



**AGENDA MEMORANDUM**  
Planning Commission Meeting of July 24, 2019

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**DATE:** July 18, 2019  
**TO:** Nina Nixon-Méndez, Director of Development Services  
**FROM:** Greg Collins, Senior City Planner, Development Services  
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(361) 826-3535

**Tuloso Reserve Unit 1 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:**

Bass & Welsh Engineering, on behalf of property owner, NP Homes, LLC, submitted a request for a waiver of the plat requirement to construct sidewalk along Rand Morgan Road. The sidewalk construction requirement is in Section 8.1.4.A and 8.2.2.A of the Unified Development Code (UDC).

The subject property, known as the Tuloso Reserve Unit 1 Final Plat (13.716 acres +/-), is located south of Leopard Street and east of Rand Morgan Road. This is a residential development of 66 lots. The land is zoned Residential Single-Family 4.5 ("RS-4.5"). The plat was conditionally approved by Planning Commission on April 3, 2019.

**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., 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.

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. Applicant believes that "the proposed sidewalk would be removed and replaced whenever Rand Morgan Road is widened and reconstructed in the near future."

Additional factors in support of the waiver request are:

2. There are currently no adjacent sidewalks along Rand Morgan Road to connect to. The adjacent lots to the south are already platted, and are being developed, and do not have sidewalk.
3. There are no bus stops along Rand Morgan.
4. Rand Morgan Road is not on the City's ADA<sup>1</sup> Master Plan.
5. Rand Morgan Road is not on the MobilityCC and the Corpus Christi Metropolitan Planning Organization Strategic Plan for Active Mobility, Phase 1: Bicycle Mobility Plan.
6. There is no crosswalk or traffic signal at Rand Morgan Road and Goodnight-Loving Trail, to facilitate pedestrian crossing of Rand Morgan Road, to connect to the sidewalk network at Northwest Crossing Unit 1 and the Tuloso-Midway Intermediate School.

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

7. Texas Department of Transportation (TxDOT) has stated that because Rand Morgan (FM 2292) has ditch drainage, there is no room for sidewalk in TxDOT right-of-way. When this road is widened, box culvert would be installed for drainage, and sidewalk would be installed at that time.

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

1. Rand Morgan is categorized as an A2 Arterial in the City's Urban Transportation Plan (UTP), and sidewalk is required along arterials.
2. The area is zoned residential.
3. The subdivision is 200 feet from the sidewalk network to the northwest in Northwest Crossing Unit 1 Subdivision, and 652 feet from Tuloso-Midway Intermediate School property and sidewalk. The subdivision is 1,216 feet (0.23 mile) from the entrance to the school. All are within walking distance from the subdivision.<sup>2</sup>
4. Rand Morgan Road is in a school zone running the length of the subdivision's frontage along Rand Morgan.
5. The land to the north is undeveloped and not platted, and could connect to the sidewalk network in Northwest Crossing Unit 1 when it is platted.
6. To the south, there is existing sidewalk in McNorton subdivision about 850 feet (0.16 mile) away, within walking distance.
7. None of the exceptional conditions for a sidewalk waiver that are listed in UDC 8.2.2.B exist in this case.
8. Although ditch drainage occupies TxDOT right-of-way, the plat calls for dedication of an additional 10 feet of right of way from the landowner's property. In addition, there is five feet of available yard setback east of the utility easement that can be used for access easement on the platted property.
9. The Municipal Maintenance Agreement (MMA) between TxDOT and the City does not prohibit sidewalk in TxDOT right-of-way.
10. 10 feet of additional ROW dedication can be used for sidewalk.
11. The Comprehensive Plan, Plan CC, states the community's vision for Transportation and Mobility and calls for connected networks of good streets and sidewalks and safe bicycle routes.

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<sup>2</sup> Walking distance is 0.25 mile or less (the average radius of a pedestrian shed) "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>

**STAFF RECOMMENDATION:**

Weighing the factors, Staff recommends denial of the waiver from the sidewalk construction requirement, along Rand Morgan Road.

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>3</sup>

**LIST OF SUPPORTING DOCUMENTS:**

Exhibit A – Waiver Request Letter

Exhibit B – Final Plat

PowerPoint Presentation-Waiver from Sidewalk Requirement

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<sup>3</sup> Note that Planning Commission on May 15, 2019, recommended approval to City Council a proposed UDC text amendment providing for exceptions to the sidewalk construction requirement under certain circumstances and an option for an Alternative Pedestrian Plan. That amendment is expected to be heard at City Council in Summer 2019.