

**AGENDA REPORT
PLANNING AND ZONING COMMISSION MEETING
December 5, 2024**

SUMMARY

A request by Brush and Associates (agent), on behalf of Kenneth LaFond (owner), for approval of a 3-lot final minor subdivision to be known as “Lafond Subdivision” and a design adjustment from Sec. 29-5.1(d) [Sidewalks] along the subdivision’s Brown Station Road and Green Ridge Road frontages. The subject 1.76-acre property is located at the northwest corner of Brown Station Road and Green Ridge Road and is addressed as 2912 Green Ridge Road.

DISCUSSION

Brush and Associates (agent), on behalf of Kenneth LaFond (owner), seeks approval of a 3-lot subdivision to be known as “LaFond Subdivision” and a design adjustment to waive the requirement that sidewalks be installed along the Brown Station Road and Green Ridge Road lot frontages. The 1.76-acre subject site is a “survey tract” and given its proposed division into 3 new lots this request requires action by both the Planning Commission and Council to ensure each future lot is considered a “legal lot” and the requirements of Sec. 29-5.2(b)(9) of the UDC are met.

If the design adjustment is approved, the requirement to install sidewalk along the subdivision’s roadway frontages would be waived and no construction plans or “performance contract” would be required. However, if the design adjustment is not approved the applicant would be required to construct sidewalk along the respective roadway frontages and prior to Council’s consideration of the final plat the applicant would be required to submit construction plans for city review as well as a “performance contract” guaranteeing installation of the sidewalks within 3-years of final plat approval.

The proposed 3-lot final plat consists of 1.76-acres of R-1 zoned and is improved with two primary structures - a single family home and a duplex. The proposed plat would create individual lots for the two dwelling units along the southern half of the existing acreage and an additional developable lot along the northern half of the acreage with roadway frontage along Brown Station Road.

The subdivision will be accessible through Green Ridge Road and Brown Station Road, both being public local residential streets. The existing structures have driveway access off Green Ridge Road and the undeveloped proposed Lot 2 would be accessed from Brown Station Road. The specific section of Brown Station Road that this subdivision abuts is not classified as a Major Collector; therefore, it is permitted to have “direct” residential access upon it. No additional public right-of-way will be dedicated along Brown Station Road; however, an additional 7.5-feet has been shown along the subdivision’s Green Ridge Road frontage to ensure a minimum 25-foot half-width is provided.

A sanitary sewer line currently extends through the property that provides sanitary sewer access to each of the proposed lots. Standard 10-foot public utility easements will be dedicated along all roadway frontages which the subdivision abuts. A floodplain overlay exists through the middle of the site which impacts each of the proposed lots. The existing duplex may be encumbered by the identified stream buffer based on its proximity to the floodplain overlay. If

future modifications to the duplex are desired, the exact location of the stream buffer will need to be verified to ensure compliance with the provisions of Chapter 12A of the City Code and the UDC's regulatory standards relating to development within the floodplain.

In addition to the proposed 3-lot final plat, the applicant is also seeking approval of a design adjustment regarding the required sidewalk construction along the development's Brown Station Road and Green Ridge Road frontages. Sidewalk installation requirements are described in Section 29 5.1 (d) of the UDC. These provisions stipulate that **any** subdivision platting action after the effective date of this chapter (i.e. March 2017) will be subject to the sidewalk requirements set forth by this chapter of the UDC. The Comprehensive Plan explicitly identifies walkability as an important element in the construction of complete neighborhoods.

As noted in the attached design adjustment worksheet, the surrounding neighborhood has no sidewalk development in place at this time. Any sidewalk construction on this site will not connect to an existing network. Many residents currently walk on the street, directly next to moving automobile traffic. This subdivision contains a portion of the Bear Creek watershed, which runs from the NE to the SW through roughly the middle of the site. Sidewalk construction would need to navigate the topographic challenge of this creek bed.

If the design adjustment is recommended for approval, the attached plat would be forwarded to Council for its consideration along with a concurrent report seeking Council approval of the design adjustment. If the design adjustment is denied, the applicant reserves the right to seek Council consideration of the design adjustment concurrent with the plat; however, staff's recommendation on the plat would be required to be "denial" given the plat does not meet the requirements of the UDC. Alternatively, the applicant could submit construction plans for the required sidewalk for city review and a "performance contract" guaranteeing installation of the sidewalk within 3-years of final plat approval. The final plat would not be submitted for Council consideration without the construction plans being approved provided the applicant chooses to not seek Council approval of the design adjustment.

Section 29-5.2(b)(9) of the UDC provides five evaluation criteria which shall be considered when weighing a request for a design adjustment. The five criteria (in bold) and staff's analysis are outlined below.

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. As previously mentioned, walkability is an important trait in complete, human scale neighborhoods identified in the Comprehensive Plan. By waiving sidewalk construction, there are decreased opportunities for safe and healthy neighborhoods for residents.

[NOT SUPPORTED]

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. Waiving sidewalk installation would maintain the "status quo" with respect to surrounding development. However, facilitating a connected network of future sidewalks

within the surrounding neighborhood would be negatively affected by the lack of sidewalks at this location.

[SUPPORTED]

- 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 this design adjustment, local residents will be deprived of walkability opportunities. The worksheet submitted by the applicant notes that residents currently use the right-of-way to walk, which put pedestrians at risk.

[NOT SUPPORTED]

- 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**

This subdivision contains a floodplain overlay and creek bed along said floodplain overlay. It would be a significant undertaking to build sidewalks over said creek for the applicant.

[SUPPORTED]

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

By granting this design adjustment, residents would be forced to continue to share the streets with cars when walking. This is a significant potential safety risk for pedestrians.

[NOT SUPPORTED]

Conclusion

The requested design adjustment is not considered to be consistent with the objectives of the Comprehensive Plan. Staff does not anticipate any adverse effects to abutting properties at this time. Granting this waiver would continue to put pedestrians at risk by forcing them to share space with automobile traffic. While construction of the sidewalks at this specific site may be a financial burden on the applicant, the safety of residents must be considered. Sidewalk networks in neighborhoods without existing infrastructure need to start somewhere, and granting this waiver would discourage future redevelopments from also including sidewalks along their frontages.

The proposed 3-lot final plat aside from technical corrections and the requested design adjustment is compliant with the requirements of the UDC. Furthermore, approval of the plat would be considered consistent with the objectives of the Comprehensive Plan with respect to creating lots that support "infill" development versus suburban sprawl. Staff does not anticipate any adverse effects to abutting properties by allowing the subdivision to be created.

RECOMMENDATION

The following actions are recommended with respect to this request:

1. **Deny** the requested design adjustment waiving sidewalk installation along Brown Station Road and Green Ridge Road.
2. **Approve** the requested 3-lot final plat to be known as “Lafond Subdivision” subject to:
 - a. Technical corrections
 - b. Submission of construction plans for required sidewalks (if design adjustment is denied)
 - c. Submission of a “performance contract”
 - d. Delayed Council consideration until technical corrections and construction plan approval, if necessary, have been obtained.

SUPPORTING DOCUMENTS (ATTACHED)

- Locator Maps
- Final Plat
- Design Adjustment Worksheet

SITE CHARACTERISTICS

Area (acres)	1.76 acres
Topography	Creek running NE to SW
Vegetation/Landscaping	Trees covering Floodplain Overlay (FP-O)
Watershed/Drainage	Bear Creek
Existing structures	Single family home and duplex

HISTORY

Annexation date	1964
Zoning District	R-1
Land Use Plan designation	Employment, Commercial, Neighborhood
Previous Subdivision/Legal Lot Status	SUR 279-193 TR 22 PT SE SW - not legal lot

ACCESS

Brown Station Road	
Location	Eastern boundary of plat
Major Roadway Plan	Local Neighborhood
CIP projects	None
Sidewalk	Required

Green Ridge Road	
Location	Southern boundary of plat

Major Roadway Plan	Local Neighborhood
CIP projects	None
Sidewalk	Required

PARKS AND RECREATION

Neighborhood Parks	Albert-Oakland Park
Trails Plan	N/A
Bicycle/Pedestrian Plan	N/A

PUBLIC NOTIFICATION

All property owners within 185-feet and City-recognized neighborhood associations within 1,000-feet of the boundaries of the subject property were notified of this pending request on November 26, 2024. 11 letters were distributed. Advertising was placed in the Columbia Tribune on November 19, 2024.

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Approved by Patrick Zenner