



AGENDA MEMORANDUM

Planning Commission Meeting of July 10, 2019

DATE: July 3, 2019

TO: Nina Nixon-Méndez, Director of Development Services

FROM: Greg Collins, Senior City Planner, Development Services
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Corpus Christi Industrial District, Block 1, Lot 21R Final Plat (Replat)
Request for a Plat Waiver of the Sidewalk Construction Requirements
in Section 8.1.4 and 8.2.2 of the Unified Development Code

BACKGROUND:

Brister Surveying, on behalf of property owner, Mahnaz and Vahid Mostaghassi, 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 Corpus Christi Industrial District, Block 1, Lot 21R Final Plat (Replat) (1.00 acre +/-), is located south of Agnes Street and west of Baldwin Boulevard. More specifically, it is at the northeast corner of 44th Street and Beacon Street. This is a replat that combines existing Lots 21 through 25 of the prior plat, into one lot. The applicant states that the purpose of the plat is construction. The land is zoned IL (Light Industrial).

STAFF ANALYSIS and FINDINGS:

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.

Factors in Support of the Waiver. The applicant states that they do not believe sidewalk should be required because:

1. There are currently no adjacent sidewalks along 44th Street or Beacon Street to connect to.
2. The zoning is Light Industrial and not Residential.
3. There are no bus stops along either street.
4. The frontage along 44th Street is existing concrete (driveway apron, parking, and loading dock).

Additional factors in support of the waiver request are:

5. 44th Street and Beacon Street are not categorized on the Urban Transportation Plan.
6. Although 44th Street is a "through street" in an industrial subdivision that eventually connects to an arterial and a collector, the A2 arterial to the north (Agnes Street/S.H. 544) is 0.20 mile away, and the distance to the C1 collector Santa Elena Street is 0.28 mile away, with no other sidewalk along 44th Street.
7. Neither 44th Street nor Beacon Street are on the City's ADA¹ Master Plan.

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

8. Neither 44th Street nor Beacon Street are on the MobilityCC and the Corpus Christi Metropolitan Planning Organization Strategic Plan for Active Mobility, Phase 1: Bicycle Mobility Plan.
9. The adjacent parcels of land are already platted.

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

1. Beacon Street is a 60-foot right-of-way, the same as a C1 Collector requiring sidewalk under UDC Table 8.2.1.C.
2. The area is zoned IL (Light Industrial). Sidewalk is required in industrial subdivisions along streets that are in the UTP as arterials or collectors, and also along “through-streets” that either are connecting to existing streets or to proposed arterials or collectors, per UDC 8.2.2.A.1.a.i and ii. In this case, 44th Street connects to A2 arterial, Agnes Street (S.H. 544) north (0.20 mile away), and C1 collector, Santa Elena Street south (0.28 mile away). Agnes Street sidewalk is within walking distance of the plat. Santa Elena is nearly walking distance.²
3. The property is on a corner, serving as a starting point for the beginning of a sidewalk network. Also, there is a sidewalk network 0.25 mile east, at Baldwin Boulevard and Airport Road.
4. There is a limited 228 foot long segment of sidewalk on the south side of Beacon Street about 218 feet east. A ballfield park (Driscoll) is 0.24 mile east.
5. None of the exceptional conditions for a sidewalk waiver that are listed in UDC 8.2.2.B exist in this case.
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.³

² 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>

³ 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.

LIST OF SUPPORTING DOCUMENTS:

Exhibit A – Waiver Request Letter

Exhibit B – Final Plat

PowerPoint Presentation-Waiver from Sidewalk Requirement