



AGENDA MEMORANDUM

Planning Commission Meeting of August 22, 2018

DATE: August 21, 2018

TO: Nina Nixon-Méndez, Director of Development Services

FROM: Greg Collins, Senior City Planner, Development Services
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Roblex Industrial Subdivision Unit 3, Block 1, Lots 4, 5 & 6 (Final Plat 11.99 ac.)
Request for a Waiver of Street Standards (Curb and Gutter, Sidewalk, and Allowing Concrete over Utilities) in Section 8.1.4 of the Unified Development Code (UDC)

BACKGROUND:

Bass & Welsh, on behalf of Transport Enterprises, Ltd, submitted a request for a waiver of the plat requirement at UDC Section 8.1.4, requiring installation of curb and gutter and sidewalks on Kingpin Drive, planned as a C-1 collector in the Urban Transportation Plan (UTP).

The waiver request is also to allow for the use of concrete instead of asphalt, even though utilities will be located underneath the concrete.

The subject property, known as Roblex Industrial Subdivision Unit 3, Block 1, Lots 4, 5 & 6 (Final Plat, 11.99 ac.) (Final Plat), is located north of Bates Drive between North Padre Island Drive (SH 358) and Flato Road. The land is zoned Light Industrial (IL).

The applicant's engineer states that the proposed drainage system for proposed Kingpin Drive, running east-west, and connecting Flato Road to State Highway 358 (North Padre Island Drive) is a series of stormwater inlets, set in the ground, connecting to underground pipe running along the length of the road. Stormwater would drain off the road, across grass, and into the inlets and into the pipe. The pipe would convey the stormwater to ditches along Flato Road.

See Exhibits B and C, Aerial images, showing an example of such a system on Transport Industrial Drive to the north.

STAFF ANALYSIS:

Section 8.1.4 of the UDC requires that during the platting process the "developer shall provide ... Streets, including but not limited to ... curb and gutter" and "sidewalks." (UDC Section 8.1.4.A.).

Section 8.2.2.A.1.a. requires sidewalks in industrial subdivisions, for streets that are in the UTP as arterials or collectors, and for through-streets that either are connecting to existing streets or

to proposed arterials or collectors. However, in UDC Table 8.2.1.C, the code states in a footnote that “[s]idewalks are not required in industrial areas.”

The applicant requests a waiver from these requirements for the construction of Kingpin Drive because:

- 1) It is an industrial area with considerable heavy truck traffic;
- 2) The principal road serving this site is Flato Road, which is of similar cross section (no curb and gutter), both existing, and, as planned to be reconstructed, as a capital improvement project by the City. Also, currently there is no sidewalk along Flato Road; and
- 3) A similar street section (no curb and gutter, no sidewalk) was used on nearby Transport Industrial Drive, which the applicant’s engineer states is performing well.

Factors for Granting a Plat Waiver (UDC Section 3.8.3.D)

Section 3.8.3.D of the UDC lists the factors to be considered in whether to grant a waiver from a platting requirement. The factors are:

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.

STAFF FINDINGS:

Staff finds that omitting curbing from the street would enable stormwater to drain off the street more readily. Eliminating curb and gutter and using grass, pervious soil and street yard, instead of pavement, to convey the stormwater to the inlets, is an example of a best management practice of “low-impact development” (LID), namely, “disconnecting impervious areas,” which helps reduce the quantity of stormwater runoff by allowing runoff to soak into soil, and can help improve the quality of the stormwater, where grass and vegetation can act as filtration. The first factor in UDC Section 3.8.3.D is satisfied.

Regarding the remaining factors for granting a waiver from the curb and gutter requirement and the use of concrete over underground utilities, Staff is neutral on whether these factors are satisfied.

Regarding sidewalks, Staff is neutral on whether these factors are satisfied in this specific case. During review of the preliminary plat in this case (approved on September 6, 2017), sidewalks were not identified as a requirement, pursuant to a prior Staff policy of not requiring sidewalks in industrial zoning, based on a footnote to Table 8.2.1.C. Since the time of the preliminary plat,

that policy is now changed, and Staff follows Section 8.2.2.A.1.a, requiring sidewalks in certain instances in industrial subdivisions (discussed above).

STAFF RECOMMENDATION:

Staff is neutral and gives no recommendation on the curb and gutter, concrete, and sidewalk waiver requests.

LIST OF SUPPORTING DOCUMENTS:

Exhibit A – Roblex Industrial Subdivision, Final Plat
Exhibit B – Kingpin Drive and Transport Industrial Drive Aerial
Exhibit C – Industrial Drive Aerial
Exhibit D – Waiver Letter Request
PowerPoint Presentation-