



AGENDA MEMORANDUM

Planning Commission Meeting of November 14, 2018

DATE: November 9, 2018

TO: Nina Nixon-Méndez, Director of Development Services

FROM: Greg Collins, Senior City Planner, Development Services
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South Clarkwood Acres, Block 1, Lot 2 (Final Plat)
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 South Clarkwood Acres, Block 1, Lot 2 is located east of South Clarkwood Road (FM 2292) and south of State Highway 44 / Agnes Street. The owner is proposing to plat one (1) lot, approximately 15.874 acres. The land is zoned Recreational Vehicle (RV). The purpose of the plat is to construct an RV Park.

STAFF ANALYSIS and FINDINGS:

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

This proposed development is on South Clarkwood Road, which is designated as an A-3 Arterial in the City's Urban Transportation Plan (UTP). The street design standards for A-3 Arterials also require sidewalks, per UDC Table 8.2.1.C.

The UDC does 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, the following factors exist in the area:

1. No current sidewalk network within a quarter mile.
2. Clarkwood Road is not on the City's ADA Master Plan.
3. No transit route along Clarkwood Road.
4. No proximate school or public or civic uses in the area.
5. The San Juan Addition subdivision, about 0.39 mile to the south, does not have sidewalk along Clarkwood.

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

1. The site is adjacent to an existing mobile home community to the south. Also, the site is adjacent to RS-6 zoned property of about 30.77 acres, to the north.
2. Clarkwood is an A-3 Arterial and the street standards require sidewalk.
3. There is a commercial and employment node north of the site, which includes a convenience store (0.3 mile away), U.S. Customs and Border Security office (0.44 mile), Baker Hughes and L&F Distributors (0.73 mile).
4. North of the site, there is existing sidewalk and crosswalk at the convenience store (0.3 mile away) and at the intersection of Clarkwood and S.H. 44/Agnes St., and that sidewalk continues north of that intersection.
5. The San Juan Addition subdivision to the south, that does not have sidewalk along Clarkwood, was platted back in 1946, prior to the City's subdivision sidewalk requirement, that has been operative since at least 1980.

STAFF RECOMMENDATION:

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.

LIST OF SUPPORTING DOCUMENTS:

Final Plat

PowerPoint Presentation-Waiver from Sidewalk Requirement