



Department Source: Community Development - Planning

To: City Council

From: City Manager & Staff

Council Meeting Date: April 4, 2016

Re: Nifong Breaktime Sidewalk Variance (Case #16-50)

## Executive Summary

Approval of the request will result in approval of a sidewalk variance that will waive the responsibility of the property owner to install sidewalks along Nifong Boulevard, in exchange for additional right of way and easement dedications.

## Discussion

Crockett Engineering Consultants (agent), on behalf of MFA Petroleum Company (owner), is requesting variances from Sections 25-48 and 24-35 of the City Code that would, if approved, waive the requirement to install approximately 275-feet of sidewalk along Nifong Boulevard in front of the Break Time gas station located at 110 Nifong Boulevard. The requirement for sidewalk installation was triggered by a building expansion that is proposed on the site. The subject site is located at the southeast corner of Nifong Boulevard and Peachtree Drive, approximately 1,000 feet west of Providence Road.

Sidewalks are absent from the south side of Nifong Boulevard between Providence Road and Bethel Street; there are two sidewalk segments on the north side of the road, northeast and northwest of the subject property, but the majority of roadway frontage lacks sidewalks.

Staff evaluated the requested variance from Section 25-48 (Sidewalks) based on conditions listed in Section 25-20 (Variances and exceptions) of the Subdivision Regulations, and also evaluated the variance from Section 24-35 (Streets, Sidewalks, and Public Places) based on factors listed in Section 24-35(d). After considering the existing conditions and the applicant's responses, staff found that the variance requests were not supported.

In response, the applicant has agreed to an alternative arrangement, allowed per PR48-06A (Sidewalks along unimproved streets), which would result in the dedication of five feet of additional right of way and easements along Nifong Boulevard. The dedications will aid in the future expansion of Nifong Boulevard as contemplated in the FY 2016 CIP. The proposed dedications would allow the City to construct the sidewalk within the context of the larger street improvement.

The Planning and Zoning Commission considered this request at its meeting on February 4, 2016, and recommended unanimous approval (8-0) subject to the condition that a deed of dedication for the additional right of way and easements be obtained. The applicant agreed to the conditions of approval and has supplied the necessary deed and easement documents. No one from the public spoke during the meeting.



A copy of the staff report (including locator maps, variance worksheet, CIP excerpts, and PR48-06A), Deed of Dedication form, street and utility easements, and excerpts from minutes are attached.

## Fiscal Impact

Short-Term Impact: The cost of sidewalk construction is offset by right of way and easement dedications that enable the sidewalk to be properly located within the Nifong Boulevard CIP project.

Long-Term Impact: Future maintenance of the sidewalk will be the responsibility of the property owner.

## Vision & Strategic Plan Impact

### Vision Impacts:

Primary Impact: Transportation, Secondary Impact: Not Applicable, Tertiary Impact: Not Applicable

### Strategic Plan Impacts:

Primary Impact: Infrastructure, Secondary Impact: Not Applicable, Tertiary Impact: Not Applicable

### Comprehensive Plan Impacts:

Primary Impact: Mobility, Connectivity, and Accessibility, Secondary Impact: Not applicable, Tertiary Impact: Not Applicable

## Legislative History

Date	Action
N/A	NA

## Suggested Council Action

Approval of the requested variances as recommended by the Planning and Zoning Commission and acceptance of the Deed of Dedication for additional right of way and sidewalk and utility easements.