

ZMA201900001, 999 Rio Road
Modification Requests – Staff Analysis

#1 Authorization of Private Streets

Private streets may be authorized by the Planning Commission as provided by any one of the provisions of Section 14-233.

The applicant has requested approval of a private street in Block 2 that serves as access for Fire and Rescue and provides frontage for amenity-oriented lots using Neighborhood Model Development as justification. Ordinance language presented in ***bold italics*** followed by staff comment.

ANALYSIS OF SECTION 14-233(A)(1) Neighborhood model development.
May be authorized if the proposed private street(s) would enable the principles of the neighborhood model to be more fully implemented than could be achieved with a public street, without diminishing other principles of the neighborhood model, in the following circumstances: (i) the subdivision would have a streetscape more consistent with the neighborhood model; (ii) the subdivision design would allow it to better achieve the density goals of the comprehensive plan; (iii) rear vehicular access to buildings would be provided so that the buildings may face a common amenity; (iv) a significant environmental resource would be protected; or (v) relegated parking would be provided to a greater extent than could otherwise be provided.

Staff has reviewed this request and recommends approval for the proposed private street to serve as access for Fire and Rescue and as frontage for amenity-oriented lots. Given the scale of the proposal and size of the site, additional street networks are not necessary with this proposal. Access is provided with a travelway to the rear of Block 2 that also provides parking for the proposed single-family residential units. The layout for this amenity-oriented block will allow for a design that is consistent with the neighborhood model principles by providing rear access with a travelway and relegated parking. The details of the amenity-oriented lots can be found in the Narrative/Justification (Attachment 7) starting on Page 14.

ANALYSIS OF SECTION 14-234: Per Section 14-234(C), the Commission may authorize one or more private roads to be constructed in a subdivision if it finds that one or more of the circumstances described in Section 14-233 exists and that: (ordinance language presented in ***bold italics*** followed by staff comment)

1. The private road will be adequate to carry the traffic volume which may be reasonably expected to be generated by the subdivision.

The private street will not carry any traffic, however the amount of traffic expected on the requested travelway and parking area is minimal. The COD allows between eight (8) and 14 residential units in Block 2. While Fire and Rescue and Engineering did not have objections to the proposed site layout, the ultimate design of the streets are subject to approval by both agencies and must meet their requirements. The applicant has stated

that reinforced material will be placed under the vegetation along the private street which will be able to support the weight of emergency vehicles.

2. The comprehensive plan does not provide for a public street in the approximate location of the proposed private road;

The Places29 Master Plan does not show a public street on this site.

3. The fee of the private road will be owned by the owner of each lot abutting the right-of-way thereof or by an association composed of the owners of all lots in the subdivision, subject in either case to any easement for the benefit of all lots served by the road;

Section 14-317 of the Subdivision Ordinance requires that a maintenance agreement be submitted for review by Planning staff and the County Attorney in all situations where improvements are required to be maintained. This agreement will be required during the subdivision process. The applicant has indicated that the private streets will be entirely owned and maintained by the HOA.

4. Except where required by the commission to serve a specific public purpose, the private road will not serve through traffic nor intersect the state highway system in more than one location;

The proposed amenity-oriented private street served a public purpose by enabling the principles of the neighborhood model to be more fully implemented than could be achieved with a public street by allowing a smaller pavement section and providing frontage with an amenity, while also relegating parking. It will not serve through traffic or intersect a state highway system.

5. If applicable, the private road has been approved in accordance with section 30.3, flood hazard overlay district, of the zoning ordinance and other applicable law.

The requested private streets will not require any upgrades nor impact the flood plain.

Summary:

Staff recommends approval of the private street serving as access for Fire and Rescue and providing frontage for amenity-oriented lots.

#2 Modification of Street Standards

Curb and gutter, sidewalks and planting strips for street trees and other vegetation are required to be established on both sides of each new street within a subdivision in the development areas. The applicant has requested a general curb and gutter, sidewalk and planting strip exception for any private street serving amenity-oriented lots. The requirements for curb and gutter, sidewalks and planting strips may be waived by the commission as provided in section 14-203.1.

2a: Curb and Gutter

ANALYSIS OF SECTION 14-410: Variations from curb and gutter requirements:

Per Section 14-410(l)(2), in reviewing the request to waive the requirement for curb and gutter, the Commission shall consider whether: (ordinance language presented in ***bold italics*** followed by staff comment)

- i. the number of lots in the subdivision and the types of lots to be served;***
Block 2 will contain between eight (8) and 14 single-family lots. The private street will serve as an amenity space, emergency access and street frontage. Access will be provided to the rear of the Block via a travelway.
- ii. the length of the street;***
The length of the street will be determined during the site planning stage and will be adequate for emergency access, street frontage, and providing a useable amenity space.
- iii. whether the proposed street(s) or street extension connects into an existing system of streets constructed to a rural cross-section;***
Given that the proposed private street is for the purpose of amenity-oriented lots, no other street connections are needed.
- iv. the proximity of the subdivision and the street to the boundaries of the development and rural areas***
The development is well within the boundaries of the development areas. This private street is intended to serve as an amenity space, not a rural road.
- v. whether the street terminates in the neighborhood or at the edge of the development area or is otherwise expected to provide interconnections to abutting lands;***
The street is serving as an amenity space, and therefore does not need to connect to other streets or developments. It is providing a pedestrian connection through the site between Blocks 1 and 2.
- vi. whether a rural cross-section in the development areas furthers the goals of the comprehensive plan, with particular emphasis on the neighborhood model and the applicable neighborhood master plan;***
This proposed private street enhances pedestrian connectivity within the site and provides an amenity space for future residents while also allowing for relegated parking. This is consistent with neighborhood model principles.
- vii. whether the use of a rural cross-section would enable a different principle of the neighborhood model to be more fully implemented; and***
This proposed private street supports the pedestrian-oriented, relegated parking, interconnectivity and open space principles of the neighborhood model principles.
- viii. whether the proposed density of the subdivision is consistent with the density recommended in the land use plan section of the comprehensive plan***

The proposed density of this application is within the density recommended in the Places29 Master Plan.

2b: Sidewalks

ANALYSIS OF SECTION 14-422 (E) Waivers from sidewalk requirements: Per Section 14-422(E)(2), in reviewing a request to waive the requirement for sidewalks, the commission shall consider whether: (ordinance language presented in ***bold italics*** followed by staff comment)

- i. A waiver to allow a rural cross section has been granted;***
A waiver to allow a rural cross section has not been granted or requested.
- ii. A surface other than concrete is more appropriate for the subdivision because of the character of the proposed subdivision and the surround neighborhood;***
Pervious pavers, vegetation or other alternative surfaces are proposed for the private street. The applicant has stated that the surface will support the weight of emergency vehicles.
- iii. Sidewalks on one side of the street are appropriate due to environmental constraints such as streams, stream buffers, critical slopes, floodplain, or wetlands, or because lots are provided on only one side of the street;***
Sidewalks are not proposed or needed on one side of the private street. Given that the only vehicular access will be for emergency vehicles, residents will be able to use the entire area of the private street for pedestrian access.
- iv. The sidewalks reasonably can connect to an existing or future pedestrian system in the area;***
This application extends the multi-use path along Rio Road and Belvedere Boulevard. The application also shows additional sidewalks throughout the site for pedestrian access. Therefore, sidewalks may be provided along the private street serving as an amenity space, but are not required.
- v. The length of the street is so short and the density of the development is so low that it is unlikely that the sidewalk would be used to an extent that it would provide a public benefit;***
The length of the street is short, as it is providing frontage and emergency access, while primarily serving as an amenity space. Pedestrians may use the amenity space for pedestrian access, therefore a sidewalk may be provided but is not necessary.
- vi. An alternate pedestrian system including an alternative pavement could provide more appropriate access throughout the subdivision and to***

adjoining lands, based on a proposed alternative profile submitted by the subdivider;

This amenity space with alternative pavement (such as pervious pavers and vegetation) provides more appropriate access through the site and connects Blocks 1 and 2. An alternative profile has not yet been submitted and will be addressed at the site planning stage.

vii. The sidewalks would be publicly or privately maintained;

Sidewalks for private streets would be maintained by the Homeowner's Association.

viii. The waiver promotes the goals of the comprehensive plan, the neighborhood model, and the applicable neighborhood master plan; and

The waiver promotes the goals of the Comprehensive Plan, Neighborhood Model Principles, and Places29 Master Plan. This layout provides pedestrian connectivity and a useable amenity space, while allowing for relegated parking.

ix. waiving the requirement would enable a different principle of the neighborhood model to be more fully achieved.

Waiving the requirement allows parking to be relegated and provides an amenity space and pedestrian connectivity.

SUMMARY:

Staff's opinion is that sidewalk does not need to be provided along the private street. Additionally, this request has been previously approved in other neighborhood model developments (Riverside Village).

Staff recommends approval of the sidewalk exception for the private street serving amenity-oriented lots and providing emergency access.

2c: Planting Strips

ANALYSIS OF SECTION 14-422 (F) Waivers from planting strip requirements: Per Section 14-422(F)(2), the commission shall consider whether: (ordinance language presented in ***bold italics*** followed by staff comment)

i. A waiver to allow a rural cross section has been granted;

A waiver to allow a rural cross section has not been granted or requested.

ii. A sidewalk waiver has been granted;

A sidewalk waiver is included with this request and is recommended for approval by staff.

- iii. Reducing the size of or eliminating the planting strip promotes the goals of the comprehensive plan, the neighborhood model, and the applicable neighborhood master plan; and**

Eliminating the planting strip maximizes the area available for amenity and green space and promotes a walkable environment.

- iv. Waiving the requirement would enable a different principle of the neighborhood model to be more fully achieved.**

This waiver promotes the goals of the neighborhood model by allowing the lots to front on an amenity while relegating parking to the rear.

Summary:

Staff's opinion is that the proposed private street would function as an amenity space and allow for amenity-oriented lots, and planting strips are not required for amenity spaces. Planting strips are required for all other streets. Additionally, this is the only private street proposed.

Staff recommends approval of the planting strip exception for the private streets serving amenity-oriented lots only.