

Planning & Zoning Commission Staff Report

Meeting Date:	November 5, 2025
Location:	City of Sunset Hills
Applicant:	City of Sunset Hills
Description:	<u>Unified Development Ordinance (City of Sunset Hills) Section 6.1.4 Text Amendment</u> – A request to amend the text of Section 6.1.4- Street Standards of the City of Sunset Hills Unified Development Ordinance relating to the procedure for the acceptance of private streets for public maintenance.

OVERVIEW:

Section 6.1.4 of the City’s Unified Development Ordinance establishes the procedure by which a private street may be considered for acceptance into the City’s public street network and become eligible for public maintenance. In practice, this section provides a framework for evaluating whether a privately constructed roadway meets the City’s design, construction, and right-of-way standards, and outlines the multi-step process for review by staff, the Public Works Committee, the Planning and Zoning Commission, and final approval by the Board of Aldermen. The process is typically initiated by a homeowners’ association or property owner seeking to dedicate the roadway for public maintenance, at which point City staff conducts a compliance inspection and prepares a non-compliance report identifying any deficiencies to be addressed prior to consideration.

The proposed amendment updates the City’s procedure for considering the acceptance of private streets for public maintenance. The revision retains the existing multi-step review process while introducing flexibility for previously constructed private streets that may not fully conform to current standards.

HISTORY:

On September 9, 2025, the City of Sunset Hills Board of Aldermen met and, during General Discussion, approved a motion directing staff to prepare updates to Section 6.1.4 of the Unified Development Ordinance. The Board's direction included incorporating specific additional language and forwarding the revisions to the Public Works Committee for review.

On October 2, 2025, the Public Works Committee reviewed the proposed revisions and made a motion to recommend moving forward with an amendment to Section 6.1.4 incorporating several red-line modifications.

The Board of Aldermen met again on October 14, 2025, and the proposed amendment, as revised by the Public Works Committee, was introduced under General Discussion. The Board then approved a motion to advance the amendment through the formal process for amending the UDO, beginning with referral to the Planning and Zoning Commission for recommendation to the Board of Aldermen.

STAFF ANALYSIS

Section 6.1.4 of the Unified Development Ordinance establishes the procedure by which private streets may be considered for acceptance as public streets eligible for City maintenance. The full red-line version of the ordinance amendment is included in the Planning & Zoning Commission packet.

This section plays an important role in protecting the City's long-term financial and operational interests by ensuring that newly accepted streets meet the standards necessary for safe, reliable, and cost-effective maintenance. The provision also serves to maintain consistency and a uniform process in evaluating requests from private subdivisions that may seek public maintenance responsibilities in the future.

Current Language:

The current language in Section 6.1.4 states if the subject street is not fully compliant with all City street standards and codes, then the applicant shall submit detailed engineering plans which specify all necessary improvements required to cure any deficiency and bring the street into full compliance with City standards and codes.

It should be noted that most private streets were originally constructed outside of City standards and, per the recorded plans/plat, were intended to remain private indefinitely. This was a choice by either a developer or anticipated community to seek flexibility for a reason that is often undefined many years later. The impotence for a private street may have come for a variety of reasons that include but are not limited to having interest for design flexibility, the ability to construct more homes, long-term maintenance control or simply providing seclusion from the general public. In some cases, the decision may be purely financial, by designating the streets private, the developer can avoid dedicating right-of-way and reduce upfront costs associated with meeting full public construction standards.

It also should be noted that construction standards and engineering specifications evolve over time, and while a development may have fully conformed to the City's standards at the time of its original construction, those standards may have since been updated, making it challenging for older private streets to achieve compliance with current requirements without significant modification. For example, cul-de-sac diameters and turning radii may have increased over time to accommodate larger emergency vehicles and modern design practices, reflecting advancements in public safety and infrastructure performance expectations.

Proposed Language:

The proposed red-line amendment, as recommended by the Public Works Committee, introduces additional flexibility intended to accommodate unique circumstances associated with older or previously constructed private streets. While this flexibility may support practical solutions where strict compliance with current standards is not feasible, staff notes that some of the

revised language introduces subjective terms, such as “to the extent practicable” and “as agreed” that could lead to differing interpretations over time as new elected officials and staff apply the ordinance. For this reason, it is important that any adopted language maintain a balance between reasonable flexibility and clear, enforceable standards to preserve consistency, transparency, and equity in the City’s review process. Subjectivity could lead to lack of consistency and transparency for both a future applicant and the recommending and approving bodies and subject the City to legal challenges.

An alternative approach that would maintain the same procedural structure, while improving consistency and reducing subjectivity, would be for the standard for acceptance to continue requiring compliance with the City’s adopted codes and specifications. However, it would introduce a permissive rather than restrictive framework, allowing for limited, defined exceptions when supported by technical justification and when public safety and long-term maintenance would not be compromised. The intent of this concept is to preserve flexibility for unique, existing private streets while ensuring the review process remains objective, transparent, and consistent across future applications. For example, under this approach, a private street that meets all required pavement, drainage, and right-of-way standards could still be considered for acceptance even if the cul-de-sac diameter is less than the standard 106 feet but not below the minimum 75 feet, provided that the applicant submits an engineering analysis or written documentation from the fire district verifying that emergency access and turning movements can be safely accommodated.

In addition to the alternative approach, staff notes that the City’s current practice does not permit new nor allow for the acceptance of any street with a slope exceeding ten percent (10%). Although this is a very rare circumstance, steep slopes of this grade present significant challenges for long-term maintenance, increase the likelihood of pavement failure, and may contribute to slope instability and stormwater management concerns such as street creep and erosion.

DEPARTMENT INPUT

City Staff has reviewed the submittal and found the application to be in conformance with the procedures outlined in the City of Sunset Hills' Unified Development Ordinance. City staff recommends action by the Planning and Zoning Commission for the draft text amendment located in Section 6.1.4 of the City's UDO.

MOTION

The following options are available to the Planning and Zoning Commission for consideration relative to this application:

- 1) "I move to recommend approval (or denial) of the request to amend the text of Section 6.1.4 of the City of Sunset Hills Unified Development Ordinance.

- 2) "I move to recommend approval of the request to amend the text of Section 6.1.4 of the City of Sunset Hills Unified Development Ordinance with the following conditions..."
(Conditions may be added, eliminated, altered or modified)

EXHIBITS:

1. Section 6.1.4 - Existing
2. Draft Section 6.1.4 - Red-Line