



Department Source: Community Development - Planning

To: City Council

From: City Manager & Staff

Council Meeting Date: November 1, 2021

Re: Bach Subdivision – Design Adjustment (Case # 283-2021)

Executive Summary

Approval would grant a design adjustment waiving the applicant's requirement to install public road infrastructure, pursuant to Section 29-5.1 of the UDC, in association with a one-lot final plat to be known as "Bach Subdivision". In lieu of the required roadway infrastructure, the applicant seeks approval of a concurrent right of use (ROU) permit that would result in the construction of an access drive to serve the newly created lot. Such access drive would be located within dedicated future right of way traversing the site to accommodate the future extension of Crabapple Lane from its current terminus to S. Scott Boulevard. The subject site is addressed 5170 S. Scott Boulevard.

Discussion

Engineering Surveys & Services (agent), on behalf of Christopher and Tracy Bach (owners), seek approval of a design adjustment from Section 29-5.1 of the UDC relating to the construction of public roadway improvements in conjunction with a one-lot final plat to be known as the "Bach Subdivision". The purpose of the platting action is to establish a "legal lot" and the design adjustment specifically applies to the required public roadway infrastructure installation within the dedicated future right of way for the extension of Crabapple Lane along the parcel's southern boundary shown on the plat.

The 2.3-acre subject property was recently annexed into the City and permanently zoned R-1 (One-Family Dwelling). The site is addressed 5170 S. Scott Boulevard and is generally located north of Steinbrook Terrace and west of S. Persimmon Road. The Bach's desire to build a single-family home on the acreage, which is presently vacant but for a small shed.

The applicant is seeking a waiver from the requirement that they build the required half-width public roadway improvements within the Crabapple Lane extension, a neighborhood collector, that is shown as being dedicated on the proposed plat. In lieu of the proposed half-width public street construction, a concurrent request for approval of a right of use (ROU) permit to install at private driveway within the right of way has been submitted. The private driveway would provide access to serve the newly created lot. The desired waiver is a design option/alternative the Council may approve per Chapter 29-5.1 (g) of the UDC.

There are no other design adjustments sought with the platting action. The applicant will be required to install public sidewalk along the future Crabapple Lane extension along the southern boundary of the lot pursuant to a final roadway elevation design that is currently being finalized. Furthermore, the applicant will be required to extend, at their cost, a public sanitary sewer main to serve the lot prior to issuance of certificate of occupancy for any dwelling unit on the property. All other required public road right-of-way and utility



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easements are shown as being dedicated on the plat and sidewalk is existing along S. Scott Boulevard.

A concurrent right-of-use (ROU) permit authorizing the construction of a temporary access drive in the newly dedicated Crabapple Lane right of way will appear on the November 1 Council agenda. The ROU specifies terms and conditions relating to the removal of the access drive and reconnection of the private driveway back to the completed Crabapple Lane extension. The future extension of Crabapple Lane is unknown and unfunded at this time; therefore, the ROU process is believed to be a practical means by which to address the requested design adjustment.

In regards to the design adjustment, the applicant seeks waiver from the provisions of Section 29-5.1 (g) which reads:

29-5.1(g) Public Improvements.

- (1) All required public improvements, including but not limited to streets and utilities, shall be installed or constructed in accordance with the procedural requirements in Section 29-5.2, or in related public improvements standard specifications or policies established by the City department or other entity responsible for the design, operation, or maintenance of that type of improvement.*

After review of the plat, the ROU permit request, and the design adjustment request, Public Works is in support of the design adjustment which would essentially grant relief from having to construct "half" of a public street along the entire southern frontage of the proposed lot within the future right of way. The ROU permit would allow a private driveway within the same area that would connect to an existing curb return at the southwest corner of the lot that was installed as part of the recently completed Scott Boulevard project.

It is uncommon to require a property owner to build a neighborhood collector as condition of receiving access to a single residential lot – S. Scott Boulevard is access restricted and does not permit residential driveway connections. Furthermore, the right of way to be dedicated is only one-half of that required to build the entire Crabapple Lane extension. Participation by the property owner to the south would facilitate full right of way dedication and likely roadway construction. The proposed private driveway access is believed appropriate at this time given the actual needs for access and other relevant factors such as the lack of funding for construction of Crabapple, access restrictions on Scott Boulevard, and no additional surrounding development demands.

Additionally, construction of the half-width roadway would terminate at the eastern edge of subject site leaving an approximate ½ mile gap between the subject site and the existing terminus of Crabapple Lane at Route KK. This incomplete construction may create mapping and wayfinding issues otherwise avoidable if the roadway were constructed in whole at a later date. Furthermore, the future alignment of Crabapple Lane between the subject property and Route KK traverses unincorporated lands within Boone County that will require cross-jurisdictional coordination to have the roadway built.



In terms of the design adjustment criteria per Section 29-5.2(b)(9) of the UDC, the request is not believed to create adverse impacts on abutting properties, will not make multi-modal access to the site more dangerous, or have adverse impacts on public health. The waiver would address a site-specific condition in a way that is not incompatible with developments of a similar situation and is not believed incompatible with the Comprehensive Plan.

The Planning and Zoning Commission considered this request at their October 7, 2021 meeting. Staff presented their report and the applicant was available to answer questions. No one from the public spoke on the matter. A motion to recommend approval of the design adjustment was unanimously approved (8-0).

The Planning Commission staff report, locator maps, plat, design adjustment worksheet, and meeting minute excerpts are attached.

Fiscal Impact

Short-Term Impact: None anticipated within the next two years. Public infrastructure extension/expansion would be at the cost of the developer.

Long-Term Impact: Public infrastructure maintenance such as roads, sewers, and water, as well as public safety and solid waste service provision. Future impacts may or may not be offset by increased user fees and/or property tax collections.

Strategic & Comprehensive Plan Impact

Strategic Plan Impacts:

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

Comprehensive Plan Impacts:

Primary Impact: Land Use & Growth Management, Secondary Impact: Infrastructure, Tertiary Impact: Not Applicable

Legislative History

Date	Action
10/04/21	Annexed and applied R-1 zoning on the subject property. (Ord. 024774)

Suggested Council Action

Approve requested design adjustment from Section 29-5.1 of the UDC as recommended by the Planning and Zoning Commission.