



AGENDA MEMORANDUM

Planning Commission Meeting of January 23, 2019

DATE: January 15, 2019

TO: Nina Nixon-Méndez, Director of Development Services

FROM: Greg Collins, Senior City Planner, Development Services
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Don Patricio, Block A, Lot 7R, Final Plat
Request for a Plat Waiver of the Street and Sidewalk Construction Requirement
in Section 8.1.4 and 8.2.2 of the Unified Development Code

BACKGROUND:

Voss Engineering, Inc., on behalf of Ismael Pena, landowner, submitted a request for a waiver of the plat requirement to construct street and sidewalk on Ridgewood Drive, per Section 8.1.4.A and 8.2.2.A of the Unified Development Code (UDC).

The subject property, known as the proposed Don Patricio, Block A, Lot 7R Final Plat (0.454 acre +/-), addressed as 1926 Waldron Road, is located on the west side of Waldron Road, south of Don Patricio Road (between Don Patricio Road and Division Road alignment). The land was previously platted in 1941. The landowner is replatting the property to combine Lots 45, 46 and the northwestern 80 feet of Lots 7 and 8 into a single lot, so that the applicant may connect existing, nonconforming multi-family residential buildings to the City's wastewater system. The land is zoned Single-Family Residential 6 "RS-6" and is currently being used for residential multi-family housing, as a non-conforming existing use.

STAFF ANALYSIS and FINDINGS:

This proposed replat combines two western lots (Lots 45 and 46) and two fractional eastern lots (the western 80 feet of Lots 7 and 8) from the original Don Patricio subdivision, platted in 1941, into one single lot. As a result, the replat creates a "double frontage" lot. The east side fronts on Waldron Road. The west side fronts on Ridgewood Drive right-of-way, which is not paved, and has no sidewalk, and which runs about 0.25 miles from Don Patricio to Division Road. This right-of-way was originally called Oleander Avenue in the 1941 plat. It is 40 feet wide, which is substandard per UDC Table 8.2.1.B.

In this replat, the landowner is dedicating to the existing Ridgewood Drive right-of-way an additional five feet from the west of his property, to help bring the Ridgewood Drive street right-of-way up to the minimum 50-foot local street standard in UDC Table 8.2.1.B. The 50-foot local street standard in UDC Table 8.2.1.B requires 28 feet of street pavement as measured from the back of curb to the back of curb, and four-foot wide sidewalk on both sides of the street right-of-

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

Regarding sidewalk, 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.

Factors in support of the request for waiver from the street and sidewalk construction requirement on Ridgewood Drive are:

1. Don Patricio subdivision was originally platted in 1941, before annexation by the city, and before the adoption of street and sidewalk standards in 1955.
2. No portion of Ridgewood Drive along its entire 0.25 mile extent is built, and there is no existing sidewalk. This replat is an interior lot in the old subdivision. The frontage of this

replat is about 100 feet, out of 1,320 feet total.

3. The cost of street and sidewalk construction along the frontage of this lot is not roughly proportionate to the proposed development on this lot. The proposed development on this lot is the connection of nonconforming existing multi-family residences to the City's wastewater system.
4. Ridgewood Drive is not on the ADA¹ Master Plan and no CCRTA² transit service routes are planned.
5. The waiver should not conflict with the Comprehensive Plan and the purposes of the UDC.

Factors weighing against the waiver and in support of requiring street and sidewalk construction on Ridgewood Drive:

1. The property is in a residential neighborhood zoned Residential Single-Family 6 ("RS-6").
2. 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 street and 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

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.