

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 that are a priority for connectivity, due to the safety of pedestrians. We anticipate that such a policy will be introduced for action within the next 3-4 months. A map of sidewalk connectivity and conditions is being completed currently. The policy will be tied to the prioritization mapping.

RECOMMENDATION:

The Planning Commission considered the facts outlined above on March 1, 2023 and forwards a positive recommendation (5-0 vote unanimously) to Council for final action, for approval of the variance to Section 23-14.A Sidewalks for the Titan Snow Crush Food Truck Park subdivision plat and site plan.