



## **AGENDA MEMORANDUM**

Planning Commission Meeting of May 29, 2019

**DATE:** May 21, 2019

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

**FROM:** Greg Collins, Senior City Planner, Development Services  
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### **Bluff Estates, Lot 12D, Final Plat**

Request for a Plat Waiver of the Street, Curb and Gutter,  
and Sidewalk Construction Requirements

#### **BACKGROUND:**

Voss Engineering, Inc., on behalf of property owner, Alice V. D'Asta, submitted a request for a waiver of the plat requirement to construct street, curb and gutter, and 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 Bluff Estates, Lot 12D Final Plat (0.13 acre +/-), addressed as 332 Wray Lane, is located on the west side of Wray Lane, north of Jarvis Street. The purpose of the replat is to obtain a building permit for a new house to be built. A current house on the lot is being demolished.

The lot is a fractional portion of the original Lot 12, Bluff Estates subdivision platted in 1936. The original lot dimensions of Lot 12 in 1936 were 143 feet x 264.75 feet (37,859.25 square feet). This proposed replatted lot's size is 5,649 square feet. The land owner acquired the property by warranty deed in 1995. She does not own any adjacent property. The grantor in the 1995 deed is not a current owner of any adjacent property.

The land is zoned Single-Family Residential 10 ("RS-10"). Although this lot does not meet today's minimum dimensional standards for an RS-10 zoned lot (minimum area of 10,000 square feet, minimum lot width of 85 feet), the lot is deemed nonconforming and buildable under UDC Section 9.2.1.C. The landowner does not own any of the land adjacent to this lot that would enable her to increase the size of this lot. A single-family dwelling may be erected, provided that the required yard regulations are observed.

#### **STAFF ANALYSIS and FINDINGS:**

**Street and Curb and Gutter Construction.** UDC Sections 3.30.1 and 8.1.4 require construction of street and curb and gutter as part of the platting process. UDC Table 8.2.1.B. requires a standard local street right-of-way width of 50 feet and a pavement width of 28 feet (measured from back of curb to back of curb). This replat fronts on the west side of Wray Lane,

an existing, substandard street with a 25-foot right-of-way and an approximate 15 to 20 foot pavement width, with no curb and gutter.

Under these circumstances, to avoid a discontinuity in the street pavement and alignment of Wray Lane between the landowner's lot and the rest of Wray Lane north and south on this block, Staff recommends approval of a plat waiver of the street construction requirement of a 28-foot pavement width and curb and gutter.

**Right-of-way.** The landowner is dedicating an additional 12.5 feet of right-of-way on her side of the center line (for a total of 25 feet on her side of the center line), to help bring the street right-of-way up to the minimum 50-foot local street standard in UDC Table 8.2.1.B. Over time, this street may be brought up to current UDC street standards, whether by future replatting and dedication by adjacent landowners, or by city-initiated project, or by some other means.

**Sidewalk.** UDC Sections 3.30.1 and 8.1.4 require construction of sidewalk as part of the platting process. The UDC also states, 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. The original plat was recorded in 1936 (before the sidewalk requirement was adopted by the City in 1955).
2. For the whole neighborhood along Wray Lane, there are no existing sidewalks on either side of the road.
3. The cost of adding sidewalk is not in the applicant's budget.
4. Wray Lane is an existing street that serves all houses along this street.
5. The waiver should not conflict with the Comprehensive Plan and the purposes of the UDC.

Additional factors in support of the waiver are:

6. Wray Lane is not on the Urban Transportation Plan (UTP) or the City's ADA<sup>1</sup> Master Plan.
7. This plat is not located along an existing or foreseeably planned CCRTA<sup>2</sup> service route. The nearest transit stop is about 2,290 feet (0.43 mile) away at Alameda Street and Rawleigh Drive.
8. There are no commercial or employment nodes or neighborhood amenities within walking distance<sup>3</sup> of the property. The nearest such area is about 2,027 feet (0.38 mile) to the south, at Alameda Street and Airline Road.

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

1. The northern neighboring property, 328 Wray Lane, has sidewalk.
2. There is an existing sidewalk south along Jarvis Street 190 feet away.
3. The property is in a residential neighborhood zoned Residential Single-Family 10 ("RS-10").
4. 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

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

<sup>2</sup> "CCRTA" is Corpus Christi Regional Transportation Authority.

<sup>3</sup> 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>

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.<sup>4</sup>

**LIST OF SUPPORTING DOCUMENTS:**

Exhibit A -- Final Plat

PowerPoint Presentation-Waiver from Street, Curb and Gutter, and Sidewalk Requirement

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<sup>4</sup> Note that Planning Commission on May 15, 2019, recommended approval to City Council a proposed UDC text amendment providing for exceptions to the sidewalk construction requirement under certain circumstances and an option for an Alternative Pedestrian Plan. That amendment is expected to be heard at City Council in Summer 2019.