

AGENDA MEMORANDUM

Planning Commission Meeting of November 10, 2021

DATE: November 4, 2021

TO: Al Raymond, Director of Development Services

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

Manning Acres, Lot 1R and Lot 2 (Final 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:

Munoz Engineering, on behalf of property owner, Frank Manning, 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 Manning Acres, Lot 1R and Lot 2 addressed as 2020 Yorktown Boulevard, is located along the north side of Yorktown Boulevard, west of Flour Bluff Drive. This is a Replat of the property into two lots in the RS-6 single family 6 zoning district. The site is $\frac{3}{4}$ of a mile west of Waldron Field in an Accident Potential Zone (APZ-2). The property has been previously platted and approved by the city's Planning Commission in 2017. The City of Corpus Christi annexed this area of Flour Bluff in 1961.

The owner proposes to subdivide the property into two residential properties with both lots encompassing Flood Zone A and B with most of the rear lot (Lot 1R) in Zone C. The current lots are vacant and has existing water Utilities along the frontage and will request a waiver to construct public wastewater services. This request is to waive construction of a sidewalks on Yorktown Boulevard.

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 along an Arterial street on the Urban Transportation Plan; the property 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-F);
 - 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 Development Code (UDC).
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 (UDC).

Factors in Support of the Waiver. The applicant states that they do not believe sidewalk should be required because:

1. There are not sidewalks along the street along the adjacent properties.
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.
4. The Comprehensive Plan will not be substantially affected.
5. Waiver of sidewalk will not affect the adjacent Property in a manner to restrict or render feasible.

Factors Against the waiver and in support of requiring sidewalk construction:

1. The property is along an Arterial street on the Urban Transportation Plan requiring a 5' sidewalk on each frontage of the street.
2. The Strategic Plan for Active Mobility has a designated One-way Cycle track for each frontage. Therefore, granting of the waiver will affect the Comprehensive Plan.
3. The nearest sidewalk connection is approximately 1,200 feet west in the Oso George Village residential subdivision off of Roscher Road.
4. Unplatted and undeveloped property in the area provides an opportunity to extend the sidewalk in the future.

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 – Waiver Request Letter

Exhibit B – Final Plat

PowerPoint Presentation-Waiver from Sidewalk Requirement



November 3, 2021

City of Corpus Christi – Development Services Department
2406 Leopard Street
Corpus Christi, Texas 78408

**RE: MANNING ACRES
REQUEST FOR A PLAT WAIVER FOR THE SIDEWALK CONSTRUCTION
REQUIREMENT**

To Whom It May Concern,

On behalf of our Client, Frank Manning, we hereby request for a waiver of the sidewalk construction requirement per City of Corpus Christi Unified Development Code (UDC) Section 8.1.4.A, Section 8.1.12.E.3, and Section 8.2.2. We request the waiver per the following reasons:

1. There are no sidewalks along the street along the adjacent properties.
2. The area is not located on any transit stops or transportation plan.
3. The comprehensive plan will not be substantially affected.
4. Waiver of sidewalk will not be detrimental to the public health, safety, or general welfare.
5. Waiver of sidewalk will not affect the adjacent property in a manner to restrict or render unfeasible.

Please feel free to contact us if you have any comments or questions.

Sincerely,
Munoz Engineering, LLC

Thomas Tiffin, PE
Project Manager

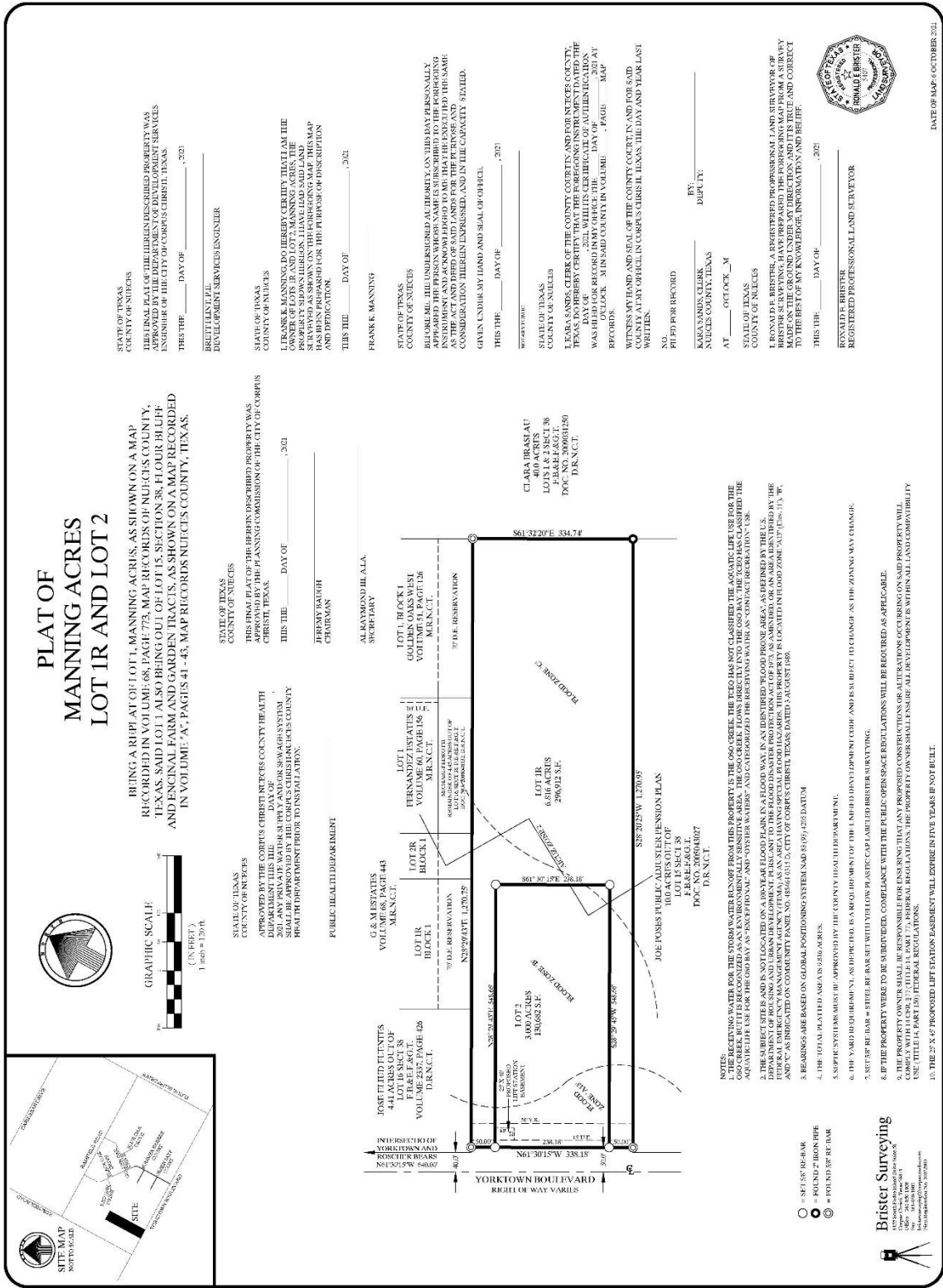


Exhibit B