



Department Source: Community Development - Planning

To: City Council

From: City Manager & Staff

Council Meeting Date: May 20, 2019

Re: Tuscany Estates – Final Plat, Design Adjustment (Case #79-2019)

Executive Summary

Approval will result in creation of a two-lot final plat and granting of relief from the requirement to build a sidewalk alongside Oakland Gravel Road.

Discussion

The applicant Crockett Engineering, on behalf of T-Vine Enterprises, Inc. (owner), is seeking approval of a two-lot final plat of R-1 (single family dwelling) and FP-O (flood plain overlay) zoned property. The 22.02 acre site is located east of N. Teresa Drive, north of Bear Creek and the City/County-owned Atkins Park, and south of Oakland Gravel Road.

This plat would create two approximately 11 acres lots for single family development. Frontage would be provided via Oakland Gravel Road, an unimproved (no curb and gutter) neighborhood collector maintained by Boone County. All City utilities and services are available to serve the subject property, and the plat dedicates a 20' utility easement along Oakland Gravel Road and a 10' trail easement along the north side of Bear Creek.

While no additional right-of-way (ROW) dedication is required since the existing 66-foot wide ROW corridor is sufficient to accommodate future improvements a sidewalk must be installed along the frontage per Section 29-5.1(d) and Appendix A of the UDC. Given the low impact nature of the future development, the applicant has requested a design adjustment to waive the sidewalk requirement. Approximately 1,200 feet of 5-foot wide sidewalk would be required.

Following review of the UDC criteria associated with design adjustments and those found within PR 48-06A, staff was unable to support the request. The full analysis of the design adjustment is provided within the attached Planning and Zoning Commission staff report. While staff was unable to find support for the design adjustment, the plat is fully compliant with the UDC's standards and was recommended for approval. It should be noted that the sidewalk required along the Oakland Gravel frontage would be a requirement of issuing the Certificate of Occupancy for any future structures on the proposed 2 lots. Sidewalks do not appear on final plats.

The Planning and Zoning Commission considered this request at their April 18, 2019 meeting. Staff presented its report and the applicant gave an overview of the request. A member of the public spoke in favor of the sidewalk design adjustment. No other member of the public spoke during the meeting. The Commission asked questions of staff on the presence and absence of sidewalk in nearby and proposed developments.



Following additional discussion, a motion to approve the design adjustment failed to pass (1-5). A motion to approve the final plat was passed (6-0) with the understanding that sidewalk construction would be a requirement of the building permit process.

The Planning Commission staff report, locator maps, design adjustment worksheet, final plat, 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: Infrastructure, Secondary Impact: Not Applicable, Tertiary Impact: Not Applicable

Comprehensive Plan Impacts:

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

Legislative History

Date	Action
NA	NA

Suggested Council Action

Accept the Planning and Zoning Commission's recommendations to deny the requested design adjustment to for waiver of sidewalk construction along Oakland Gravel Road and approve the final plat.

If the Council desires to support the applicant's requested design adjustment, a 2/3rd super-majority vote will be required to "over-ride" the Commission's recommendation of denial.