



## AGENDA MEMORANDUM

Planning Commission Meeting of January 9, 2019

**DATE:** January 2, 2019

**TO:** Nina Nixon-Méndez, Director of Development Services

**FROM:** Greg Collins, Senior City Planner, Development Services  
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**Laguna Business Center, Block G, Lot 1, Final Plat**  
Request for a Plat Waiver of the Sidewalk Construction Requirement  
in Section 8.1.4 and 8.2.2 of the Unified Development Code

### **BACKGROUND:**

Urban Engineering, on behalf of CC SEMLOH Partnership, Ltd., property 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 Laguna Business Center, Block G, Lot 1 Final Plat (10.61 acres +/-), is located on the south side of Compton Road, west of Waldron Road. The land is zoned Residential Estate with a Special Permit ("RE/SP"). The landowner proposes to build a boat and recreational vehicle storage facility at this site. This principal use is allowed under a Special Permit, Ordinance 030910, adopted August 9, 2016.

The Laguna Business Center, Block G, Lot 1 Final Plat was approved by Planning Commission on October 31, 2018. Prior to recordation of this plat, all public improvements must be inspected by City's Engineering Services Department. Prior to inspection of public improvements, requests for waiver of any public improvements must be resolved.

### **STAFF ANALYSIS and FINDINGS:**

UDC Section 8.1.4 and 8.2.2.A require construction of sidewalks as part of the platting process.

This proposed plat fronts on the south side of Compton Road. Compton Road is designated as a C1 Collector in the City's Urban Transportation Plan (UTP). The street design standards for C1 Collectors require 5-foot wide sidewalks, per UDC Table 8.2.1.C.

The UDC does state, 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., but only if certain conditions exist:

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.

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.
3. Sidewalks shall not be required for residential subdivisions in the Farm-Rural and Residential Estate zoning districts.
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 and approved by the Assistant City Manager of Development Services.

None of the enumerated conditions in UDC 8.2.2.B.1-4 for a sidewalk waiver exist on this subject property. Condition #3 does not apply in this case. Although the base zoning of this land is Residential Estate, the proposed use of the property is a boat and recreational vehicle storage facility, not residential, under the terms of the Special Permit.

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.

The applicant states that they do not believe sidewalk should be required because:

1. Compton Road is functionally a rural section and per Section 8.2.1.D of the UDC, sidewalks are not required for rural streets.
2. Compton Road is incorrectly classified as a C1 Collector by the City's Urban Transportation Plan (UTP) because all the property west of First National Drive that fronts on Compton is zoned Residential Estate (RE) and nearly all that land is fully developed as residential, and not likely to change use.

An additional factor in support of the waiver is:

3. Compton Road is not on the City's ADA<sup>1</sup> Master Plan.

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<sup>1</sup> ADA" is the Americans with Disabilities Act of 1990 (42 U.S.C. § 12101 et seq.)

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

1. There is existing sidewalk network on the property, and on both sides of Compton Road, that connects to an existing commercial / employment node and neighborhood amenities.
2. There are two CCRTA<sup>2</sup> transit service stops near the property: one on Compton Road, about 1,200 feet (0.23 mile) east from the property and another stop on South Padre Island Drive about 1,290 feet (0.24 mile) north from the property.
3. The property is within walking distance, around 0.25 mile or less (the average radius of a pedestrian shed<sup>3</sup>), from an existing commercial / employment node. Distances to commercial and neighborhood amenities are summarized in the table below:

Neighborhood Amenity/Commercial Establishment/Employment	Approximate distance from property to amenity
Bruno's Bath House (dog grooming business)	267 feet (0.05 mile)
Nueces County Offices	385 feet (0.07 mile)
U.S. Post Office – Flour Bluff Station	1,050 feet (0.19 mile)
Coastal Bend Business Innovation Center <a href="http://innovation4texas.com">innovation4texas.com</a>	1,100 feet (0.21 mile)
CCRTA Transit Stop on Compton Rd.	1,200 feet (0.23 mile)
Bay Bluff Apartments	1,200 feet (0.23 mile)
CCRTA Transit Stop on S.P.I.D.	1,290 feet (0.24 mile)
Southern Coast Gymnastics	1,350 feet (0.26 mile)
Shopping center	1,600 feet (0.30 mile)

4. The property is adjacent to a residential neighborhood to the west, zoned Residential Estate. The sidewalk would serve to help connect this neighborhood to the boat and recreational vehicle storage facility, and to the commercial / employment node.
5. Staff's opinion is that Compton Road is not a rural street and is correctly classified in the City's UTP as a C1 Collector. Compton is approximately 0.23 mile from S.P.I.D., an arterial. The UTP calls for collectors every quarter mile.

**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.

<sup>2</sup> "CCRTA" is Corpus Christi Regional Transportation Authority.

<sup>3</sup> "Pedestrian shed" is a term analogous to a watershed. It is the distance that can be covered in five minutes at a normal walking pace, typically shown on a plan as a circle with a quarter-mile radius. Source: Congress for New Urbanism (CNU), Robert Steuteville, "Great idea: Pedestrian shed and the 5-minute walk", <https://www.cnu.org/publicsquare/2017/02/07/great-idea-pedestrian-shed-and-5-minute-walk>

**LIST OF SUPPORTING DOCUMENTS:**

Exhibit A -- Final Plat  
PowerPoint Presentation-Waiver from Sidewalk Requirement