



Date: November 2, 2009

STAFF MEMO TO THE PLANNING COMMISSION

SUBJECT: PUD Amendment #16

APPLICANT: Carolina Cove Condominium Association

LOCATION: Kitty Hawk Circle

PROPOSED SQUARE FOOTAGE: Not Applicable

LOT AREA: Approximately 6.74 acres

ZONING: RA-2 and RA-4

ADJACENT ZONING: North: RA - 2
East: RA - 3 and RB
South: RA - 4
West: RA - 2

ADJACENT DEVELOPMENT: North: Single family Residential
East: Multifamily residential
South: Attached single family residential
West: Single family residential

MEMO

This proposed site plan amendment for the Carolina Cove Planned Unit Development is being submitted by the Carolina Cove Condominium Association. The request is to remove the requirement to construct a 4' wide sidewalk on Kitty Hawk Circle as shown on the original approved plans. At the time of the PUD approval by the City Council, a sidewalk was required in this location as well as connecting to Abbott Road as a condition of approval. None of the sidewalk has been constructed at this time. The sidewalk plan does not show a connection with sidewalks on Abbott Road.

At their January 14, 2003 meeting, the Planning Commission recommended to City Council that "Walkways are provided on at least one side of the street within the site." At the February 10, 2003 meeting of the City Council, a resolution was passed to approve the Preliminary Plan for the PUD with the contingency that "Walkways be provided along at least one side of the street within the site, and connect to the sidewalk on Abbott Road."

Approval of the final development plan in June of 2003 followed the initial recommendation by the Planning Commission and approval of the City Council by resolution requiring the incorporation of sidewalks in the development.

A public hearing was held on the request to eliminate the sidewalks on October 27, 2009. At that time, the Planning Commission requested information regarding how sidewalks would be treated if a PUD was being submitted under the current zoning ordinance. This is a site condominium within a Planned Unit Development on a private road. The current ordinance discusses sidewalks in various locations with respect to PUDs, site condominiums and as a general development standard but ultimately leaves the decision to require sidewalks to the discretion of the Planning Commission. Each of these provisions would be referred to with a PUD submission:

Section 3.17 – Private Roads

Any private road built in the City of Midland must comply with the following standards:

1. *Sidewalks. Sidewalks are required on both sides of all private streets. The Planning Commission may waive the sidewalk requirement along private streets if an alternate pedestrian circulation system that provides access to all parts of a development is provided. The alternate circulation system may incorporate hard surfaced and non-hard surfaced paths, provided that hard surfaced pathways provide access to all parts of a development.*

Section 24.05 Development Standards (for PUDs)

G. Circulation Standards

The vehicular and pedestrian circulation system within each development shall safely and conveniently accommodate the movement of vehicles, bicycles and pedestrians throughout the proposed development and to and from surrounding areas.

Section 27.06 Standards for Site Plan Approval

A. Standards

9. Pedestrian Circulation

Each site plan shall provide a pedestrian circulation system which is insulated as completely as is reasonably possible from the vehicular circulation system.

10. Vehicular and pedestrian Circulation layout

The layout of vehicular and pedestrian circulation systems shall respect the pattern of existing or planned streets or pedestrian or bicycle pathways in the vicinity of the site...

A letter was received during the course of the public hearing on October 27th from an owner of one the development's residences expressing support for elimination of the sidewalk requirement. A list of other existing condominium and apartment complexes in the city without sidewalks was also presented. A representative for the homeowner's association also stated that the idea of making Kitty Hawk Circle one way was also under consideration.

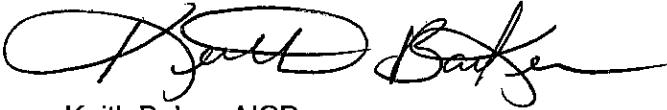
RECOMMENDATION

Based on consideration of the overall site plan, the need to provide safe and efficient circulation for pedestrians and bicyclists and the specific requirement of the City Council and Planning Commission to require sidewalks within the development and connecting to Abbott Road at the time of the original approval of the project, staff feels approval of the request to amend the site plan to remove the requirement for sidewalks is not warranted. However, it is up to the discretion of the Planning Commission to determine if sidewalks in this development are practical and appropriate in this circumstance.

PLANNING COMMISSION ACTION

Staff currently anticipates that the Planning Commission will formulate a recommendation to City Council at its November 10, 2009 meeting. We further anticipate that on November 23, 2009 the City Council will consider the site plan and Planning Commission recommendation. Please note that these dates are merely preliminary and may be adjusted due to Planning Commission action and City Council agenda scheduling.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Keith Baker". The signature is fluid and cursive, with the first name "Keith" written in a larger, more prominent script than the last name "Baker".

Keith Baker, AICP
Director of Planning & Community Development

KDB/cw