



AGENDA MEMORANDUM

Planning Commission Meeting of February 20, 2019

DATE: February 12, 2019

TO: Nina Nixon-Méndez, Director of Development Services

FROM: Greg Collins, Senior City Planner, Development Services
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Flour Bluff Estates No. 3, Block 1 Lot 1

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:

Voss Engineering, on behalf of Nancy Vasquez, 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 applicant requests a waiver from constructing sidewalk along State Highway 358 frontage road (South Padre Island Drive) and along East Lakeside Drive.

The subject property, known as the proposed Flour Bluff Estates No. 3, Block 1, Lot 1 (0.332 acre +/-), is located north of S.H. 358 (S.P.I.D.) and east of East Lakeside Drive. The land is zoned General Commercial-1 ("CG-1").

The land is currently unplatted and vacant. The purpose of the plat is to enable the land owner to apply for a building permit for a building for commercial and residential use.

STAFF ANALYSIS and FINDINGS:

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

East Lakeside Drive 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. State Highway 358 is designated an F1 Freeway. Sidewalk is not required along freeway. The frontage road, South Padre Island Drive, does not have a UTP designation.

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.

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 following factors exist in support of the waiver request:

1. No current sidewalk network exists along East Lakeside Drive that would connect directly to this site.
2. The plat to the west, Flour Bluff Estates, was platted in 1940, without sidewalk, prior to the adoption of the sidewalk construction requirement in 1955, and the lots along East Lakeside Drive, and other lots, in the interior of the subdivision, within 0.25 mile of the subject property, do not have sidewalk.
3. East Lakeside Drive and S.P.I.D. in this vicinity are not on the ADA¹ Master Plan.
4. Not located immediately adjacent to any transit stops.
5. The lot adjacent to the east is on the Laguna Madre, and there is no public beach or other destination or amenity on this eastern adjacent lot.

¹ "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 a sidewalk curb ramp adjacent to the subject property at the corner of S.P.I.D. and East Lakeside Drive. There is continuous sidewalk along S.P.I.D. along the lots west of East Lakeside Drive.
2. The property is a corner lot.
3. East Lakeview Drive is designated a C1 Collector in the Urban Transportation Plan (UTP). Five-foot sidewalk is required along C1 Collectors, per UDC Table 8.2.1.C.
4. The property is zoned CG-1 and is adjacent to property zoned single-family residential 6 ("RS-6") and is across the street from CG-2 and RS-6 zoned properties, and property currently used for single-family residences along East Lakeview Drive.
5. The property is less than 0.25 mile from commercial establishments: a pub, furniture store, and motel.
6. Plan CC's vision for transportation and mobility for the community calls for connected networks of good streets and sidewalks and safe bicycle routes.

STAFF RECOMMENDATION:

Staff recommends approval of the waiver of construction of sidewalk along South Padre Island Drive and along East Lakeside Drive, weighing the factors and evaluating the criteria in the UDC.

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:

Final Plat
PowerPoint Presentation