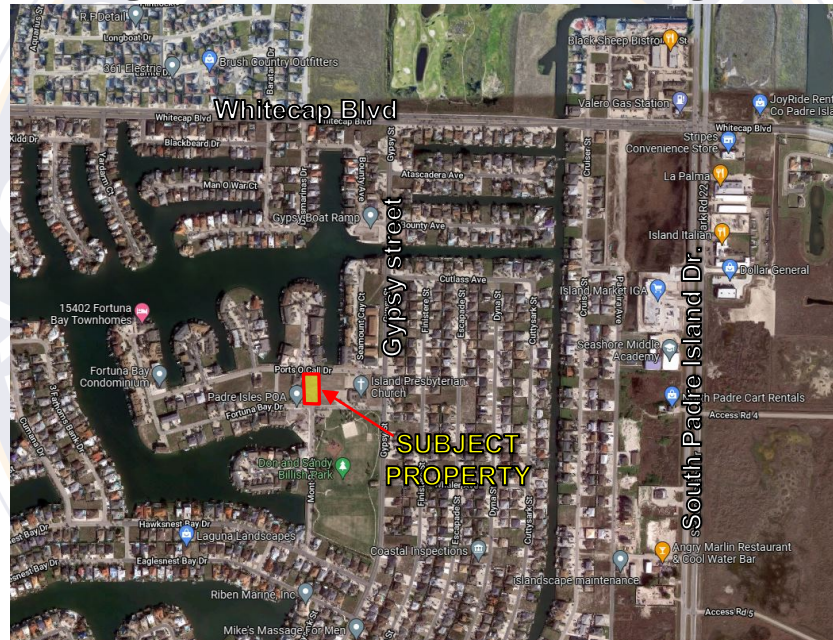


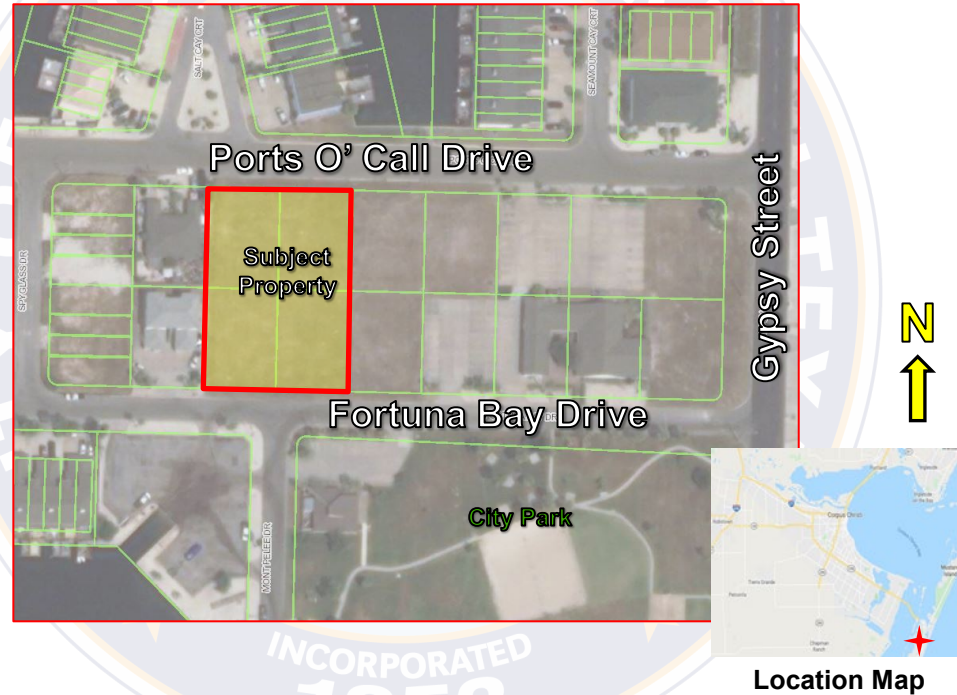
Request for Sidewalk Waiver

Ports O' Call, Block 20, Lots 6A through 6D, 7A through 7D, 12A through 12D, and 13A through 13A through



Planning
Commission
October 13, 2021

Aerial



Subject Property East on Fortuna Bay Drive



Subject Property North on Mount Pelee Drive



Subject Property, East on Ports O' Call Drive



Subject Property, East on Ports O' Call Drive



Factors in Sidewalk Waiver

Applicant's Factors in Support of Sidewalk Waiver

1. None of the other properties in the neighborhood have sidewalks.
2. There are no sidewalks to connect to.
3. There are no bus stops located along Ports O' Call or Fortuna Bay Drives.

Factors Against Sidewalk Waiver (for sidewalk construction)

1. The property is in the "RM-3" General Commercial District and will not meet criteria for an exemption to sidewalk construction.
2. The entrance to this peninsula is Gypsy Street which is designated on the MobilityCCPlan as a Bike Route. Construction of a sidewalk will enhance connectivity for the area.
3. Fortuna Bay Drive has a City Park that has an existing sidewalk encompassing the entire park. With construction of a sidewalk along the frontage of Fortuna Bay Drive and use of a crosswalk, access to the park could be easily reached by the residents of the Townhome development.

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.4: “Sidewalks shall connect to existing adjacent sidewalks or be designed and placed to allow connection to future adjacent sidewalks”

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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Staff Recommendation

- **Denial** of the request for a waiver from the sidewalk construction requirement.
- Planning Commission may choose to follow or decline Staff's recommendation
- Planning Commission may approve, approve with conditions, or deny the waiver request