



AGENDA MEMORANDUM

Planning Commission Meeting of November 11, 2020

DATE: November 4, 2020

TO: Al Raymond, Director of Development Services

FROM: Mark Orozco, Engineering Associate, Development Services
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<p style="text-align: center;">Gateway Park Block 5, Lots 15A and 15B (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</p>
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BACKGROUND:

Brister Surveying, on behalf of property owner, Toscana Bay Custom Homes, LLC, 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 Gateway Park Block 5, Lots 15A and 15B addressed as 1122 and 1126 Nagle Street, is located south of South Padre Island Drive and west of Laguna Shores Road. This is a Replat of Lot 15. The purpose of the plat is to obtain two residential building permits for Townhomes on the lots. The original subdivision was platted in June of 1940 within the jurisdiction of Nueces County in Flour Bluff. The land was Annexed into the City of Corpus Christi in 1961 and is currently zoned "RM-1" Multifamily 1 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 Nagel Street and there is not a sidewalk tie in with the existing sidewalk along the Padre Island Drive frontage. The subdivision was approved with a rural street section containing ditches. The south road intersection with Knickerbocker Street 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 "RM-1" Multifamily 1 District from which a sidewalk network can be provided meeting current standards for a residential 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.¹

LIST OF SUPPORTING DOCUMENTS:

Exhibit A – Waiver Request Letter

Exhibit B – Final Plat

PowerPoint Presentation-Waiver from Sidewalk Requirement
