



AGENDA MEMORANDUM

Planning Commission Meeting of September 5, 2018

DATE: August 30, 2018

TO: Nina Nixon-Méndez, Director of Development Services

FROM: Greg Collins, Senior City Planner, Development Services
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Ocean View Addition, Block IIA, Lot 4A and Block X, Lot 1A (Final)
Request for a Plat Waiver from the Easement Requirement
in Section 8.2.3 of the Unified Development Code

BACKGROUND:

Urban Engineering, on behalf of the property owner, submitted a request for a waiver of the plat requirement to provide easements along both sides of collector and arterial or higher classification streets right of ways in Section 8.2.3.A.2 Utility Easements of the Unified Development Code (UDC).

The subject plat, known as Ocean View Addition, Block IIA, Lot 4A and Block X, Lot 1A, is located south of Morgan Avenue and west of Ocean Drive. The owner is proposing to plat the property to combine properties into two lots for the CHRISTUS Spohn Hospital construction project. The land was rezoned to CR-1/SP 16-14 and CG-2/SP 16-14 on October 18, 2016.

CR-1/SP Resort Commercial District with a Special Permit allows a minimum front yard requirement (setback) of 10 feet on Elizabeth Street and Ayers Street on Tract 1 (tract along Ocean Drive). CG-2/SP General Commercial District with a Special Permit allows a minimum front yard requirement (setback) of 15 feet on Santa Fe Street, a 10-foot minimum setback on Elizabeth Street and Ayers Street, and a zero-foot setback on Third Street, on Tract 2 (west of Tract 1). The current property sits on two blocks and was previously subdivided into multiple lots by several different subdivision plats.

STAFF ANALYSIS:

UDC Section 8.2.3.A.2 requires dedication of 15-foot public utility easements along arterials and 10-foot public utility easements along collectors, as part of the platting process. One of the reasons for this is the public policy goal of eventually moving utilities out of transportation right-of-way, and onto property, so that utility maintenance does not affect traffic, and so that line maintenance is cheaper.

In this case, the applicant is asking for a waiver from this requirement because applicant asserts that there are existing structures that would encroach on such easements if the easements were

granted. Applicant argues that there are existing easements by separate instrument that adequately serve the property presently. Also, this site is a major regional hospital facility, and the applicant is concerned about protecting its building and associated equipment, which could have significance from a life, health, and safety perspective, from potential excavation and other work by utilities.

Section 3.8.3.D of the UDC 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.

In support of the waiver request, Applicant asserts the following factors:

1. There are various encroachments, including structures and private utilities, which exist within these areas that existed prior to the most recent zoning change and current plat submittal for this property.
2. The property was previously in non-conformance regarding the required yards.
3. The North portion of the property being platted which is bounded by Morgan Avenue, Ocean Drive and Elizabeth Street was last platted in 2003. At that time, no easements were required along the street frontages and none have been dedicated by separate instrument to date.
4. The South portion of the property being platted is bounded by Elizabeth Street, Santa Fe Street and Ayers Street which were previously dedicated by instruments to cover utilities within those areas. No other utility easements currently exist along the right-of-ways.

STAFF RECOMMENDATION:

Staff is neutral on the request for plat waiver from the utility easement requirement.

LIST OF SUPPORTING DOCUMENTS:

- Exhibit A – Plat Sheets 1-3, Ocean View Addition, Block IIA, Lot 4A and Block X, Lot 1A
- Exhibit B – Plat Sheets 2-3 (Easements shown in color)
- Exhibit C – Utility Plan (Buildings shown in color)
- Exhibit D – Applicant's Exhibit showing 10-foot easement
- Exhibit E – Waiver Request

PowerPoint Presentation-Waiver from Utility Easement Requirement