



AGENDA MEMORANDUM

Planning Commission Meeting of December 12, 2018

DATE: December 5, 2018

TO: Nina Nixon-Méndez, Director of Development Services

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

Perry's Estates, Block 1, Lot 23
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 proposed plat, known as Perry's Estates, Block 1, Lot 23, is located west of Waldron Road and south of Graham Road. The owner is proposing to plat one (1) lot, approximately 0.396 acre. The land is zoned Residential Single-Family 6 "RS-6". The property is unplatted. There is one single-family house on the property. The purpose of the plat is to enable the applicant to apply for a building permit for an accessory building on the property.

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 plat is on southwest corner of Graham Road and Amber Drive. Graham Road is designated as a C-1 Collector in the City's Urban Transportation Plan (UTP). The street design standards for C-1 Collectors require sidewalks, per UDC Table 8.2.1.C.

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.

In support of the waiver request, the following factors exist in the area:

1. No current sidewalk network exists on Amber Drive, and there is no sidewalk along Graham Road adjacent to the property.
2. Amber Road is not on the City's ADA Master Plan.
3. The property is not located along an existing or foreseeably planned CCRTA fixed route service.
4. Applicant asserts that sidewalk installation is impractical because of drainage ditch on both streets, and the property abutting a major thoroughfare (Graham Road), and that UDC 8.2.2.A.2 allows an exception from the sidewalk requirement in these circumstances.

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

1. The property is in an RS-6 zoned district, and is a corner lot, from which a sidewalk network can be started. The property is less than 0.25 mile (the average radius of a pedestrian shed¹) from an existing commercial / employment node and neighborhood

¹ "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

amenities.

2. Graham Road is on the City's ADA Master Plan.
3. The property is about 385 feet (0.07 mile) from a CCRTA paratransit stop in front of the Ethyl Eyerly Senior Center. The property is about 1,328 feet (0.25 mile) from the nearest CCRTA fixed service transit stop, on Waldron Road to the east.
4. The property is about 940 feet (0.18 mile) from the nearest sidewalk connection at the northwest corner of Graham and Waldron Road, which is a commercial/employment node. The property is less than a quarter mile from a number of neighborhood amenities and commercial establishments:

Neighborhood Amenity/Commercial Establishment	Approximate distance from existing home to amenity (door-to-door)
CCRTA Paratransit Stop	385 feet (0.07 mile)
Ethyl Eyerly Senior Center	520 feet (0.10 mile)
Parker Memorial Park playground	780 feet (0.15 mile)
Parker Memorial Park Tennis Courts	990 feet (0.19 mile)
CCRTA Transit Stop	1,328 feet (0.25 mile)
Blue Store Convenience Store	1,615 feet (0.30 mile)
Wranosky Park	2,140 feet (0.40 mile)
IBC Bank and Laguna Apartments	2,240 feet (0.42 mile)

5. Regarding the drainage ditches and applicant's assertion of impracticality under UDC 8.2.2.A.2, additional right-of-way will be dedicated during the platting process, specifically, an additional five feet for Amber Drive, and an additional five feet for Graham Road. In the event this additional right-of-way is not sufficient, easement may be obtained to accommodate the sidewalk.

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.

LIST OF SUPPORTING DOCUMENTS:

Final Plat

PowerPoint Presentation-Waiver from Sidewalk Requirement

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>