



AGENDA MEMORANDUM

Planning Commission Meeting of June 12, 2019

DATE: June 5, 2019

TO: Nina Nixon-Méndez, Director of Development Services

FROM: Greg Collins, Senior City Planner, Development Services
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Aruba Two Condominiums, Block 1, Lot 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:

Hanson Professional Services, Inc., on behalf of property owner, Western Ocean, Ltd., 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 Aruba Two Condominiums, Block 1, Lot 1 Final Plat (0.79 acre +/-), addressed as 15030, 15034, and 15038 Aruba Drive, is located on Padre Island, east of Park Road 22 (South Padre Island Drive), and north of Whitecap Boulevard, west of Leeward Drive. This is a replat that combines Lots 1-3, Block 2, Padre Island-Corpus Christi Section E plat, into one lot and block. The purpose of the plat is to develop condominiums.

The land is zoned RM-AT / IO (Residential Multi-Family – Apartment Tourist, with Island Overlay). A former Planned Unit Development (“PUD”) Overlay on this property expired on October 8, 2015, because construction of that prior planned development had not commenced within 24 months of approval by City Council.¹ The plat associated with this PUD, known as Smuggler’s Cove P.U.D., approved by Planning Commission on August 23, 2013, was never recorded, and also expired.

¹ The expired PUD had been adopted by City Council Ordinance 029962 on October 8, 2013 (second reading). Section 2, Paragraph 10 of Ordinance 029962 states: **“Time Limit:** *Construction of the development shall commence within 24 months from the date this modified Planned Unit Development ordinance is approved by the City Council.*” (emphasis added).

This expired PUD, formerly known as “Smuggler’s Cove,” was to be townhomes. Some of the approved deviations from the standard base zoning of RM-AT (Townhouse Use Permitted by right per UDC Table 4.4.2) in this expired PUD included: reduced minimum lot size, reduced dwelling unit width and lot width, reduced corner street side yard, 2-inch ribbon curb, and sidewalk on only one side of the internal street.

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. None of the developed properties within this portion of Padre Island have sidewalks.
2. The area is not located on any transit stops or transportation plan.
3. Waiver of sidewalk will not be detrimental to the public health, safety, or general welfare, and adjacent property will not be restricted or rendered unfeasible.

4. The Comprehensive Plan will not be substantially affected.
5. The Bicycle Mobility Plan does not show any routes through this property.

Additional factors in support of the waiver are:

6. Aruba Drive is not on the Urban Transportation Plan (UTP).
7. Aruba Drive is not on the City's ADA² Master Plan.

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

1. The area is within a residential tourist /commercial node, zoned RM-AT / IO, and CR-1 / IO and CR-2 / IO, with high density potential.
2. There is existing sidewalk along St. Augustine Drive about 1,240 feet (0.24 mi) away, within walking distance³ of the property.
3. There is a CCRTA⁴ transit service route stop within walking distance to the property, on Leeward Drive, about 805 feet (0.15 mi.) away to the northeast.
4. The property is 0.29 miles from beach public access.
5. Aruba Drive is a 60-foot wide right-of-way.
6. 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.

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.⁵

² "ADA" is the Americans with Disabilities Act of 1990 (42 U.S.C. § 12101 et seq.)

³ 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>

⁴ "CCRTA" is Corpus Christi Regional Transportation Authority.

⁵ 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.

LIST OF SUPPORTING DOCUMENTS:

Exhibit A – Waiver Request Letter

Exhibit B – Final Plat

PowerPoint Presentation-Waiver from Sidewalk Requirement