



Department Source: Community Development - Planning

To: City Council

From: City Manager & Staff

Council Meeting Date: January 6, 2025

Re: LaFond Subdivision – Design Adjustment (Case #21-2025)

## Executive Summary

Approval of this request would grant a waiver from the provisions of Sec. 29 5.1 (d) of the Unified Development Code as it pertains to the installation of sidewalks along roadway frontages abutting newly platted subdivision lots. This matter is being considered concurrently with a request to approve a new 3-lot subdivision to be known as “*LaFond Subdivision*” which is being presented under separate cover on the January 6, 2025 Council agenda. The requested waiver, if approved, would relieve the applicant from installing sidewalks along the subdivision’s Green Ridge Road and Brown Station Road roadway frontages.

## Discussion

In conjunction with their request for a 3-lot final, minor subdivision to be known as “*LaFond Subdivision*”, Brush and Associates (agent), on behalf of Kenneth LaFond (owner), seeks approval of a design adjustment from Sec. 29 5.1 (d) pertaining to the installation of sidewalks along Green Ridge Road and Brown Station Road abutting the newly created 3 lots.

Given the subject acreage has not been previously platted and pursuant to the requirements of Sec. 29-5.1 (d) of the UDC, the applicant is required to install sidewalk along the acreage’s abutting roadway frontages. The 1.76-acre parcel is presently improved with two dwellings on the acreage which is proposed to be divided into 3 lots – one for each existing dwelling accessible from Green Ridge Road and one for a future dwelling that would be accessible from Brown Station Road.

The applicant seeks authorization to waive the required sidewalk installation and has provided their justification for such relief in the attached “Design Adjustment Worksheet”. Staff has reviewed the applicant’s submitted worksheet and evaluated the waiver request pursuant to the criteria of Sec. 29-5.2(b)(9) of the UDC. The five design adjustment criteria are shown below (in bold) with staff’s analysis following each criterion.

- i. The design adjustment is consistent with the city’s adopted comprehensive plan and with any policy guidance issued to the department by council;***

The design adjustment would not be consistent with the Comprehensive Plan given walkability is an important aspect of complete, human scale neighborhoods. Waiving sidewalk construction decreases opportunities for safe and healthy neighborhoods for residents.



**ii. The design adjustment will not create significant adverse impacts on any lands abutting the proposed plat, or to the owners or occupants of those lands;**

The design adjustment will not adversely affect any lands that surround the proposed subdivision and would essentially maintain the “status quo” with respect to surrounding development. However, waiver of sidewalk installation given the subdivision’s corner location would make it more difficult to create a future connected sidewalk network.

**iii. The design adjustment will not make it significantly more difficult or dangerous for automobiles, bicycles, or pedestrians to circulate in and through the development than if the subdivision standards of section 29-5.1 were met;**

By granting the design adjustment, local residents will be deprived of walkability opportunities along LaFond subdivision. The submitted worksheet notes that residents currently use the right-of-way to walk, which put pedestrians at risk.

**iv. The design adjustment is being requested to address a unique feature of the site or to achieve a unique design character, and will not have the effect of decreasing or eliminating installation of improvements or site features required of other similarly situated developments; and**

The subdivision contains a floodplain overlay and must cross over the creek bed along the site’s Green Ridge Road Frontage. Installation of a sidewalk given these conditions would be a significant undertaking financially as well with respect to constructability.

**v. The design adjustment will not create adverse impacts on public health and safety.**

Granting the design adjustment would result in residents having to continue to share the streets with cars when walking. This is a significant potential safety risk for pedestrians.

Based on its evaluation of the above criteria, staff concluded that insufficient evidence was presented in the application to support a waiver of the required sidewalks along both roadway frontages (Green Ridge Road and Brown Station Road) of the proposed development. Should the Council desire consider a payment in lieu of waiving installation of the approximate 584-feet of required sidewalk, such “in-lieu” payment would be approximately \$41,394 based on the city’s two-year average construction cost of sidewalks.

This matter was considered at the Planning and Zoning Commission’s December 5, 2024, meeting concurrently with the request for approval of the 3-lot “LaFond Subdivision”. Staff presented its report, inclusive of this matter and the 3-lot subdivision. The applicant and their representative were present and gave an overview of the overall request. No member of the public spoke at the meeting; however, a single letter of opposition to the subdivision was provided to the Commission (see attached).

After discussion relating to the merits of the design adjustment request and the proposed 3-lot plat, the Commissioners made two separate motions – one related to the design



adjustments and the other relating to the 3-lot subdivision. The motion to approve the requested design adjustment was approved by a vote of (6-2).

The Planning and Zoning Commission staff report, locator maps, design adjustment worksheet, final plat, public correspondence, and meeting minute excerpts are attached for review.

### Fiscal Impact

Short-Term Impact: None anticipated. Waiver of sidewalk installation would maintain the status quo. If the waiver is denied any relocation costs associated with existing public utilities would be borne by the applicant.

Long-Term Impact: None anticipated if sidewalks are installed or waived. If sidewalks are required maintenance of such infrastructure become the responsibility of the adjacent property owner.

### Strategic & Comprehensive Plan Impact

Strategic Plan Impacts:

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

Comprehensive Plan Impacts:

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

### Legislative History

Date	Action
N/A	N/A

### Suggested Council Action

Approve the requested design adjustment from Sec. 29-5.1(d) waiving the requirement that sidewalks be installed along Green Ridge Road and Brown Station Road abutting the newly created lots within the "LaFond Subdivision" as recommended by the Planning and Zoning Commission.