



## AGENDA MEMORANDUM

Planning Commission Meeting of February 20, 2019

**DATE:** February 12, 2019

**TO:** Nina Nixon-Méndez, Director of Development Services

**FROM:** Greg Collins, Senior City Planner, Development Services  
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**Nottarb Place No. 2, Block 4 Lot 19R**  
Request for a Plat Waiver of the Sidewalk Construction Requirement  
in Section 8.1.4 and 8.2.2 of the Unified Development Code

### **BACKGROUND:**

Medina Consultants, on behalf of Ernesto and Vienna Flores, property owners, submitted a request for a waiver of the plat requirement to construct sidewalk in Section 8.1.4.A and 8.2.2.A of the Unified Development Code (UDC). The applicant requests a waiver from constructing sidewalk along Saturn Road.

The subject property, known as the proposed Nottarb Place No. 2, Block 4 Lot 19R plat, is located at the southwest corner of Weber Road and Saturn Road. The land is zoned Light Industrial ("IL").

The land is currently occupied by Tukasa Creations, a home interior sales business with showroom, selling flooring, tile, countertops, cabinets, stone, wood, carpet and kitchen and bath remodeling design services). The purpose of the plat is to combine lots to enable the land owner to make improvements to the property.

### **STAFF ANALYSIS and FINDINGS:**

UDC Section 8.1.4 and 8.2.2.A require construction of sidewalks as part of the platting process.

The property is in a subdivision that is zoned Light Industrial ("IL"). Saturn Road is a "through-street" that connects Weber Road, an A3 Arterial to the east, to Kram Street, a C1 Collector to the west. Section 8.2.2.A.1.a.ii of the UDC requires sidewalk in industrial subdivisions for "[t]hrough-streets that either are connecting to existing streets or to proposed arterials or collectors."

Also, Saturn Road has a right-of-way width of 60 feet. Although it is not designated as a C1 Collector in the City's Urban Transportation Plan (UTP), it has the equivalent right-of-way of a C1 Collector. The street design standards for C1 Collectors require 5-foot wide sidewalks per UDC Table 8.2.1.C.

The UDC does state, 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.

The following factors exist in support of the waiver request:

1. No current sidewalk network exists along Saturn Road, on either side of the street, within the entire Nottarb Place Unit 2 original platted subdivision, platted in 1972.
2. The majority of other properties in this subdivision have paved parking lot and drive aisle up to the street pavement.

3. Saturn Road is not on the ADA<sup>1</sup> Master Plan.
4. There are not any transit stops along Saturn Road.

Factors weighing against the waiver and in support of requiring sidewalk:

1. Saturn Road is in an industrial subdivision and is a through-street that connects an A3 Arterial, Weber Road, to a C1 Collector, Kram Street. Under UDC 8.2.2.A.1.a.ii, sidewalk is required under these circumstances.
2. Saturn Road has a 60-foot wide right-of-way. Although not designated as a C1 Collector in the Urban Transportation Plan, it has right-of-way equivalent to a C1 Collector, and under Table 8.2.1.C such rights-of-way require sidewalk.
3. The property is in an industrial subdivision that is an employment node, and it is less than 0.25 mile from transit stops, other industrial businesses, a church, and a post office.
4. The property is a corner lot, and Weber Road has existing sidewalk to connect to.
5. Plan CC's vision for transportation and mobility for the community calls for connected networks of good streets and sidewalks and safe bicycle routes.

**STAFF RECOMMENDATION:**

Staff recommends denial of the waiver of construction of sidewalk along Saturn Road, weighing the factors and evaluating the criteria in the UDC.

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

**LIST OF SUPPORTING DOCUMENTS:**

Final Plat  
PowerPoint Presentation

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<sup>1</sup> "ADA" is the Americans with Disabilities Act of 1990 (42 U.S.C. § 12101 et seq.)