion of the sidewalk construction as a condition of the Certificate of Occupancy for the new construction project.

Factors weighing against the waiver and in support of requiring sidewalk:

1. Holly Road is categorized as an A2 Secondary Arterial street in the Urban Transportation Plan (UTP). UDC Table 8.2.1.C requires sidewalk along Arterials.
2. The area is zoned IH (Heavy Industrial). Sidewalk is required in industrial subdivisions along streets that are in the UTP as arterials or collectors, and also along "through-streets" that either are connecting to existing streets or to proposed arterials or collectors, per UDC 8.2.2.A.1.a.i and ii.

3. None of the exceptional conditions for a sidewalk waiver that are listed in UDC 8.2.2.C exist in this case.
4. There is an established sidewalk connection along Holly Road at the nearby intersection with Greenwood Drive.

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 – Waiver Request Letter

Exhibit B – Final Plat

PowerPoint Presentation-Waiver from Sidewalk Requirement

FMP MASONRY, INC.

BUILDING AMERICA STRONG

COMMERCIAL MASONRY & PLASTERING

BRICK ~ BLOCK ~ STUCCO ~ EIFS

PO BOX 7267~CORPUS CHRISTI, TEXAS 78467

CELL (361) 960-8099 ~ FAX (361) 814-2201 ~ OFFICE (361) 851-9600

October 7, 2021

EF: Plat of 1502 Holly Road- Lot 5, Block 3, Cedar Grove
Request for Waiver of Public Improvement (Sidewalk)

To Whom It May Concern,

FMP Masonry, Inc. would like to request a waiver of the installation of a new public sidewalk prior to acceptance of the plat referenced above due to the property being zoned Industrial (IH).

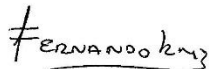
We intend to construct a new building on the property and install a sidewalk (as a public improvement) as part of the construction project.

The waiver would allow us to install the public improvement sidewalk after the major portion of construction has been completed.

FMP Masonry, Inc. would be agreeable to the completion of the public improvement sidewalk construction as a condition of the Certificate of Occupancy for the new construction project.

We appreciate your consideration.

Sincerely,

 Fernando

SEING A OF LOT 5A & 53, BLOCK 2,
CEDAR GROVE, AN ADDITION TO THE CITY OF CORPUS CHRISTI, TX,
AS RECORDED IN VOL. 84, PAGE 140 (M.R.N.C.T.)
CORPUS CHRISTI, NUECES COUNTY, TEXAS

- [illegible]

SEAL

JOHNS A. VOSS
REGISTERED PROFESSIONAL LAND SURVEYOR No. 2295

VOSS ENGINEERING, INC.

ENGINEERING AND LAND SURVEYING
EENWOOD DRIVE, CORPUS CHRISTI, TEXAS 78415
PHONE: (361)854-6202 FAX: (361)853-4693

DATE:	REVISED:	OFFICE:
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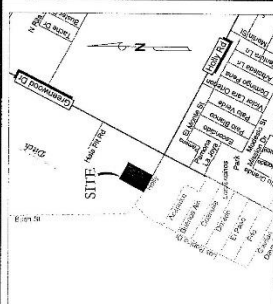
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FIRM NO. F-166

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VICINITY MAP (NTS)

STATE OF TEXAS
COUNTY OF NUECES

JENNIFER BAUGH

L. RAYMOND II, A.J.A.
SECRETARY

STATE OF TEXAS

SERVICES ENGINEER OF THE CITY OF CONROUS CHRISTI, TEXAS.

RETT FJNT, P.E.
DEVELOPMENT SERVICES ENGINEER

STATE OF TEXAS
COUNTY OF DALLAS

JOHNA SANDS, CLERK OF THE COUNTY COURT, IN AND FOR HARRIS COUNTY TEXAS, HEREBY CERTIFIES THAT THE FOREGOING INSTRUMENT DATED THE _____ DAY OF _____, 2021, WITH ITS CERTIFICATE OF AUTHENTICATION, WAS FILED FOR RECORD IN MY OFFICE THIS _____ DAY OF _____, 2021 AT _____ O'CLOCK _____ AND DULY RECORDED IN VOLUME _____, PAGE _____ (M.P.N.C.).

WITNES MY HAND AND SEAL OF OFFICE IN CORPUS CHRISTI, TEXAS, THIS THE _____ DAY OF _____, 2021.

WITNESS MY HAND AND SEAL OF OFFICE IN CORPUS CHRISTI, TEXAS, THIS 11 DAY OF

SAN JUAN COUNTY CLERK

RETURN TO THE COMPTROLLER

