



## AGENDA MEMORANDUM

Planning Commission Meeting of October 02, 2019

**DATE:** September 26, 2019

**TO:** Al Raymond, Director of Development Services

**FROM:** Ratna Pottumuthu, Engineer IV, Utilities and Development Service  
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### **Mikulencak Block 1, Lot 1**

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:**

Applicant requests 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 subject proposed plat, known as Mikulencak Block 1, Lot 11, is located on the north side of Up River Road, between Hart Road and Callicoatte Road. The owner is proposing to plat one (1) lot, approximately 5.21 acres. The land is zoned Farm Rural/ Residential Single-Family 6 "FR/RS-6". The property is unplatted. The purpose of the plat is to enable the applicant to apply for a building permit to build a single-family home on 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.

This proposed plat is on north side of Up River Road, between Hart Road and Callicoatte Road. Up River Road is designated as a C-1 Collector in the City's Urban Transportation Plan (UTP). The street design standards for C-1 Collectors require 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.

In support of the waiver request, the following factors exist in the area:

1. No current sidewalk network exists on Up River Road, and no commercial or employment node or neighborhood amenities exist within a quarter mile of the subject property. (A quarter mile is the average radius of a pedestrian shed<sup>1</sup>).
2. Up River Road in this vicinity is not on the City's ADA Master Plan.
3. The property is not located along an existing or foreseeably planned CCRTA service route service.
4. The property is zoned FR/RS-6, most of the lots in the area are over one acre.

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

1. Up River Road is designated a C1 Collector in the Urban Transportation Plan (UTP).

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<sup>1</sup> "Pedestrian shed" is a term analogous to a watershed. It is the distance that can be covered in five minutes at a normal walking pace, typically shown on a plan as a circle with a quarter-mile radius. Source: Congress for New Urbanism (CNU), Robert Steuteville, "Great idea: Pedestrian shed and the 5-minute walk", <https://www.cnu.org/publicsquare/2017/02/07/great-idea-pedestrian-shed-and-5-minute-walk>

2. 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:**

Weighing the factors, 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.

**LIST OF SUPPORTING DOCUMENTS:**

Final Plat

PowerPoint Presentation-Waiver from Sidewalk Requirement