



AGENDA MEMORANDUM

Planning Commission Meeting of October 16, 2019

DATE: January 2, 2019

TO: Al Raymond III, Director of Development Services

FROM: Ratna Pottumuthu, Engineer IV, Utilities and Development Service
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Flour Bluff Heights, Block 6, Lot 35, Final Plat
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:

Voss Engineering, Inc., on behalf of Gary Kenneth and Olena Simmons, property owners, 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 sidewalk is 150.00 linear feet in length along Jester Street.

The subject property, known as the proposed Flour Bluff Gardens, Block 6, Lot 35 Final Plat (0.413 acre +/-), is located east of Waldron Road and south of Jester Street. The land is vacant. The owner proposes to plat the property in order to obtain a building permit for single-family residential use. The land is zoned Single-Family Residential 15 ("RS-15").

STAFF ANALYSIS and FINDINGS:

Jester Street is a local street with 50 feet right-of-way. UDC Table 8.2.1.B requires sidewalk on both sides of the street.

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

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 factors in support of the waiver are:

1. No existing sidewalk along Jester Street.
2. There are no UTP streets exists in the area.
3. Jester Street is not on the City's ADA¹ Master Plan.
4. This plat is not located along an existing or foreseeably planned CCRTA² service route.
5. There is no commercial node within quarter mile.
6. Property is currently zoned RS-15 and the parcel across the street is IL zoned (Laguna Madre Wastewater Treatment Plant)
7. Majority of the property along the block face is developed.

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

² "CCRTA" is Corpus Christi Regional Transportation Authority.

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

1. The property is within walking distance
2. 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:

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.

LIST OF SUPPORTING DOCUMENTS:

Exhibit A -- Final Plat
PowerPoint Presentation-Waiver from Sidewalk Requirement