

COMMITTEE REPORT



REPORT TYPE: Development Services Committee Report

MEETING: January 19, 2021

Present: Brandon Huckabee, Chairman, Gerald Cook, Mark McClinton, Ricky Thurman

Absent: None

DEPARTMENT: Development Services

STAFF CONTACT: Steve Killen

Committee Discussion:

Councilman Huckabee provided an overview of the following options in regards to proposed modifications to the waiver process for sidewalks, curbs and gutters:

Option A – Maintain the existing waiver process with the following revisions to the applicable sections of the Subdivision Ordinance:

1. Waiver requests will not be considered for new developments or newly platted or replatted properties after an established future date.
2. Waiver requests will not be considered for properties that lie within the areas previously accepted as part of the Sidewalk Improvement Program adopted by Resolution No. 2019- R05. This action was taken in February 2019.
3. Require a sidewalk dedication payment equal to 15% of the total improvement cost of the requested waiver (based on calculations derived from the most current bid tabulation sheet for sidewalk, curb and gutter improvements) of persons granted waivers for properties that do not fall within items 1 or item 2 above. Appropriate the funds to develop sidewalk, curb and gutter in other areas.

Option B – Incorporate a staff review component in an effort to reduce waiver cases requiring Council action.

1. Create a minor waiver application for staff review.
2. Establish a decision workflow for staff use.
3. Establish an appeal process to City Council.
4. Require a dedication payment equal to 15% of the total improvement cost of the requested waiver (based on calculations derived from the most current bid tabulation sheet for sidewalk, curb and gutter improvements) to persons granted waivers for properties that do not fall within items 1 or item 2 above.

Option C – Add/Remove or combine Items from Option A and/or Option B.

Option D – Take no action and continue with the existing waiver process.

Option E – Revise the applicable sections of the Subdivision Ordinance to require these improvements in all circumstances.

Option F - Repeal the applicable sections of the Subdivision Ordinance to remove the requirements for sidewalk, curbs and gutters.

Committee Action:

After discussion, the Committee opted for Option A with certain modifications.

Staff Direction:

The Committee requested that staff provide a draft ordinance for Council action that encompasses the components of Option A with certain modifications as follows:

- A. Authorizes staff to grant waivers to developers in relation to sidewalk and/or curb and gutter requirements when,
 1. The property was platted prior to the effective date of the ordinance (if adopted), and;
 2. The property is located outside of the Sidewalk Improvement Program area created by Resolution 2019-R05, and;
 3. The Developer/Owner opts to dedicate funds equal to 25% of the total improvement cost of the sidewalk and/or curb and gutter improvement (based on calculations derived from the most current bid tabulation sheet for sidewalk, curb and gutter improvements). Such funds will be appropriated to the City's Sidewalk Cost Share Program.
- B. Maintains the waiver process currently in place for waiver requests that fall outside of the conditions stated in Paragraph A, above, and therefore, exceed the authority of staff.
- C. Incorporates a dedication fee requirement as referenced in A(3) , above, for any waiver that is ultimately granted by City Council.