



AGENDA ITEM SUMMARY FORM

MEETING DATE: March 1, 2023

PREPARED BY: Otis T. Spriggs, AICP, Development Services Director

AGENDA CONTENT: Discussion and possible action on a request for approval of a waiver of the sidewalk requirement of Chapter 23, Section 23-14.A. Sidewalks, for Titan Snow Crush Food Truck Park located on SH35, South of Hospital Drive.

AGENDA ITEM SECTION: Regular Agenda

BUDGETED AMOUNT: None

FUNDS REQUESTED: None

FUND: None

EXECUTIVE SUMMARY:

The subject property consists of an approximate 1.268-acre lot in the Commercial General (C-G) zoning district. Jose Calzada, developer, is requesting a waiver of Section 23-14.A. Sidewalks for the subject property per subsection 6.d. 6. *Waivers, deferrals, and variances from sidewalk installation.*

Pursuant to Section 23-102 B. *Variance approval standards:* Variances may be granted when:

1. There are circumstances specific to the property that create an undue hardship that generally do not apply to surrounding properties; such as, but not limited to, its shape, or topography;

The property is generally flat with an open ditch along the frontage of the property. While there is appears to be room behind the open ditch to install a sidewalk the no sidewalks exist along SH 35. Sidewalks exist west on Hospital Drive, but not east on Hospital Drive.

2. Special consideration is necessary to allow an applicant the same right of use enjoyed under the LDC by surrounding properties.

Again, no sidewalks exist along SH 35 in the general vicinity; sidewalks do exist west on Hospital Drive, but not east on Hospital Drive.

3. Consideration is unique to the subject property and would not generally set an adverse precedent for other applications.

The consideration is unique to the subject property. A variance would not generally set an adverse precedent for other applications.

4. The hardship was not created by the applicant; and the hardship is not created by the applicant.
5. A variance would not be detrimental to any adjacent properties or to public health and safety.

It is hard to imagine how a variance would be detrimental to any adjacent properties or to public health and safety as there are no sidewalks along the respective streets in this area. Any work that is performed to improve SH 35 would trigger removing of any sidewalks installed at this time.

The City Engineer has reported no objection to this request.

Note that development staff is currently working on a policy to deal with the sidewalk requirements that may cause a hardship in particular sections of the City. The new policy, if adopted will cause developers and owners in this instance, to be allowed a waiver of the sidewalk requirement in lieu of contribution towards a designated sidewalk fund that will be a financial resource to improve areas of the city are a priority for connectivity, due to safety of pedestrians. We anticipate that such a policy will be introduced for action within the next 3-4 months.

RECOMMENDATION:

Staff recommends approval of the variance to Section 23-14.A Sidewalks for the Titan Snow Crush Food Truck Park subdivision plat and site plan.

SUGGESTED MOTION:

I move we approve the variance to Section 23-14.A Sidewalks for the Titan Snow Crush Food Truck Park subdivision plat and site plan.