



## **AGENDA MEMORANDUM**

Planning Commission Meeting of August 4, 2020

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**DATE:** July 28, 2020

**TO:** Al Raymond, Director of Development Services

**FROM:** Mark Orozco, Engineering Associate, Development Services  
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<p style="text-align: center;"><b>Ebony Acres No. 2, Lots 131A and 131B (Replat)</b> 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>
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### **BACKGROUND:**

Texas Geo Tech Land Surveying, Inc. on behalf of property owner, Ralene Lock Corley, 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 Ebony Acres No. 2, Lots 131A and 131B addressed as 5582 Hall Avenue, is located east of North Padre Island Drive and north of Leopard Street. This is a Replat of Lot 31. The purpose of the plat is to obtain a residential building permits for a new residence. The original subdivision was platted in 1947 within the jurisdiction of Nueces County. The land was Annexed into the City of Corpus Christi in 1954 and is currently 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 along Hall Avenue. The subdivision was approved with a rural street section containing ditches. The nearest sidewalk is on the North Padre Island Drive access road at the end of Hall Avenue. The east road intersection with McBride Lane does not have a sidewalk network.
2. The property is not located along an existing or foreseeably planned CCRTA fixed route service.
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.

**Factors Against the waiver and in support of requiring sidewalk construction:**

1. The property is zoned "RS-6" Single-Family 6 District from which a sidewalk network can be started.
2. The subject property is located within 0.17 miles of the intersection of the commercial node of North Padre Island Drive and Leopard Street.

**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.<sup>1</sup>

**LIST OF SUPPORTING DOCUMENTS:**

Exhibit A – Waiver Request Letter

Exhibit B – Final Plat

PowerPoint Presentation-Waiver from Sidewalk Requirement

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