



AGENDA MEMORANDUM

Planning Commission Meeting of January 9, 2019

DATE: January 2, 2019

TO: Nina Nixon-Méndez, Director of Development Services

FROM: Greg Collins, Senior City Planner, Development Services
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Heines Substation, 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:

CDS Muery, on behalf of American Electric Power Service Corporation ("AEP"), 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 subject property, known as the proposed Heines Substation Final Plat (4.00 acres +/-), is located on the north side of Holly Road, between Lexington Road and the Ennis Joslin Road alignment. The land is zoned RS-TF ("Residential-Two Family") (duplex) and is currently used for agriculture. The purpose of the plat is to obtain a building permit. AEP proposes to build an electric substation at this site (a "Major Utilities" use listed in UDC 5.1.3.J). This principal use is allowed in this zoning district, under UDC Table 4.4.2, subject to the limitations in UDC Section 5.2.6.¹

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 fronts on the north side of Holly Road. Holly Road is designated as an A3 Arterial in the City's Urban Transportation Plan (UTP). The street design standards for A3 Arterials require 5-foot wide 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

¹ The limitations in UDC 5.2.6 are: (A) a 6-foot high masonry screening fence is required; and (B) the facility shall be secured from entry.

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 applicant asserts in support of the waiver request, that this location is not conducive to a sidewalk structure and that the following factors exist in the area:

1. The location is too steep and not flat enough to adhere to ADA² requirements. The applicant refers to their grading plan (Sheet 5210PG03).
2. The presence of drainage ditch within the right-of-way of Holly Road makes sidewalk construction infeasible.
3. No current sidewalk network exists along the properties adjacent to the subject site. (The nearest sidewalk is the Holly Road Hike / Bike Trail about 0.55 miles east, at Holly Road and Paul Jones Avenue. The next closest sidewalk along Holly Road is about 0.58 miles west, at the northeast corner of Holly and Rodd Field Road, at a Stripes fuel service station and convenience store).

² "ADA" is the Americans with Disabilities Act of 1990 (42 U.S.C. § 12101 et seq.).

Additional factors in support of the waiver are:

4. The property is not located along an existing or foreseeably planned CCRTA³ transit service route.
5. Holly Road between Rodd Field Road and Paul Jones Avenue/North Oso Parkway is not on the ADA Master Plan.
6. There are several residential platted subdivisions fronting along the north and south sides of Holly Road between Rodd Field Road and Paul Jones Avenue/North Oso Parkway that do not have sidewalk built along Holly Road:

Subdivision/Plat Name	Location	Date of Plat
Lexington Acres	north side of Holly Rd., west of Heines site	6/17/1947
Rodd Place Unit 2	north side of Holly Rd., west of Heines site	2/17/1978
Rodd Place Unit 3	north side of Holly Rd., west of Heines site	4/21/2014
Los Arboles at Terra Mar Unit 1	south side of Holly Rd., south of Heines site	2/22/2006, 2/8/2007
Sandy Creek Unit 1	south side of Holly Rd., west of Heines site	11/9/2015
Sandy Creek Townhomes	south side of Holly Rd., west of Heines site	1/8/2018
Los Arboles at Terra Mar Unit 2	south side of Holly Rd., southeast of Heines site	7/11/2008
Monte Verde at Terra Mar Unit 3	south side of Holly Rd., east of Heines site	4/20/2017
Monte Verde at Terra Mar Unit 1	south side of Holly Rd., east of Heines site	4/17/2006
Parkview Unit 1	south side of Holly Rd., east of Heines site	10/19/2015
Parkview Unit 2	south side of Holly Rd., east of Heines site	1/13/2017
Parkview Unit 3	south side of Holly Rd., east of Heines site	11/15/2017
Parkview Unit 4	south side of Holly Rd., east of Heines site	5/5/2017

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

1. Holly Road between Rodd Field Road and Paul Jones Avenue is identified in the HikeBike Trails Master Plan⁴, at page 79 of the Mobility CC Plan (October 2013), as an Opportunity corridor for development of on-street and off-street pedestrian and bicycle routes. Holly Road is intended to connect neighborhoods to the Oso Bay Wetlands Preserve park located about 0.55 mile east of the Heines Substation plat, at Holly Road and North Oso Parkway/Paul Jones Avenue. This corridor would be a part of the Oso Wilderness Loop trail system.

³ "CCRTA" is Corpus Christi Regional Transportation Authority.

⁴ The "HikeBike Trails Master Plan" is an element within the Mobility CC Plan (October 2013).

2. The property adjacent to the east between the subject site and the Oso Bay Wetlands Preserve park and Holly Hike and Bike Trail is unplatted, vacant, and zoned residential, except for two parcels at the northwest corner of Holly Road and Paul Jones (zoned Farm Rural but used for single-family residential). The vacant land, when platted, would also be required to have sidewalk as part of that platting process, such that a substantial network could be started, to connect to the Holly Hike and Bike Trail.
3. The property is in an RS-TF zoned district and is adjacent to vacant, unplatted RS-6 zoned property to the east, and platted, developed RS-6 neighborhoods to the west.
4. Regarding slope of the area, the slope is due to a proposed detention pond to be constructed by the applicant, shown in the applicant's grading plan. The proposed detention pond does not appear to include the additional 26 feet of right-of-way required to be dedicated as part of the platting process. The detention pond would need to be relocated further to the north, on the applicant's property and out of right-of-way, and this shift in pond location could accommodate sidewalk.
5. Regarding the drainage ditch in existing Holly Road right-of-way, in the Heines Substation plat, an additional 26 feet of right-of-way will be dedicated by the plat, north of the ditch, that could accommodate sidewalk.
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:

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