



AGENDA MEMORANDUM

Planning Commission Meeting of February 6, 2019

DATE: February 1, 2019

TO: Nina Nixon-Méndez, Director of Development Services

FROM: Greg Collins, Senior City Planner, Development Services
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Kaler Addition, Block 3-B, Lot H-2R
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:

Texas GeoTech Land Surveying, Inc., on behalf of Charles O. Lile, 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 Kaler Addition, Block 3-B, Lot H-3R, a replat of 0.35 acre +/-, is located at the southwest corner of Interstate Highway 37 frontage road and Savage Lane. The land is zoned Light Industrial ("IL"). The land is currently an open lot used for storage. The purpose of the plat is to prepare the land for future development. The applicant requests waiver from building sidewalk along Savage Lane, running along the east side of 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.

The property is a corner lot. Savage Lane runs north-south along the eastern side of the property. Savage Lane is not designated on the City's Urban Transportation Plan (UTP). It is a local street, with 50-foot right-of-way that varies as it approaches I-37 frontage road. The street design standards for local streets requires 4-foot wide sidewalks along Savage Lane, per UDC Table 8.2.1.B. There is existing sidewalk running along the I-37 frontage road.

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.

Industrial subdivisions. UDC 8.2.2.A.1 effectively provides a limited exception from the sidewalk requirement for certain industrial subdivision streets, however Savage Lane does not qualify. It is a “through-street” that connects to existing streets (UDC 8.2.2.A.1.a.ii), and such through-streets require sidewalk.

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 the following factors in support of the waiver request:

1. There is open drainage ditch and lack of space in the Savage Lane right-of-way, between the lot line and street pavement.

In addition, the following factors also support the waiver request:

2. The property is not located along an existing or foreseeably planned CCRTA¹ transit service route.
3. Savage Lane is not on the ADA² Master Plan.

¹ “CCRTA” is Corpus Christi Regional Transportation Authority.

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

4. Savage Lane is not on the MobilityCC plan.
5. There are several adjacent and contiguous lots to the south that are platted lots, industrial-zoned, fronting along the west side of Savage Lane in the vicinity that do not have sidewalk.

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

1. There is existing sidewalk running along the northern edge of the subject site to connect to, running along the I-37 frontage road. UDC 8.2.2.A.4 states that "sidewalks shall connect to existing adjacent sidewalks or be designed to allow connection to future adjacent sidewalk."
2. The lot is a corner lot.
3. There are commercial establishments and residences within 0.25 miles of the site.
4. 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 approval of the waiver.

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