



AGENDA MEMORANDUM

Planning Commission Meeting of September 19, 2018

DATE: September 14, 2018

TO: Nina Nixon-Méndez, Director of Development Services

FROM: Greg Collins, Senior City Planner, Development Services
gregc@cctexas.com
(361) 826-3535

Council Addition, Block 1, Lot 1AR (Replat 30.17 acres)
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:

Applicant requests 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 plat, known as Council Addition, Block 1, Lot 1AR, is located on the south side of Leopard Street, west of Southern Minerals Road, east of Rhew Road. The owner is proposing to plat one (1) lot, approximately 30.17 acres. The land is zoned Light Industrial (IL).

STAFF ANALYSIS:

Table 8.2.1.C. of the UDC states in a footnote that "sidewalks are not required in industrial areas."

However, UDC Section 8.1.4 and 8.2.2.A do require construction of sidewalks as part of the platting process, including industrial subdivisions.

Section 8.2.2.A.1.a. requires sidewalks in industrial subdivisions, for (i) streets that are in the UTP as arterials or collectors, (ii) for through-streets that either are connecting to existing streets or to proposed arterials or collectors, and (iii) perimeter streets where a sidewalk presently exists to the boundary of industrial subdivisions.

In this case, sidewalk is required under criterion (i), because the plat is adjacent to Leopard Street, designated as an A-2 Arterial in the Urban Transportation Plan.

UDC goes on to state, under Section 8.2.2.B, B.1-B.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.

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

1. The property is zoned Light Industrial and is being used as such.
2. There is no sidewalk network on this property or adjacent properties.

STAFF FINDINGS:

The conditions of UDC 8.2.2.B are not met. The zoning and use of the property as Light Industrial. However, there is an RTA bus stop with approximately 25 feet of sidewalk along Leopard Street adjacent to this property.

STAFF RECOMMENDATION:

Staff recommends denial of the waiver from the sidewalk construction requirement.

LIST OF SUPPORTING DOCUMENTS:

Exhibit A –Final Plat

PowerPoint Presentation-Waiver from Sidewalk Requirement