



Department Source: Community Development - Planning

To: City Council

From: City Manager & Staff

Council Meeting Date: April 6, 2020

Re: On the Ninth PD Plan Major Amendment - Design Adjustments (Case #61-2020)

Executive Summary

Approval of this request would waive sidewalk construction on the west side of Bunker Loop. This request is being concurrently reviewed with a proposed PD plan major amendment to the *On The Ninth PUD Plan*, which will replat an existing lot into 5 total lots.

Discussion

Crockett Engineering Consultants (agent), on behalf of On the Ninth LLC (owner), is seeking approval of a design adjustment to Section 29-5.1 (d) of the Unified Development Code to waive sidewalk construction on the west side of Bunker Loop. The design adjustment is being considered concurrently with a proposed major amendment to the *On The Ninth PUD Plan*, located on PD (Planned Development) zoned property, to permit the replatting of Lot D2 into 5 single-family lots. The 5.68-acre property is located on the east side of Old Hawthorne Drive West, approximately 1,300 feet north of Route WW.

The requested **adjustment from Section 29-5.1(d)** of the UDC is sought to waive the requirement to construct approximately 620 foot segment of sidewalk along the west side of Bunker Loop. Pursuant to the UDC all new subdivision plats approved after March 20, 2017 are required to install sidewalks along all public streets. While this street is considered private, private streets are required to be improved similar to public streets. Due to the proposed replat of Lot D2 into 5 lots, the requirement to install sidewalk is triggered.

The applicant has stated that the waiver is sought because the previous development plan was approved without sidewalks and the proposed plan revision does not warrant the inclusion of sidewalks. Staff's evaluation of the site conditions did not identify any significant impediments to the installation of a sidewalk nor was there a specific design element that the waiver would achieve.

The Planning and Zoning Commission considered the design adjustment concurrently with the requested PD plan amendment at their March 5, 2020 meeting. Staff presented its report and the applicant gave an overview of the request. No other member of the public spoke during the public hearing.

Following staff and applicant comments, Commissioners discussed the requested design adjustment. Commissioners inquired on the original reason the sidewalk was waived, but the previous plan and meeting materials did not address the sidewalk waiver. They also inquired on the arrangement of the lots, width of the private street, and the status of sidewalks in the surrounding areas. Commissioners supporting the waiver listed the fact that a waiver had



been previously approved, the limited demand for the sidewalk for 5 lots, and the nature of the street as private and not being a through street. Those not supportive of the waiver pointed to the enhanced connectivity and walkability that sidewalks afford, and that they are required per the UDC.

Following additional discussion, a motion to recommend **approval** of the design adjustment passed (5-4).

The Planning Commission staff report, locator maps, *On the Ninth PD* Development Plan, design adjustment worksheets, previously approved *On the Ninth PUD* Development Plan, and meeting minute excerpts are attached.

Fiscal Impact

Short-Term Impact: None anticipated within the next two years. Public infrastructure extension/expansion would be at the cost of the developer.

Long-Term Impact: Public infrastructure maintenance such as roads, sewers, and water, as well as public safety and solid waste service provision. Future impacts may or may not be offset by increased user fees and/or property tax collections.

Strategic & Comprehensive Plan Impact

[Strategic Plan Impacts:](#)

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

[Comprehensive Plan Impacts:](#)

Primary Impact: Land Use & Growth Management, Secondary Impact: Not applicable, Tertiary Impact: Not Applicable

Legislative History

Date	Action
01/21/2014	Approved preliminary plat and PUD Plan for On the Ninth (Ord. #021954)

Suggested Council Action

Approval of the design adjustment, as recommended by the Planning and Zoning Commission.