The Applicant is requesting two waivers to the DPM for sidewalks noted below:

1. *DPM 7-4(E) – Pedestrian Facilities* - Waiver to allow a sidewalk on one side of the street at the private entryways to the subdivision; and
2. *DPM 7-2(C) – Temporary Sidewalk Deferral* – Request to defer the installation of sidewalks until each home construction is completed.

The justification for the Waivers is based on the response to the criteria below.

6-6(P)(3) Review and Decision Criteria An application for a Waiver – DRB shall be approved if it complies with the following criteria:

6-6(P)(3)(a) Any of the following applies:

1. There are pre-existing obstructions that cannot be easily or economically relocated or should not be altered, such as grades, fills, watercourses, natural topographic features, manmade obstructions, or utility lines.

2. The area or site has been recognized as having historical, archeological, and/or architectural significance by the City, State, or federal government, and a Waiver is needed and appropriate to maintain such historical, archeological, and/or architectural significance.

3. The established neighborhood character or landscaping on the site would be damaged to a degree that outweighs the public interest in the City’s normal technical standards in that location.

4. Varying from the normal requirements and standards will encourage flexibility, economy, effective use of open space, or ingenuity in the design of a subdivision, in accordance with accepted principles of site planning.

Applicant Response: Criterion #3 best applies to the requested waiver to defer sidewalks until after the construction of each home. Neighborhood sidewalks would be damaged during the construction of each house in the subdivision, which would ultimately be detrimental to the public interest for safe connectivity in the subdivision.

Criterion #4 applies to the Waiver for the installation of one sidewalk at each entry to the subdivision. The allowance to provide one sidewalk along each entry road that allows for secured pedestrian access into the gated subdivision. This Waiver will encourage flexibility in the design of the subdivision by providing access gates at the public right-of-way of Rosa Parks Road and Azucena Road into the subdivision, which provide both vehicle and pedestrian access. Since this is a private, gated subdivision; a single pedestrian access balances access needs with security and maintenance concerns.

6-6(P)(3)(b) The Waiver will not be materially contrary to the public safety, health, or welfare.

Applicant Response: The two requested sidewalk Waivers will allow safe pedestrian access that promotes public safety, health, and welfare. The installation of sidewalks will be deferred only temporarily until each home is built. As the subdivision is completed, sidewalks will be fully installed, providing pedestrian access throughout the subdivision. The gated entry sidewalks will primarily be used by residents of the subdivision and will promote safety and security because they will be designed with a safe separation between vehicles and pedestrians.

6-6(P)(3)(c) The Waiver does not cause significant material adverse impacts on surrounding properties.

Applicant Response: The requested Waivers will not cause significant material adverse impacts on surrounding properties. The deferral of sidewalks will protect surrounding properties by installing sidewalks only when the threat of damage from construction is passed. This will protect all sidewalks in the subdivision in the long term. The Waiver to the entrance sidewalks will only affect the entryway to the future subdivision and are gated, so they will not affect surrounding properties.

6-6(P)(3)(d) The Waiver will not hinder future planning, public right-of-way acquisition, or the financing or building of public infrastructure improvements.

Applicant Response: The requested Waivers will not hinder future planning, public right-of-way acquisition, or the financing or building of public infrastructure improvements. The deferral of sidewalks is temporary and will not affect the items in Criterion (d) outside of the subdivision. The entrance sidewalks will not affect the City’s ability to improve the streets or sidewalks along Azucena Place, Rosa Parks Road, or any other public streets in the area.

6-6(P)(3)(e) The Waiver will not conflict significantly with the goals and provisions of any City, County, or AMAFCA adopted plan or policy, this IDO, or any other City code or ordinance.

Applicant Response: The requested sidewalk Waivers will not conflict with the goals and provisions in the IDO *Section 5-3 Access and Connectivity* nor the DPM *Part 7-4 Pedestrian Facilities* or any other City code or ordinance. The sidewalks within the subdivision and at the entrances will be constructed according to DPM standards. They will comply with the City’s sidewalk ordinance and will be installed at the appropriate development phase, ensuring convenient and efficient access for residents as the project is being constructed. After full buildout, all sidewalks will be constructed.

6-6(P)(3)(f) The Waiver will not allow, encourage, or make possible undesired development in the 100-year Floodplain.

Applicant Response: Criterion (f) does not apply, as the subject property is not in the 100-year Floodplain.

6-6(P)(3)(g) The Waiver will not materially undermine the intent and purpose of this IDO or the applicable zone district.

Applicant Response: The requested Waivers will not materially undermine the intent of the IDO to “*encourage efficient and connected transportation and circulation systems for motor vehicles, bicycles, and pedestrians*” or the R-ML Zone “*to provide for a variety of low-to medium-density housing options*.” The Waiver to defer sidewalks temporarily will allow installation at the appropriate time when each home is constructed, thereby protecting the overall pedestrian connectivity of the subdivision. The entrance sidewalks will ensure safe pedestrian access into the subdivision and connectivity for pedestrians to and from the public rights-of-way.

6-6(P)(3)(h) The Waiver does not allow a lot or type of development that does not meet the applicable Development Standards for the zone district where the lot is located, unless a deviation to such standards is within the thresholds established by Subsection 14-16-6-4(P) (Deviations) and is granted by the DRB as part of this approval.

Applicant Response: The proposed gated subdivision is allowed in the R-ML zone. The approval of both sidewalk Waivers will not allow a type of development that does not meet the applicable Development Standards for the R-ML zone.

6-6(P)(3)(i) The Waiver approved is the minimum necessary to provide redress without being inconsistent with the provisions of this Subsection 14-16-6-6(P).

Applicant Response: The requested sidewalk Waivers are the minimum necessary to provide redress. The deferral of sidewalks is only temporary, and they will be installed upon the completed construction of each home. The Waiver for the entrance sidewalks is requested only for the sidewalks that span the short entryway connection from the public right-of-way to the gated entrance.

6-6(P)(3)(j) If the request is a for a Waiver to IDO sidewalk requirements, the area is of low-intensity land use to an extent that the normal installation of sidewalks will not contribute to the public welfare, and the absence of a sidewalk will not create a gap in an existing sidewalk system extended to 1 or more sides of the subject property.

Applicant Response: The requested sidewalk Waivers will not completely waive the installation of required sidewalks, so this criterion does not apply.