



AGENDA MEMORANDUM

Planning Commission Meeting of February 5, 2020

DATE: January 15, 2020

TO: Al Raymond, Director of Development Services

FROM: Andrew Dimas, Senior City Planner, Development Services
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Perry's Estate, Block 2, Lot 21R (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, Douglas Wells, 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 Perry's Estate, Block 2, Lot 21R – Replat (0.305 acre +/-), addressed as 653 Graham Road, is located on Flour Bluff, west of Waldron Road, and south of Graham Road. This is a replat of Lot 21, Block 2, Perry's Estate. The purpose of the plat is to obtain a residential building permit for a residential structure by providing current UDC development standards. The land is zoned "RS-6" Single-family 6 District.

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. No current sidewalk network exists on Amber Drive and there is no sidewalk along Graham Road adjacent to the subject property.
2. The property is not located along an existing or foreseeably planned CCRTA fixed route service.
3. Applicant asserts that sidewalk installation is impractical because of drainage ditch on both streets, and the property abutting a major thoroughfare (Graham Road), and that UDC 8.2.2.A.2 allows an exception from the sidewalk requirement in these circumstances.
4. 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.
5. The Comprehensive Plan will not be substantially affected.

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

1. The property is in an RS-6 zoned district, and is a corner lot, from which a sidewalk network can be started. The property is less than 0.25 mile from an existing commercial / employment node and neighborhood amenities.
2. Graham Road is on the City's ADA Master Plan.

3. The property is about 385 feet (0.07 mile) from a CCRTA paratransit stop in front of the Ethyl Eyerly Senior Center. The property is about 1,328 feet (0.25 mile) from the nearest CCRTA fixed service transit stop, on Waldron Road to the east.

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.¹

LIST OF SUPPORTING DOCUMENTS:

Exhibit A – Waiver Request Letter

Exhibit B – Final Plat

PowerPoint Presentation-Waiver from Sidewalk Requirement
