



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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Flour Bluff Gardens, Block 7, Lot 2R, 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:

Voss Engineering, Inc., on behalf of Sam and Rebecca Solis, property owners, 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 Flour Bluff Gardens, Block 7, Lot 2R Final Plat (0.258 acre +/-), is located west of Waldron Road and north of Don Patricio Road. (Specifically, it is on the east side of Amber Drive, north of Blossom Street). The land is vacant. The land was previously platted in 1947. The landowners are replatting the property to reconfigure a lot from 50 feet wide to 80 feet wide and to apply for a building permit to construct a single-family residence at this site. The land is zoned Single-Family Residential 6 ("RS-6").

STAFF ANALYSIS and FINDINGS:

This proposed plat fronts on the east side of Amber Drive. Amber Drive is a local street, platted in 1947 with a 40-foot right-of-way, a substandard right-of-way width under the current UDC. In the plat, the landowners are dedicating an additional five feet to help bring this street right-of-way up to the minimum 50-foot local street standard in UDC Table 8.2.1.B, and to match the 50-foot right-of-way of Amber Drive that is north and adjacent to this plat (Perry's Estates).

The 50-foot local street standard in UDC Table 8.2.1.B requires sidewalk.

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

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.

The applicant states that they do not believe sidewalk should be required because:

1. There is an open drainage ditch in front of the property, and there is no room for a sidewalk.
2. For the whole neighborhood along Amber Drive, there are no existing sidewalks.
3. The waiver should not conflict with the Comprehensive Plan and the purposes of the UDC.

Additional factors in support of the waiver are:

4. The neighborhood does not have sidewalks because Flour Bluff Gardens was originally platted in 1947, which pre-dates the 1955 adoption of the sidewalk construction plat requirement.

5. Amber Drive is not on the City's ADA¹ Master Plan.
6. This plat is not located along an existing or foreseeably planned CCRTA² service route.

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

1. The property is within walking distance³, around 1,025 feet (0.19 mile) of one civic use, a church, the Primera Iglesia Bautista of Flour Bluff.
2. The property is in a residential neighborhood zoned Residential Single-Family 6 ("RS-6").
3. The Comprehensive Plan, Plan CC, states the community's vision for Transportation and Mobility and calls for connected networks of good streets and sidewalks and safe bicycle routes.

STAFF RECOMMENDATION:

Weighing the factors, Staff recommends approval 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:

Exhibit A -- Final Plat
PowerPoint Presentation-Waiver from Sidewalk Requirement

¹ "ADA" is the Americans with Disabilities Act of 1990 (42 U.S.C. § 12101 et seq.)

² "CCRTA" is Corpus Christi Regional Transportation Authority.

³ Walking distance is 0.25 mile or less (the average radius of a pedestrian shed) "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 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>