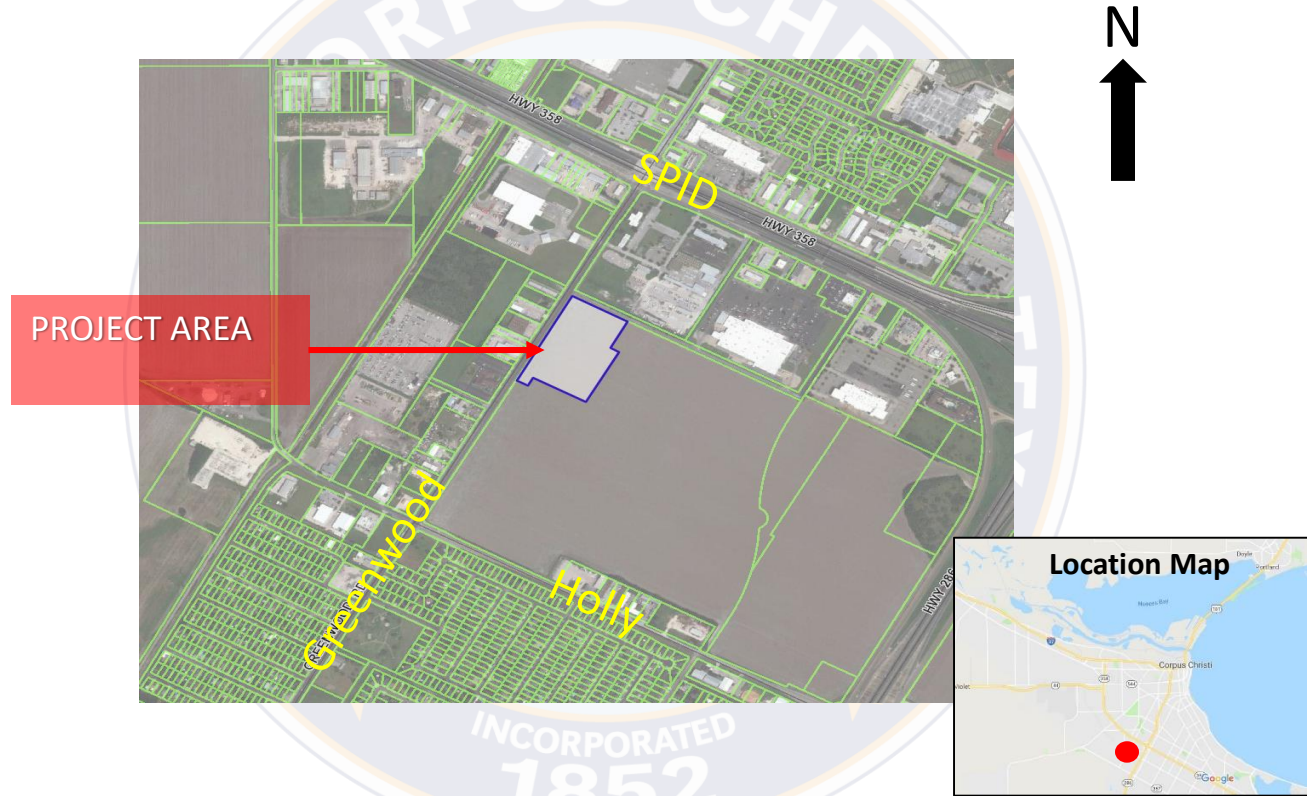

Hemingway Townhomes, Unit 1

(Final Plat)

**Request for Plat Waiver
from the Sidewalk Construction
Requirement**

Planning Commission Meeting
September 15, 2021

Vicinity Map



Plat Requirements

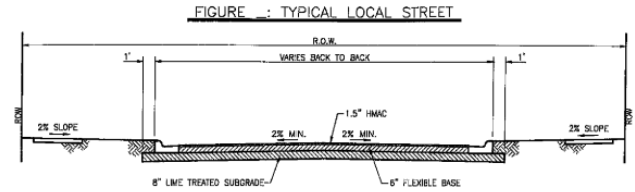
- UDC 3.30.1.A: requires installation of improvements, or financial guarantee, during platting
- UDC 8.1.4: During platting, the “developer shall provide”:
 - A. “Streets, including but not limited to pavement, curb and gutter, **sidewalks**”
- UDC 8.2.2.A.1: “Concrete sidewalks (of 4 feet in width and 4 inches in thickness) shall be constructed in accordance with subsection 8.2.1.B...within all subdivisions...”

Plat Requirements (Local Streets)

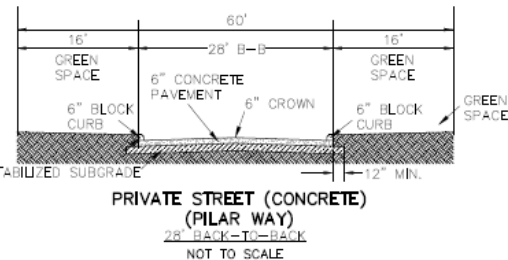
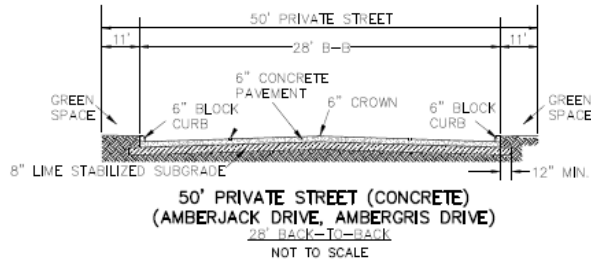
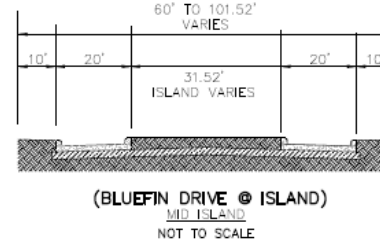
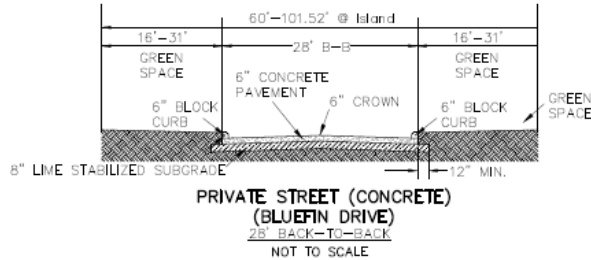
Table 8.2.1.B Local Street Standards

Local Street Section Type	Right of Way Width	Planting/Utility Area	Street Section Width (BC)	Bump-Out *	Required Sidewalk Width	Tied Sidewalk	Sidewalk Required Both sides	Through Lane	Traffic Lanes	Parking Sides Allowed	Design Speed (MPH)	Max Trips/Day and Max Length	Cul-de-sac and Max Length
L-1A	50 ft	6 ft	28 ft	With= 6 ft Without = 0 ft	4 ft	Not Allowed	Yes **	One	2-way	Two	25	1,600 trips/day-NTE 2,640 ft	Yes (800')
L-1B	50 ft	7 ft	28 ft	6 ft	4 ft	Required	Yes **	One	2-way	Two	25	1,600 trips/day-NTE 2,640 ft	Yes (800')

FIGURE 1A : LOCAL STREET SECTIONS



Proposed Cross-sections



Proposed on preliminary plat for internal private streets;
28-foot-wide pavement, no sidewalks

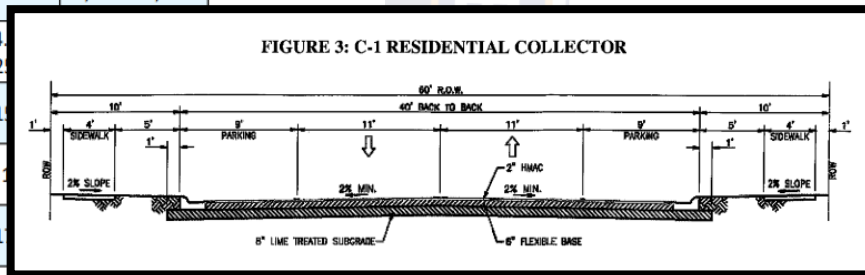
Plat Requirements (Collectors)

Table 8.2.1.C Non-Local Street Standards Table

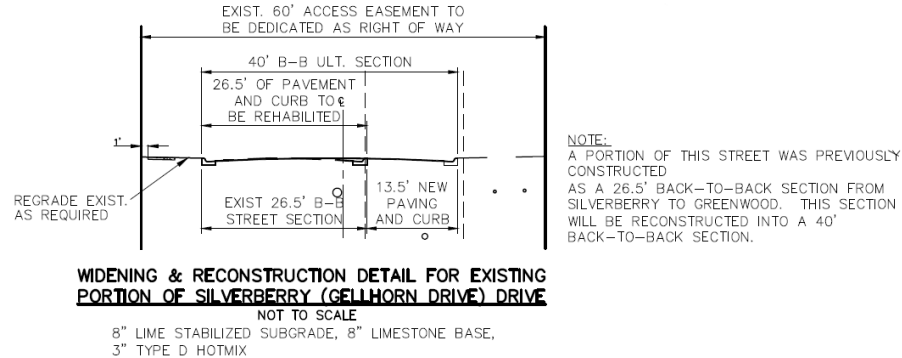
	ROW Width (ft.)	BB Width (ft.)	Through Lanes	Median/ Turn Lane	Spacing (miles)	Sidewalk** (ft.)	Back of Curb to Property Line (ft.)	Avg. Daily Trips
Non-local Streets*								
Minor Res. Collector (C1)	60	40	2	No	0.25 to 0.50	5	10	1,000 - 3,000
Secondary Collector (C2)	65	41	3	Center turn	0.25 to 0.50	5	12	2,000 - 5,500
Primary Collector (C3)	75	50	4	No	0.25 to 0.50	5	12.5	4,000 - 8,500
Parkway Collector (P1)	80	40	2	--	0.25 to 0.50	5 to 8	14.2	
Minor Arterial (A1)	95	64	4	Center turn	1.0 to 1.5	5	1	
Secondary Arterial (A2)	100	54	4	Median	1.0 to 1.5	5	1	
Primary Arterial (A3)	130	79	6	Median	1.0 to 1.5	5	1	
Freeway (FR)	400	Varies	4-10	Median	--	No	19	60,000 - 200,000

*Non-local streets contain curb, gutter and underground drainage. **Sidewalks are not required in industrial areas.

FIGURE 3: C-1 RESIDENTIAL COLLECTOR



Proposed Cross-sections



Proposed on preliminary plat for reconstruction of Silverberry Drive
(new Gellhorn Drive);
40-foot-wide pavement, sidewalk on south side of street

Street View: Looking Southeast



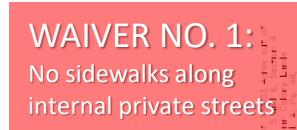
Street View: Looking East



Street View: Looking East



Plat



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

Waiver No. 1 Factors

Applicant's Factors in Support of Sidewalk Waiver

- 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.
- The granting of the waiver would not substantially conflict with the Comprehensive Plan or the purpose of the UDC.
- The conditions that create the need for the waiver shall not generally apply to other property in the vicinity.

Factors Against Sidewalk Waiver (for sidewalk construction)

- Inclusion of gated communities not reviewed during preliminary plat.
- Applicant provides little to no justification for request; merely restates criteria.
- No details on type of gated access to be employed are offered; no guarantees on access reliability are given.
- On-street parking forces pedestrian activity into travel lane.
- Applicant has not provided any alternative pedestrian solutions.
- Gated communities are not unique.
- Waiver approval will not: (a) guarantee or promote housing diversity; (b) increase or stabilize investment capacity; (c) encourage community identity or place making. Affordable housing is generally not found in gated communities.

Waiver No. 2 Factors

Factors in Support of Sidewalk Waiver

- No destination points along the north side of proposed segment of Gellhorn Drive that would warrant a sidewalk.
- Limiting the placement of sidewalk to the south side of the proposed road segment is logical because it will best serve pedestrian traffic generated by the new residential development.
- The conditions that create the need for the waiver shall not generally apply to other property in the vicinity. There is an equipment yard and buffer screening along the north side of this road segment.
- Installation along the north side of this road segment will offer little to no benefit.

Factors Against Sidewalk Waiver (for sidewalk construction)

- Proposed Gellhorn Drive is a “functioning” C-1 collector roadway; The UDC calls for sidewalk to be installed on both sides of this type of roadway
- None of the exceptional conditions for an administrative exception that are listed in the UDC exist in this case.

Staff Recommendation

Weighing the factors, Staff recommends the following:

- DISAPPROVE Waiver No. 1, a request to waive sidewalk requirements for internal private streets, per §§8.1.4, 8.2.2.A and Table 8.2.1.B of the UDC
- APPROVE Waiver No. 2, a request to allow the installation of single-loaded sidewalk along the south side of proposed Gellhorn Drive instead of sidewalk along both sides, as required under §§8.1.4, 8.2.2.A and Table 8.2.1.C of the UDC
- Planning Commission may choose to follow or decline Staff's recommendation
- Planning Commission may approve, approve with conditions, or deny the waiver request