



AGENDA MEMORANDUM

Planning Commission Meeting of August 21, 2019

DATE: August 15, 2019

TO: Nina Nixon-Méndez, Director of Development Services

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

<p>Annaville Baptist Church, Block 1, Lots 1 and 2 Final Plat Request for a Plat Waiver of the Sidewalk Construction Requirements in Section 8.1.4 and 8.2.2 of the Unified Development Code</p>

BACKGROUND:

Urban Engineering, on behalf of property owner, Annaville Baptist Church of Corpus Christi, Incorporated, submitted a request for a waiver of the plat requirement to construct sidewalk along Butler Road and Cliff Crenshaw Street. The sidewalk construction requirement is in Section 8.1.4.A and 8.2.2.A of the Unified Development Code (UDC).

The subject property, known as the Annaville Baptist Church, Block 1, Lots 1 and 2 Final Plat (4.24 acres +/-), is located south of Leopard Street, west of Violet Road. The plat was approved by Planning Commission on August 7, 2019. The land is zoned Residential Single-Family 6 "RS-6"). The purpose of the plat is for development of the property.

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. Applicant, Annville Baptist Church is the owner of the property on both sides of Butler Road;
2. Bar ditches exist on either side of Butler Road and along Cliff Crenshaw Street and will not allow for the construction of the requested sidewalks.

Additional factors in support of the waiver request are:

3. Butler Road and Cliff Crenshaw Street are not on the City's ADA¹ Master Plan.
4. There are no bus stops along Butler Road or Cliff Crenshaw Street.
5. Butler Road and Cliff Crenshaw Street are not on the MobilityCC and the Corpus Christi Metropolitan Planning Organization Strategic Plan for Active Mobility, Phase 1: Bicycle Mobility Plan.
6. There is no crosswalk or traffic signal at Cliff Crenshaw Street and Butler Road, to facilitate pedestrian crossing of Cliff Crenshaw, to connect to the County ballfields.
7. Cliff Crenshaw Street has no sidewalk.

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

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

1. The area is zoned residential.
2. There is existing sidewalk network on this plat, on Lot 2, along Violet Road to the east, that the applicant can immediately connect to and extend along Butler Road.
3. Butler Street and Cliff Crenshaw Street are both public streets with right-of-way widths of 50 feet.
4. The plat is directly across the street from, about 36 feet from, County little league baseball, softball, and kickball fields to the west, on Cliff Crenshaw Street. All are well within walking distance from the plat.²
5. Neighboring residential neighborhoods to the north and south both have sidewalk connecting Violet Road to Cliff Crenshaw Street, the same as what is being requested here.
6. None of the exceptional conditions for a sidewalk waiver that are listed in UDC 8.2.2.B exist in this case.
7. Although ditch drainage occupies some of the Butler Road right-of-way, there is 25 feet of Yard Requirement ("Y.R.") available on the lots themselves. Also, there is space beyond this Yard Requirement that does not have structure on it. Access easement can be drawn on the plat and conveyed by the landowner, to provide space for sidewalk. The plat was approved by Planning Commission on August 7, 2019 and has not been recorded yet. The easement can be added and can be approved administratively by Staff prior to recordation of the Plat.
8. 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 along Cliff Crenshaw Street.

Staff recommends denial of the waiver from the sidewalk construction requirement along Butler Road.

Alternatively, if construction of the sidewalk in Butler Road right-of-way is not feasible due to ditch

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>

drainage, Staff recommends that the applicant convey access easement on Lots 1 and 2 on the plat that was just approved by Planning Commission on August 7, 2019, to provide the space for the sidewalk. This revision to the Plat may be approved administratively by Staff.

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 – Waiver Request Letter

Exhibit B – Final Plat

PowerPoint Presentation-Waiver from Sidewalk Requirement