

TO: Planning Commission
THRU: Development Services Department
FROM: Miguel S. Saldaña, representing Palm Land Development *M S S*
DATE: June 12, 2018
SUBJECT: Waiver Request to the Sidewalk Requirement on Sandy Creek Townhomes

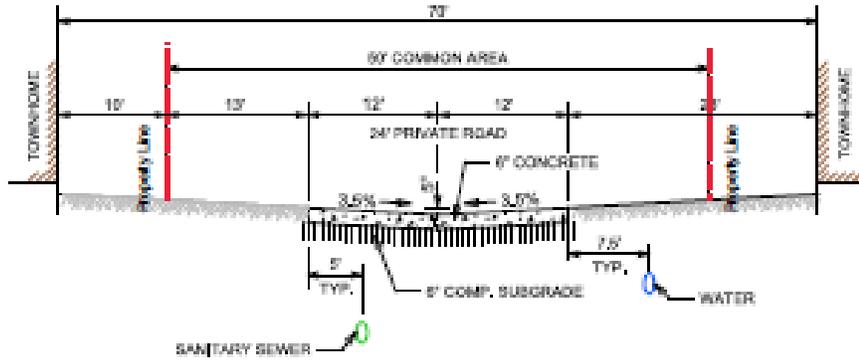
The developer, Palm Land Development, is requesting a waiver from the sidewalk requirement as noted in Section 8.2.2 of the Unified Development Code (UDC). Per Section 3.8.3.D of the UDC, the Planning Commission has the authority to waive subdivision standards. The UDC identifies several items that the Planning Commission may consider in granting or denying the waiver.

1. The granting of the sidewalk waiver will not be detrimental to the public health, safety or general welfare or be injurious to other property in the area. The proposed townhome development will be a gated-community and only the residents and their guests will be within the development.
2. The conditions that create the need for the waiver may not generally apply to other properties in the area because the surrounding properties are developed with the typical single-family residential subdivisions. These subdivisions have public streets which allow access to all types of vehicles and thus have the need for sidewalks. The proposed townhome development will have private streets, limit vehicular access to residents and their guests and other townhomes developments in the City have been allowed to develop without sidewalks.
3. Application of the sidewalk provision of the UDC may not render the townhome development unfeasible. It will however burden the developer with additional costs that other townhome developments did not have to bear. Sandy Creek Townhomes has been through City staff review regarding the public and private improvements. Throughout the review, the sidewalk issue did not come up until the developer was told by his financiers that each unit had to be sold with the land underneath. The number of buildings nor units have changed. The configuration of the building layout has not changed. The only thing that has changed is that the developer is platting lots for each unit per the recommendation of his financiers.
4. The granting of the waiver will not conflict with the Comprehensive Plan and the purposes of the UDC.

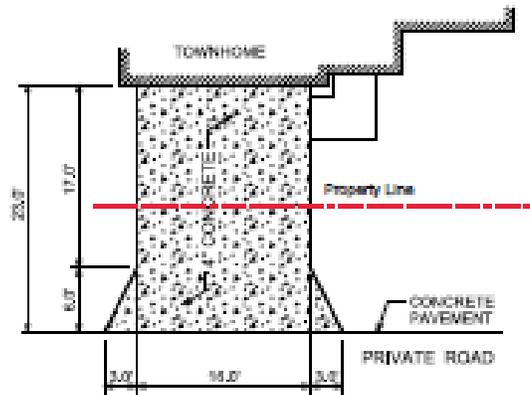
As stated before, the public and private improvements have been reviewed and approved by City staff. Staff has always been aware that the development was a townhome development and that each unit was going to be sold, not rented like an

apartment. The developer would have installed sidewalks if he would have been told before he set the water, wastewater and electrical connections. Adding sidewalk at this time would require the developer to go back and relocate all of the connections out of the required sidewalk location. (See attached Drawing 1) Even if the sidewalks are required, the sidewalks will practically be unusable because the car from the townhome unit not in the garage will be blocking the sidewalk. (See attached Drawing 2)

Each item that the UDC has listed in which the Planning Commission may consider has been addressed. Therefore, I respectfully request that the Planning Commission approve the sidewalk waiver and allow Palm Land Development to develop the townhome property as other townhome developments in the city have done.



1 TYPICAL ROADWAY SECTION



2 TYPICAL DRIVEWAY