



September 8, 2026 City Council Meeting

Title

Consider a request for a Subdivision Ordinance Variance at 704 North Liberty Street — Planning Commission and Adam Fletcher, Community Development

Summary

Project name	N/A
Address/Location	704 North Liberty Street
Tax Map Parcels	40-N-1 and 2
Total Land Area	+/- 13,495.23 square feet
Property Owner	Jose Antonio Lopez Montiel
Owner's Representative	Colman Engineering
Subdivision Ordinance Variance Request	Section 10-2-61(c) requirement to construct a sidewalk
Planning Commission	August 12, 2026
City Council	September 8, 2026

Recommendation

Option 1. Staff recommend denial of the Subdivision Ordinance variance and

Option 2. Planning Commission (4-2) recommend approval of the Subdivision Ordinance variance.

Context & Analysis

The following land uses are located on and adjacent to the property:

Site: Single-family detached dwelling, zoned R-2

North: Single-family detached dwelling, zoned R-2

East: Across undeveloped alley, parking lot, zoned M-1

South: Across West Washington Street, vacant lot, zoned R-2 and residential uses, zoned M-1

West: Across North Liberty Street, single-family detached and duplex dwellings, zoned R-2

The applicant is requesting a variance from the Subdivision Ordinance (SO) Section 10-2-61(c), which requires the construction of a public sidewalk when an adjacent property on either side has an existing sidewalk. The property is addressed as 704 North Liberty Street and is identified as tax map parcel 40-N-1 and 2. If approved, the applicant plans to subdivide the property into four lots,

retain the existing single-family dwelling, build a duplex along the North Liberty Street frontage, and construct a new single-family detached dwelling along the West Washington Street frontage.

On July 8, 2026, Planning Commission recommended approval of the applicant's requests to rezone the property from R-2, Residential District to R-8C, Small Lot Residential District Conditional, and for a special use permit (SUP) to allow reduced side yard setbacks. The rezoning and SUP requests are scheduled for a public hearing before City Council on August 11, 2026. If approved, the rezoning requires a second reading, anticipated on August 25, to become effective. As part of the rezoning request, the applicant proffered to dedicate right-of-way along West Washington Street for the existing sidewalk and to dedicate right-of-way along the North Liberty Street frontage. While the applicant has proffered to dedicate right-of-way along North Liberty Street, dedication alone does not satisfy Section 10-2-61(c).

SO Section 10-2-61(c) requires that "[w]here a lot being subdivided fronts on an existing street, and adjacent property on either side has an existing sidewalk, the subdivider shall construct, and where necessary dedicate land for, sidewalk on the property being subdivided to connect to the existing sidewalk, even when no other street improvements are required." There is an existing sidewalk along the West Washington Street frontage to the intersection with North Liberty Street; therefore, extending the sidewalk along the North Liberty Street frontage is required as part of the subdivision.

Within the submitted application materials, the applicant states, "[a] sidewalk currently exists along the West Washington Street frontage of the property. This sidewalk was constructed by the City without an easement having first been obtained from the property owner." Aerial images show that the sidewalk along the West Washington Street frontage existed as early as 2002, before the applicant acquired the property in 2019. In addition, survey information from 2011 showed an existing two-foot combination curb and gutter and a three-and-a-half-foot sidewalk entirely within the 27-foot right of way of West Washington Street.

The City widened the sidewalk to five feet in 2011-2012 and made improvements to the intersection with North Liberty Street in 2024. If an encroachment exists related to the sidewalk widening or from the intersection improvements, it can be investigated and addressed, if the applicant desires. However, such encroachment would be evaluated and addressed through a separate process and should not be considered a determining factor in the review of the applicant's SO variance request to waive the requirement to construct sidewalk along North Liberty Street since sidewalk has existed along West Washington Street for some time.

According to Section 10-2-2(a), for a SO variance to be granted, the subdivider must show that strict application of the sidewalk requirement would cause an unnecessary hardship because of topographical or other unusual conditions or would undermine or conflict with the City's Comprehensive Plan goals and policies encouraging walkable, pedestrian- and bicycle-friendly street corridors. The applicant has not demonstrated that the property has physical constraints, topographical limitations, or other unusual site conditions that prevent sidewalk construction. The applicant states in their letter that "the cost of the required improvement is substantial." While sidewalk construction has a cost, similar subdivisions are subject to similar costs.

Land Use

The Comprehensive Plan designates this site as Neighborhood Residential and states:

These areas are typically older residential neighborhoods, which contain a mixture of densities and a mixture of housing types, but should have more single-family detached homes than other types of housing. This type of land use highlights those neighborhoods in which existing conditions dictate the need for careful consideration of the types and densities of future residential development. Infill development and redevelopment must be designed so as to be compatible with the desired character of the neighborhood.

Transportation and Traffic

The Determination of Need for a Traffic Impact Analysis (TIA) form (“TIA determination form”) for the proposed development was completed during the rezoning process and indicated that the project would not generate 100 or more peak hour trips, which is the threshold for staff to require a TIA.

As with other older residential neighborhoods, this area has an incomplete sidewalk network. Goal 13 of the Comprehensive Plan calls for the City to develop and maintain a safe and convenient transportation system serving all modes of travel, including driving, walking, biking, and taking public transportation. Strategy 13.1.5 addresses implementation of measures to expand the pedestrian infrastructure network so that all streets have pedestrian accommodations on both sides of the street. Objective 13.2 of the Comprehensive Plan addresses the desire to increase opportunities for alternative modes of transportation, including walking, and several strategies refer to the City’s Bicycle and Pedestrian Plan. The Bicycle and Pedestrian Plan’s vision includes providing “pedestrian infrastructure to safely and conveniently reach all areas of the city for school, work, play, and other daily needs.” The SO requirement to construct sidewalks is an important tool for implementing the goals and objectives of the Comprehensive Plan and Bicycle and Pedestrian Plan.

While the North Liberty Street sidewalk segment would not span the entire block, it does not mean it lacks value. The City’s pedestrian network is built incrementally as properties subdivide or redevelop. Requiring frontage improvements at the time of subdivision is one of the City’s tools for closing sidewalk gaps over time. Staff does not agree with the applicant’s argument that constructing the sidewalk along the subject property frontage would create an unsafe pedestrian condition. The sidewalk would connect to the existing sidewalk and crosswalk location at West Washington Street and North Liberty Street. The applicant has stated that terminating a sidewalk at the edge of the property would encourage pedestrians to cross North Liberty Street at a midblock location; however, the absence of sidewalk does not prevent pedestrians from walking along the frontage. Staff believes the presence of a sidewalk along the frontage would encourage residents to walk to the intersection to cross North Liberty Street. Sidewalk construction provides a defined pedestrian facility and improves access to the established intersection crossing.

Housing

The City’s Comprehensive Housing Assessment and Market Study (Housing Study) places the subject property within Market Type D, which notes that “[m]arket type D has lower market

activity as well as lower access to amenities. This could be because the areas are stable residential neighborhoods or because the area is less developed and therefore has fewer sales and fewer amenities. Strategies that would be appropriate in the latter case include concurrent development of the housing and economic opportunities through mixed-use developments to build commerce and housing centers across the City.”

The proposed development adds to the housing supply in support of the Housing Study. However, the applicant is requesting relief from a required public improvement. While there is a cost to constructing the sidewalk, safe pedestrian access is also an important component of housing affordability. Providing safe pedestrian access can reduce transportation costs and improve residents’ ability to reach jobs, schools, transit, parks, and other services.

Conclusion

The applicant has not demonstrated that strict application of Section 10-2-61(c) would cause an unnecessary hardship due to topographical or other unusual conditions. In addition, requiring sidewalk construction would advance the City’s Comprehensive Plan, Bicycle and Pedestrian Plan, and ADA Transition Plan by incrementally expanding the City’s pedestrian network. Staff recommends denial of the SO variance request.

Options

1. Deny the Subdivision Ordinance variance.
2. Approve the Subdivision Ordinance variance as requested.
3. Approve the Subdivision Ordinance variance with conditions.

Attachments

- Extract from Planning Commission
- Site maps
- Applicant’s supporting documents