ITEM # 25
DATE: 07-22-14

COUNCIL ACTION FORM

SUBJECT: REQUEST FOR DEFERRAL OF A PORTION OF THE PUBLIC SIDEWALK AT 712 S. 16TH STREET

BACKGROUND:

Staff has received a request to defer the construction of a portion of the public sidewalk along the frontage of the Copper Beech apartment project at 712 S. 16th Street. (See map on Attachment 1.) **The request encompasses two sidewalk segments with ramps for crossing of the site driveway. Sidewalk for the remaining full frontage of the site, including crossing of South 16th Street, will be constructed with the project.**

Copper Beech is a multi-family residential apartment development located between Creekside Mobile Home Park and Pheasant Run Apartments along the south side of South 16th Street. The Site Development Plan approved for the site showed a public sidewalk running the full frontage of the lot (See Attachment 2). Currently there are no public sidewalks along the south side of South 16th Street, except on the Aspen Business Park property 500 feet further east on South 16th Street. The property owner has agreed to install the public sidewalk from the west property line to the west side of the site's access drive, where a sidewalk crossing is being installed to the north side of South 16th Street for access to CyRide. The request for deferral is only for the access ramps, approximately 20 linear feet, from the west and east side of the drive to the east property line (See Attachment 3).

The applicant articulated the following reasons for this request:

1) There is no connection to existing sidewalk abutting the subject lot to the east to make a connection with any new sidewalk.

2) The sidewalk access to the north side of South 16th Street is located on the west side of the driveway, so the portion of the sidewalk requested for deferment does not affect access to CyRide or pedestrian access to the site.

The applicant has requested that the sidewalk be deferred until such time as the sidewalk is installed east of the subject site. Staff would suggest, if Council agrees to the deferral request, that the approval be conditioned that the City have authority to require installation of the sidewalk at such time as a sidewalk is extended to the east property line or if intersection improvements are made to the South 16th and South Grand Avenue intersection.

Deferrals are commonly part of a subdivision improvement approval as described in Section 23.403 (14)(a)(i) of the Municipal Code. In this instance, the request is not part

of a final plat but is part of a Minor Site Plan approval. While not a subdivision issue, the criteria are relevant to this situation and provide a guide to the Council's determination.

Deferrals may be granted by Council when topographic conditions exist that make the sidewalk installation difficult or when the installation of the sidewalk is premature. Where the installation of a sidewalk is deferred by the City Council, an agreement will be executed between the property owner/developer and the City that ensures the future installation of the sidewalk. The deferment agreement will be accompanied by a cash escrow, letter of credit, or other form of acceptable financial security to cover the cost of the installation of the sidewalk.

ALTERNATIVES:

1. The City Council can approve deferral of installation of the portion of the sidewalk east of the driveway to the Copper Beech development located at 712 S. 16th Street and direct staff to draft a deferral agreement subject to the following condition: **That the sidewalk and ramps be installed at such time as are determined appropriate by the City for the sidewalk connection to the east property line or when improvements are made to the intersection of South 16th Street and South Grand Avenue requiring the need to complete the pedestrian crossing**. Under this alternative, the deferment agreement will be accompanied by a cash escrow, letter of credit, or other form of acceptable financial security to cover the cost of the installation of the sidewalk.

2. The City Council can approve the request to defer installation of the portion of the sidewalk for the Copper Beech development located at 712 S. 16th Street and direct staff to draft an agreement, **without conditions or with alternative conditions.**

3. The City Council can **deny** the request to defer installation of the portion of the sidewalk for the Copper Beech development located at 712 S. 16th Street.

4. The City Council can refer this request back to staff for additional information.

MANAGER'S RECOMMENED ACTION:

The property owner has emphasized that installation of this segment is premature. The site in question is in an area where no sidewalks exist along the south side of South 16th Street, except for Aspen Business Park, and that they are not requesting a full deferral of sidewalk installation, just deferral of the access ramps and connection to the east property line at this time as there is not a need for sidewalk connection to the east. The property owner has agreed to provide the sidewalk along their frontage and a pedestrian crossing to the north side of South 16th Street prior to final occupancy of the development.

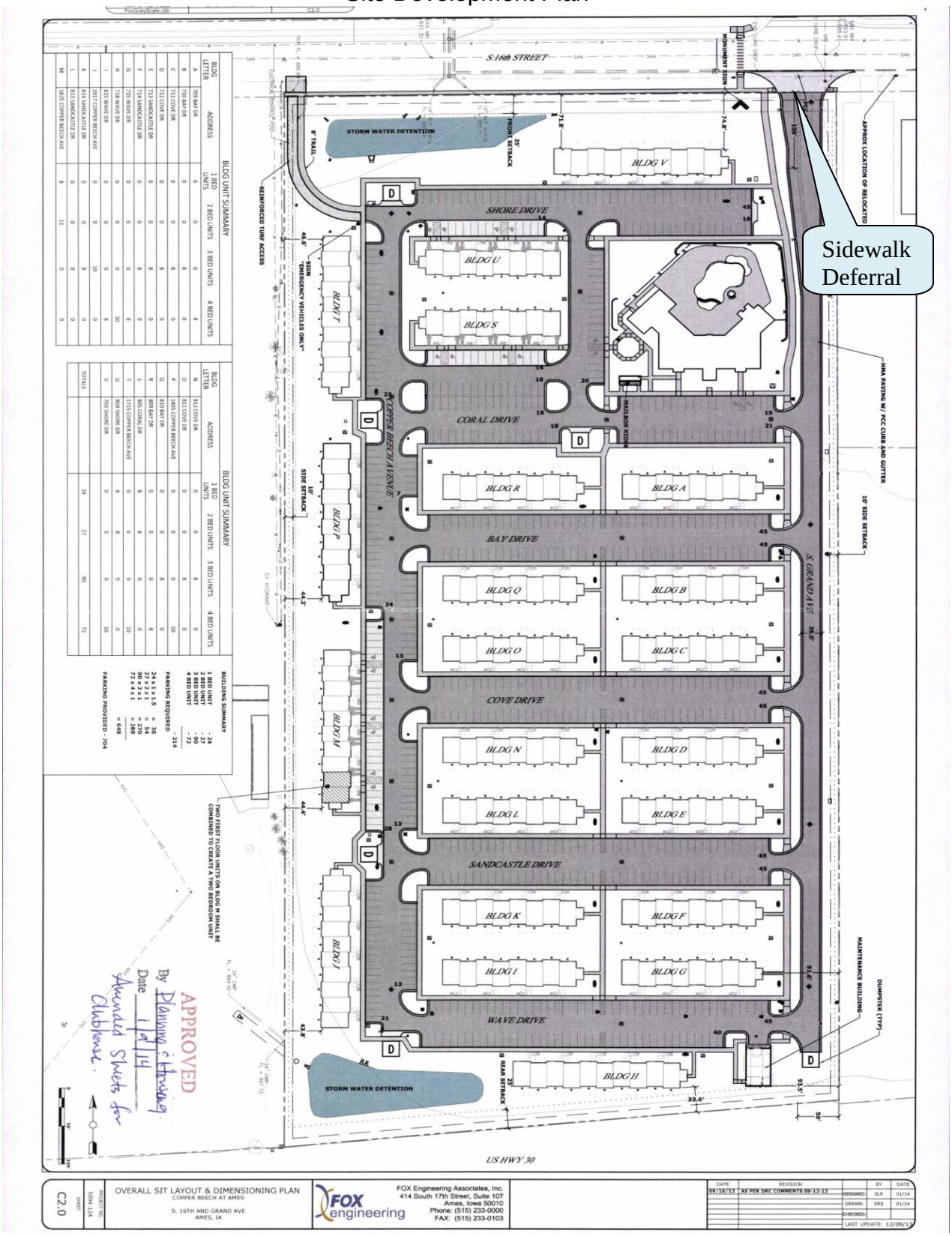
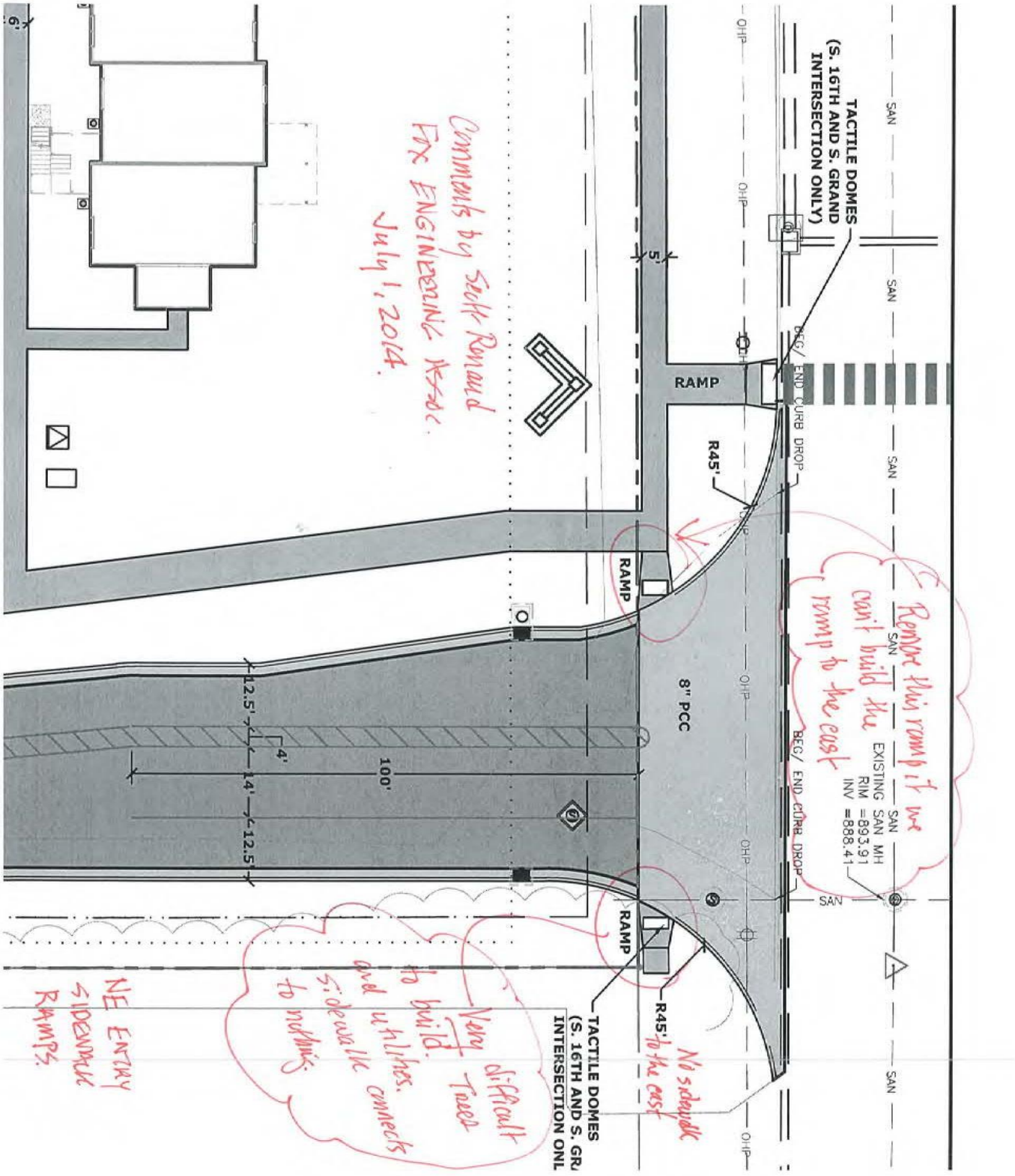
In this case, it appears that deferral of the two sidewalk ramps would not hinder pedestrian circulation. However, it is suggested that at such time as the sidewalk

connection is needed, that the city have the authority to require that the sidewalk connection be installed. **Therefore, it is the City Manager's recommendation that Council approve Alternative #1, thereby granting the deferral for the installation of a portion of the public sidewalk and access ramps at 712 S. 16th Street in accordance with the conditions stated above.**

Attachment 1
Location Map

Location Map
712 S. 16th Street
Copper Beech Development

Attachment 2
Site Development Plan



Attachment 3
Sidewalk Deferral Request Map