



## AGENDA MEMORANDUM

Planning Commission Meeting of March 20, 2019

**DATE:** March 14, 2019

**TO:** Nina Nixon-Méndez, Director of Development Services

**FROM:** Greg Collins, Senior City Planner, Development Services  
gregc@cctexas.com  
(361) 826-3535

**Cabaniss Industrial Park, Block 4, Lot 1R (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:**

Munoz Engineering, on behalf of PAWS-Gulf Coast Human Society, 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 Cabaniss Industrial Park, Block 4, Lot 1R (proposed replat) (4.24 acres +/-), is located south of Saratoga Boulevard, west of Kostoryz Road. The land is zoned Light Industrial. The property is the location of Gulf Coast Humane Society, a 501(c)(3) nonprofit described in its web site as the largest no kill animal shelter in south Texas. The facility cares for hundreds of adoptable dogs and cats.<sup>1</sup> The landowner states in their plat application that the purpose of the plat is “for development of area.”

### **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 replat fronts on Cabaniss Parkway, designated as a C1 Collector in the City's Urban Transportation Plan (UTP). The street design standards for C1 Collectors require 5-foot wide sidewalks, per UDC Table 8.2.1.C.

The property is zoned Light Industrial and is located in an industrial subdivision. Section 8.2.2.A.1.a.ii of the UDC requires sidewalk in industrial subdivisions for “[t]hrough-streets that either are connecting to existing streets or to proposed arterials or collectors.” In this case, Cabaniss Parkway runs through the subdivision and connects to an A3 Arterial, Saratoga Boulevard. Under the UDC, sidewalk is required along Cabaniss Parkway.

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<sup>1</sup> Source: <https://www.gchsc.org/>, accessed on March 14, 2019.

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. Condition #2 does not apply in this case. Although there is a dog run and trail in the western part of the property, that area is wholly on the private property and not accessible to the general public.

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. The property was originally platted in 1974 and replatted in 1990 with no requirement for sidewalk construction being required at those times.
2. The property and the adjacent area to the property is zoned and is being used as Light Industrial.
3. There are no sidewalks along the street along the adjacent properties.

4. The area is not located on any transit stops or transportation plan.
5. "The Gulf Coast Humane Society property currently has sidewalk adjacent to the street in areas that have been improved to promote pedestrian circulation through the facility. Other areas have no sidewalk as to be able to provide controlled access and as a means of providing a park feel to the area with the improvements on-site.
6. Waiver of sidewalk will not be detrimental to the public health, safety, or general welfare, and adjacent property will not be restricted or rendered unfeasible.
7. The comprehensive plan will not be substantially affected.

An additional factor in support of the waiver is:

8. Cabaniss Parkway is not on the City's ADA<sup>2</sup> Master Plan.

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

1. There is existing sidewalk network on the property.
2. There is existing sidewalk on the property adjacent to the east running along Cabaniss Parkway, along the Cabaniss Athletic Complex soccer field, and extending north past a natatorium (indoor swimming pool) and gymnasium, ultimately connecting to sidewalk along Saratoga Boulevard.
3. Cabaniss Parkway is a C1 Collector and the UDC Street Standards Table 8.2.1.C. requires sidewalk along collectors.
4. Under UDC 8.2.2.A.1.a, industrial subdivisions are required to have sidewalk along i) "streets that are in the Urban Transportation Plan as arterials or collectors, and ii) "through streets that either are connecting to existing streets or to proposed arterials or collectors." Also, UDC 8.2.2.A.2 states that "[a]ll required sidewalks ... shall extend along all street frontages...."
5. The property is within walking distance, around 0.25 mile or less (the average radius of a pedestrian shed<sup>3</sup>), from a neighboring community amenity. Distances to these neighborhood amenities are summarized in the table below:

<b>Neighborhood Amenity/Commercial Establishment/Employment</b>	<b>Approximate distance from property to amenity</b>
Cabaniss Soccer Field and existing sidewalk network	468 feet (0.09 mile)
Natatorium (Indoor Swimming Pool)	907 feet (0.17 mile)
Existing sidewalk at CCISD bus parking facility (east)	990 feet (0.19 mile)
Corpus Christi Gymnasium	1,305 feet (0.25 mile)

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

<sup>3</sup> "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>

6. The Comprehensive Plan's vision for transportation and mobility calls for "connected networks of good streets and sidewalks and safe bicycle routes."
7. The sidewalk would connect to Saratoga Boulevard, which is on the ADA Master Plan.

**STAFF RECOMMENDATION:**

Weighing the factors, Staff recommends:

- 1) denial of the waiver from the sidewalk construction requirement along the east segment of Cabaniss Parkway, to require connection to the adjacent sidewalk along the Cabaniss Athletic Complex soccer field;
- 2) approval of the waiver from the sidewalk construction requirement along the west segment of Cabaniss Parkway, along the dog run / dog park portion of the property.

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