



## **AGENDA MEMORANDUM**

Planning Commission Meeting of September 18, 2019

**DATE:** September 12, 2019

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

**FROM:** Ratna Pottumuthu, Engineer IV, Utilities and Development Service  
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### **Martin Plaza, Blk 1, Lot 1B & 1C**

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:**

LJA Surveying, on behalf of the Spoil Island, LLC, 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 applicant requests a waiver from constructing 198.81 linear feet of sidewalk along Northwest Boulevard (FM 624).

The subject property, known as the proposed Martin Plaza, Blk 1, Lot 1B & 1C Replat (2.77 acres +/-), is located on the south of Northwest Boulevard between Hazel Bazemore (County Road 69) and River Hill Drive. The land is zoned CG-2 (General Commercial) with 198.81 linear feet of frontage to Northwest Boulevard where the sidewalk construction is required.

The platted property is to be subdivided into two lots to separate an undeveloped portion for future commercial development. The applicant requests a waiver from building the sidewalk along the entire frontage to Northwest Boulevard.

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

UDC Section 8.1.4 and 8.2.2.A require construction of sidewalks as part of the platting process.

Northwest Boulevard is designated as an A3 Arterial in the City's Urban Transportation Plan (UTP). The street design standards for A3 Arterials require 5-foot wide sidewalks along Northwest Boulevard, per UDC Table 8.2.1.C.

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.

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 following factors are in support of the waiver request:

1. No current sidewalk network exists along Northwest Boulevard that would connect directly to this site.
2. Northwest Boulevard is TxDOT right-of-way with 2 parallel drainage ditches and topography constraints.
3. The property is not located along an existing or foreseeably planned CCRTA<sup>1</sup> transit service route.
4. There are several platted lots, commercially-zoned, fronting along the south side of Northwest Boulevard in the vicinity that do not have sidewalk.

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<sup>1</sup> "CCRTA" is Corpus Christi Regional Transportation Authority.

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

1. Northwest Boulevard is designated an A3 Arterial on the Urban Transportation Plan (UTP). Five-foot sidewalk is required along A3 Arterials, per UDC Table 8.2.1.C.
2. Northwest Boulevard is on the ADA<sup>2</sup> Master Plan.
3. The property is zoned General Commercial CG-2 and is adjacent to commercially zoned property to the east and west, on the south side of Northwest Boulevard.
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:**

Staff recommends approval of the waiver. Weighing the factors, although the master plans recommend sidewalk, in this case Northwest Boulevard is a ditch section roadway with topography constraints and no sidewalks.

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  
Utility Plan  
Applicant's Exhibit  
PowerPoint Presentation-Waiver from Sidewalk Requirement

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