



Department Source: Community Development - Planning

To: City Council

From: City Manager & Staff

Council Meeting Date: January 4, 2021

Re: Vawter School Plat 1 – Design Adjustment (Case #26-2021)

Executive Summary

Approval of the design adjustment would waive the requirement to construct approximately 158 feet of sidewalk along the subject site's Vawter School Road frontage and require the applicant to pay a fee-in-lieu of construction in the amount of \$11,436.04 to off-set future sidewalk construction costs. This request is being considered concurrently with a request to approve a one-lot final plat entitled *Vawter School Plat 1*.

Discussion

A Civil Group (agent), on behalf of Mary and William Malone (owners), is seeking approval of a design adjustment from Section 29-5.1(d)(2) of the UDC to waive the installation of approximately 158' of sidewalk along the subject site's Vawter School Road frontage. This request is being considered concurrently with a one-lot final plat that will appear on the Council's January 4 agenda as a separate business item. The 0.5-acre property is located approximately 1600' east of the Scott Boulevard and Vawter School Road intersection and is addressed 3900 Vawter School Road.

When evaluating sidewalk waiver requests, staff considers the design adjustment criteria of Section 29-5.2(b)(9) of the UDC. In addition, given the subject site is along a portion of Vawter School Road considered "unimproved" staff also reviewed the provisions contained within Policy Resolution 48-06A. Pursuant to those provisions, a fee-in-lieu of construction may be considered as an alternative to an out-right waiver of the requirement to construct sidewalks.

After evaluating the applicant's request and considering the existing topography, utility conflicts, and potential improvements to Vawter School Road (not yet shown within the CIP), staff concluded that the criteria of Section 29-5.2(b)(9) were met. However, after additional consultation with the Public Works Department and considering the future improvement of Vawter School Road along with sidewalk construction it was concluded that payment in lieu of sidewalk was more appropriate than a full waiver of the construction. The applicant has agreed to a payment of \$11,436.04 (approximately \$72/lineal foot) as a fee-in-lieu. This payment will be deposited into an account with the Public Works Department for use in the future capital project for Vawter School Road.

The Planning and Zoning Commission considered the design adjustment request at their December 10, 2020 meeting. Staff presented its report. Commissioners inquired about the timing of future improvements to Vawter School Road and the appropriateness of the applicant to pay a fee-in-lieu of sidewalk construction, including possible legal concerns.



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The fee can be collected if it is spent on sidewalk construction that benefits the subject property. Currently there is no schedule for future roadway or sidewalk improvements to Vawter School Road, so the fee-in-lieu will be held indefinitely.

Following the public hearing and brief additional discussion, the Planning and Zoning Commission voted (5-2) with one abstention to recommend approval of the design adjustment subject to payment of the fee-in-lieu of sidewalk construction.

It should be noted that as part of preparing this item for Council's consideration, staff identified a clerical error relating to the identity of the property owners referenced in the Planning and Zoning Commission's staff report. Staff erroneously identified the owners as Mary and William Gadbois when in fact the owners are Mary and William Malone (the parents of Mary Gadbois). All application authorization forms and technical documents (i.e. plat and performance contract) associated with this request have been signed by the Malones who have owned the subject property since 2013.

The Planning Commission staff report, locator maps, design adjustment worksheet, final plat, Policy Resolution 48-06A, and meeting minute excerpts are attached.

Fiscal Impact

Short-Term Impact: None

Long-Term Impact: If the waiver is approved, the City may be responsible for the cost of sidewalk construction in the future.

Strategic & Comprehensive Plan Impact

Strategic Plan Impacts:

Primary Impact: Infrastructure, Secondary Impact: Not Applicable, Tertiary Impact: Not Applicable

Comprehensive Plan Impacts:

Primary Impact: Mobility, Connectivity, and Accessibility, Secondary Impact: Infrastructure, Tertiary Impact: Not Applicable

Legislative History

Date	Action
NA	NA



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Suggested Council Action

Approve of the design adjustment to Section 29-5.1(d)(2) to waive sidewalk construction and allow the applicant to submit fee-in-lieu of construction payment in the amount of \$11,436.04 as recommended by the Planning and Zoning Commission.