



AGENDA MEMORANDUM

Planning Commission Meeting of January 23, 2019

DATE: January 16, 2019

TO: Nina Nixon-Méndez, Director of Development Services

FROM: Greg Collins, Senior City Planner, Development Services
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Port Aransas Cliffs, Block 116, Lot 33R (Replat)
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 Port Aransas Cliffs, Block 116, Lot 33R, is located south of Ropes Street and east of Aransas Street, in the Midtown Area. The owner is proposing to replat to combine five lots into one lot, approximately 0.406 acre. Port Aransas Cliffs was originally platted in 1891 and replatted in 1927. The land is zoned Residential Single-Family 6 ("RS-6"). There is one single-family house on the property. The purpose of the replat is to combine lots to remove lot lines and enable the applicant to apply for a building permit for an accessory building on the property.

STAFF ANALYSIS and FINDINGS:

This proposed replat is on northwest corner of Ropes Street and Aransas Street. Ropes Street and Aransas Street both have a right-of-way width of 50 feet. These right-of-way widths are categorized in UDC Table 8.2.1.B as local streets. Local streets with 50-foot right-of-way are required to have four-foot wide sidewalk on both sides of the right-of-way.

UDC Section 8.1.4 and 8.2.2.A also 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.

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

1. There is no space for sidewalk from the property line to the edge of the street pavement because of existing gas and water lines.
2. For the whole neighborhood along the streets, there are no existing sidewalks.
3. For "the whole subdivision, there are no sidewalks, and this plat was filed years ago."
4. The granting of the waiver should not conflict with the Comprehensive Plan and the purposes of the UDC.

Additionally, the following factors support the waiver request:

5. Ropes and Aransas Streets are not on the ADA¹ Master Plan.

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

6. No CCRTA² transit service routes are planned on Ropes and Aransas Streets.
7. The cost of sidewalk construction along the frontage of this lot may not be roughly proportionate to the value of the proposed new development on this lot (construction of an accessory building).

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 shed³) from Ropes Park, existing sidewalk, and a CCRTA transit stop on Santa Fe Avenue, all described in more detail below.
2. The lot is about 490 feet from sidewalk on the west side of Ocean Drive, and the lot is about 570 feet (0.11 mile) from Ropes Park at Ocean Drive and Corpus Christi Bay.
3. There is existing sidewalk on the same street and block as the subject site, about 320 feet south of the property on the same side of Aransas Street, and there is existing sidewalk about 250 feet east of the property on the same block, on Denver Street.
4. There is a CCRTA transit stop on Santa Fe Avenue about 680 feet (0.13 mile) away, and existing sidewalk on both sides of Santa Fe Avenue.
5. Regarding the utilities in the right-of-way, if right-of-way is not sufficient, easement may be obtained to accommodate the sidewalk.
6. 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:

Final Plat
PowerPoint Presentation-Waiver from Sidewalk Requirement

² "CCRTA" is Corpus Christi Regional Transportation Authority.

³ "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>