

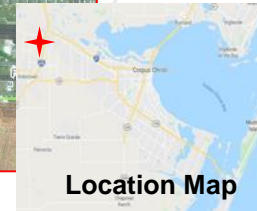
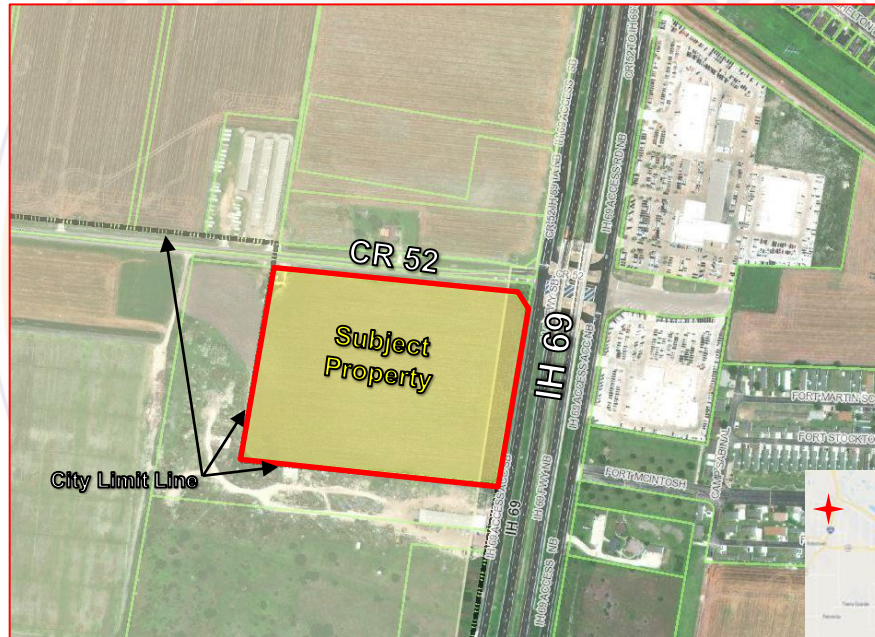
# Request for Sidewalk Waiver

## Nueces Irrigation River Park, Block 1, Lots 9A & 9B



Planning  
Commission  
October 13, 2021

# Aerial



# Subject Property West on County Road 52

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INCORPORATED  
1852

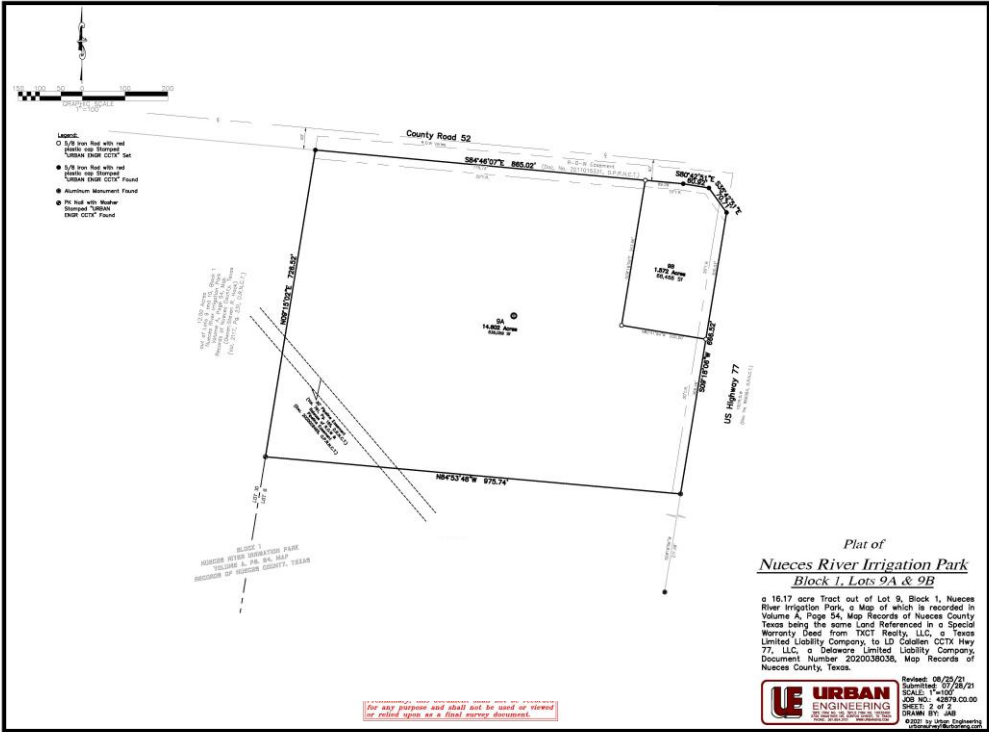
# Subject Property, East on County Road 52

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1852

# Nueces Irrigation River Park, Block 1, Lots 9A & 9B





# Factors in Sidewalk Waiver

## Applicant's Factors in Support of Sidewalk Waiver

1. The granting of the waiver is not detrimental to the public health, safety or general welfare, nor is it injurious to other property in the area, or to the City in administering the UDC. There are no sidewalks on either side of CR 52 nor along I-69 frontage road. CR 52 is a Strip paved street (No curb & gutter) that will not support sidewalk until street is upgraded to a curb & gutter section.
2. The granting of the waiver would not substantially conflict with the Comprehensive Plan or the purposes of the UDC. The existing conditions do not support pedestrian movements and development of adjoining property does not make any changes to existing transportation systems.
3. Application of a provision of this Unified Development Code will render subdivision of land unfeasible.
4. The conditions that create the need for the waiver shall not generally apply to other property in the vicinity. There is not any property in the vicinity that has sidewalks. That said, we believe the need for the waiver does apply to other property in the vicinity.

## Factors Against Sidewalk Waiver (for sidewalk construction)

1. The property is in the "RM-2" Multifamily 2 District and "CG-2" General Commercial District and is a corner lot from which a street and sidewalk network can connect to the Freeway.
2. This land was recently annexed, and a new lift station is being constructed north of CR 52 which will serve approximately 256 acres of land with various uses and build out rates that include low density residential, high density residential and commercial. It is anticipated that this will become a high growth area and the multifamily residential development will create a need for sidewalk along CR 52. Development of adjacent vacant tracts will provide an opportunity to expand a sidewalk network for future commercial and residential uses.
3. The property fronting CR 52 does not meet the Exemptions in UDC Section 8.2.2.C Administrative Exemptions as the lot fronts on and is adjacent to a street designated on the Urban Transportation Plan as an Arterial street.

# Plat Requirements

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- UDC 3.30.1.A: requires installation of improvements, or financial guarantee, during platting
- UDC 8.1.4: During platting, the “developer shall provide”:
  - A. “Streets, including but not limited to pavement, curb and gutter, **sidewalks** ....”
- UDC 8.2.2.A.4: “Sidewalks shall connect to existing adjacent sidewalks or be designed and placed to allow connection to future adjacent sidewalks”

## Plat Waiver UDC 3.8.3.D

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- Need for waiver shall be demonstrated to Planning Commission's satisfaction
  - The waiver may be approved, approved with conditions or denied after consideration of the following factors:
    1. Not detrimental to public health, safety, or general welfare, or be injurious to other property in area, or to the City;
    2. The conditions that create the need for the waiver shall not generally apply to other property in the vicinity;
    3. Application of the provision will render subdivision of land unfeasible; or
    4. The granting of the waiver would not substantially conflict with the Comp Plan and the purposes of the UDC
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## Staff Recommendation

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**Denial** of the request for a waiver from the sidewalk construction requirement.

- Planning Commission may choose to follow or decline Staff's recommendation
- Planning Commission may approve, approve with conditions, or deny the waiver request