



AGENDA MEMORANDUM

Planning Commission Meeting of December 4, 2019

DATE: November 25, 2019

TO: Al Raymond, Director of Development Services

FROM: Mark Orozco, Planning Technician, Development Services
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Padre Island No. 1, Blk 34, Lot 5R (Final)

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:

Texas Geo Tech Land Surveying, Inc., on behalf of property owner, Ella Belle Edwards, submitted a request for a waiver of the plat requirement to construct a 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 Padre Island No. 1, Blk 34, Lot 5R – Final Replat (0.55 acre +/-), addressed as 14234 Playa del Rey, is located on Padre Island, east of South Padre Island Drive (Park Road 22) and north of State Hwy 361. This is a Final replat of the north 80 feet of Lot 5, Block 34, Padre Island No. 1 plat. The purpose of the plat is to obtain a residential building permit.

The land is zoned RS-6 (Residential Single-Family 6).

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. None of the developed properties within this portion of Padre Island have sidewalks.
2. The area is not located on any transit stops or transportation plan.
3. Waiver of sidewalk will not be detrimental to the public health, safety, or general welfare, and adjacent property will not be restricted or rendered unfeasible.
4. The Comprehensive Plan will not be substantially affected.

Additional factors in support of the waiver are:

5. Playa del Rey is not on the Urban Transportation Plan (UTP).
6. Playa del Rey is not on the City's ADA¹ Master Plan.

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 within a residential subdivision, zoned RS-6, near a commercial node with high density potential.
2. 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:

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.²

LIST OF SUPPORTING DOCUMENTS:

Exhibit A – Waiver Request Letter

Exhibit B – Final Plat

PowerPoint Presentation-Waiver from Sidewalk Requirement
