



Oak Terrace Unit 1

Block 2, Lot 7 (Final Plat)

**Request for Plat Waiver
from Sidewalk Requirement**

Planning Commission Meeting
September 5, 2018



Location Map





Plat Requirements

- 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: Sidewalks
 - A. Required Improvements: 1. Concrete sidewalks, having a width of not less than 4 feet and thickness of not less than 4 inches, shall be constructed
 - Exception for certain industrial subdivisions (UDC 8.2.2.A.1.a)
 - All sidewalks generally shall be 1 foot from the property line within the street right-of-way (unless otherwise approved) and shall extend along all street frontages (UDC 8.2.2.A.1.a.2)
 - Sidewalks shall connect to existing adjacent sidewalks or be designed and placed to allow connection to future adjacent sidewalks. (UDC 8.2.2.A.1.a.4).
 - B. ***Exceptions***



Sidewalk Exceptions Not Met

- **UDC 8.2.2.B: Exceptions for Required Sidewalk Improvements**

A waiver may be granted in accordance with 3.8.3.D and only when the following conditions are satisfied:

-  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.
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Plat Waiver UDC 3.8.3.D

- **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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Applicant's Position

1. There is an open drainage ditch in front of the property, and there is no room for a sidewalk.
2. For the whole neighborhood along Compton Road, there is no existing sidewalk.
3. The granting of the waiver, with the current improvements existing on Compton Road, should not conflict with the Comprehensive Plan and the purposes of the UDC.



Staff Assessment of Applicant's Position

- 1. There is an open drainage ditch in front of the property, and there is no room for a sidewalk.**

Staff Response: there may be sufficient space in the right-of-way for sidewalk, despite the ditch. Utility plan shows 5 feet between stormwater inlet and the front lot line. Street views show the inlet in shallow, narrow ditch. If there were insufficient space in right-of-way for sidewalk, easement could be provided to provide the additional space for the sidewalk.

- 2. For the whole neighborhood along Compton Road, there is no existing sidewalk.**

Staff Response: Concur

- 3. The granting of the waiver, with the current improvements existing on Compton Road, should not conflict with the Comprehensive Plan and the purposes of the UDC.**

Staff Response: --Plan CC calls for “connected networks of good streets and sidewalks” (pages 14, 31, 40). Community input calls for “healthier” city (page 20).

--UDC 3.8.3.D.: Waiver Factors Assessment



Staff Assessment

UDC 3.8.3.D Factors

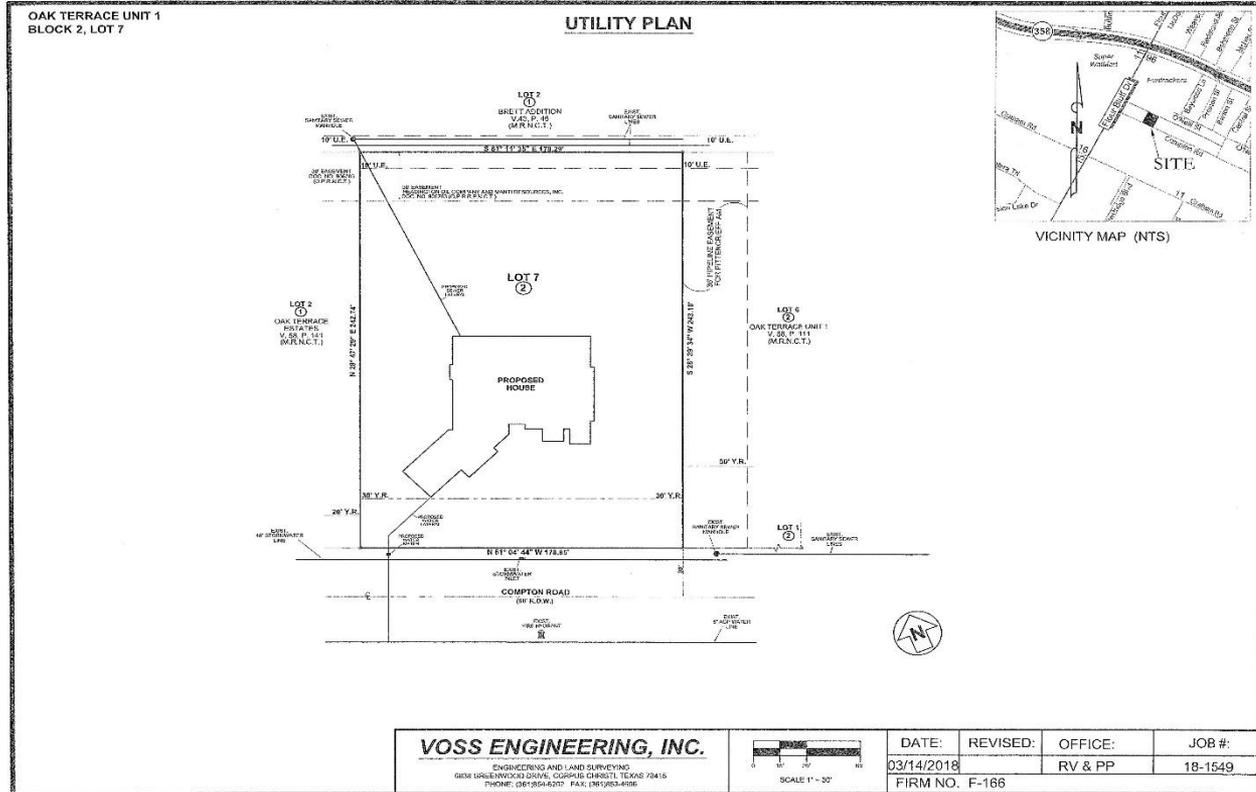
1. Not detrimental to public health, safety, or general welfare, or be injurious to other property in area, or to the City;
2. The conditions that create the need for the waiver shall not generally apply to other property in the vicinity;
3. Application of the provision will render subdivision of land unfeasible; or
4. The granting of the waiver would not substantially conflict with the Comp Plan and the purposes of the UDC

Staff Determination

1. Inconclusive. Single lot size, not adjacent to existing network; not necessarily detrimental to community, but is detrimental to City's interest in creating networks over time.
2. Against waiver. The property's conditions are not unique compared to others in vicinity
3. Against waiver. Requiring sidewalk would not render subdivision of land unfeasible;
4. Inconclusive. The waiver would conflict with Plan CC's vision for sidewalk networks. If the land east of subject property were replatted in future, it could connect the subject property, but it's uncertain whether and when this parcel would ever be replatted.

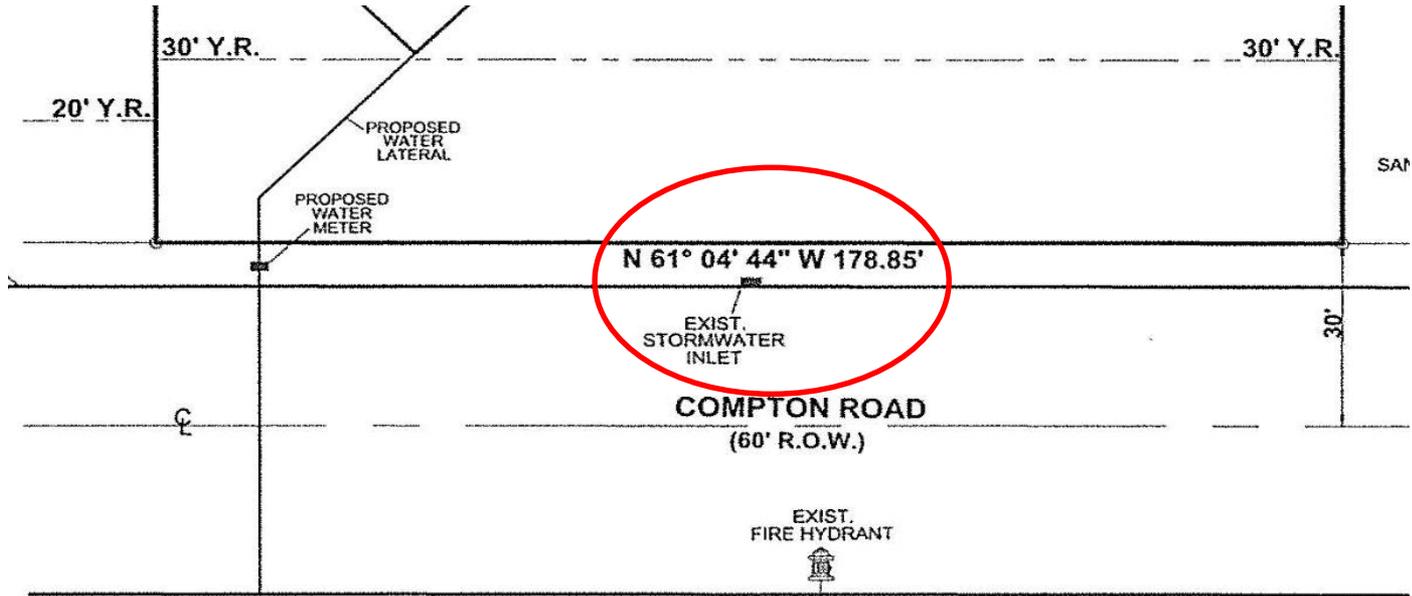


Utility Plan





Utility Plan





Street View: Looking East





Street View: Looking East: No sidewalks





Street View: Looking West: No sidewalks





Staff Assessment

Staff is neutral on the request for plat waiver from the sidewalk construction requirement.