

**AGENDA REPORT  
PLANNING AND ZONING COMMISSION MEETING  
July 6, 2017**

**SUMMARY**

A request by A Civil Group (agent) on behalf of Maddox and Robinson Investments, LLC (owner) for a waiver from Section 24-35 and a design adjustment from Section 29-5.1(d.2.i), to waive the construction of approximately 60 feet of sidewalk located along Primrose Drive. The subject site is currently zoned R-MF (Multiple-Family Dwelling), and is located on the north side of Primrose Drive, approximately 500 feet east of Gardner Drive. (**Case #17-157**)

**DISCUSSION**

The applicant is requesting a design adjustment from the requirement to construct a sidewalk along the property's Primrose Drive frontage. Both sections of the municipal code included in this request generally require that sidewalks be constructed along arterials and collectors in conjunction with new development on a site. The applicant is required to construct sidewalks due to the expansion of an existing principal building. The waiver would apply to approximately 60 feet of sidewalk measured from the west property line. A portion of the sidewalk is currently built on the east portion of the lot.

The criteria below are used when evaluating whether to grant the requested waiver. Staff's evaluation is listed after each condition, followed by their determination if the condition is met (shown in CAPS and BOLD)

***Design Modification from Section 29-5.1(d.2.i) of the UDC (Sidewalks; Standard Requirements)***

Section 29-5.2(b.9) of the UDC includes the following criteria for considering a design adjustment to requirements within 29-5.1 (Subdivision Standards). The Director or Commission may recommend approval of the design adjustment if it determines that the following criteria have been met:

**1. The design adjustment is consistent with the City's adopted comprehensive plan and with any policy guidance issued to the Department by Council;**

Below is a listing of comprehensive plan provisions and other plans that address sidewalks:

- Columbia Imagined: Under the "Mobility, Connectivity, and Accessibility" goal (page 148), the strategy for Policy One is to "encourage interconnectivity between neighborhoods, commercial districts, and employment centers using non-motorized transportation networks". Granting a variance contradicts this goal.
- Columbia Imagined: Under the "Livable and Sustainable Communities" goal (page 144), the strategy for Policy Two is to "Identify service gaps and support zoning and development decisions to provide walkable local commercial service and employment nodes". Granting a variance contradicts this goal.
- FY 2016 Capital Improvement Program (CIP): The construction of a sidewalk along the north side of Primrose from Stadium, west to Sunflower Street is projected as a 6-10 year project. **NOT SUPPORTED.**

**2. 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 create adverse impacts on surrounding property owners, as pedestrians will be required to walk on the street pavement for the portion of the sidewalk not installed. **NOT SUPPORTED.**

**3. 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;**

The design adjustment will make it more dangerous for pedestrian circulation, as pedestrians will be required to walk on the street pavement for the portion of the sidewalk not installed given the terrain. The location of the sidewalk in question is particularly difficult, as it would be located in the same area as a drainage area, and there is little to no room for pedestrians to walk that is not in the street. **NOT SUPPORTED.**

**4. 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 applicant has stated that the request is meant to address the preservation of an existing large tree that would need to be removed to construct a portion of the sidewalk. See the attached worksheet with exhibits for additional information. Staff concurs that at least a portion of the tree would need to be removed if the sidewalk is installed.

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

The provision of sidewalks along this roadway frontage would increase public safety, health and welfare by accommodating separation of pedestrians and motor vehicles. Pedestrian safety should take priority over the preservation of existing vegetation. **NOT SUPPORTED.**

**Variance from Section 24-35 (Streets, Sidewalks, and Public Places; Sidewalks Required)**

The second part of the applicant's request relates to Section 24-35 of the City Code, which requires a sidewalk to be installed on property zoned for commercial, office, or multi-family uses along arterial and collector streets. The applicant is requesting a waiver from this requirement, which was triggered due to new construction on the site. In determining the need for the sidewalk, Section 24-35(d) provides the following factors for consideration:

**1. Pedestrian traffic generators such as parks and schools in the area;**

- *L.A. Nickell Golf Course and Columbia Cosmopolitan Recreation Area: 1,000 feet east of the subject site*
- *Columbia Independent School: ¼ mile southeast of the site*
- *Breaktime convenience store: ⅓ mile northeast of the site*
- *Valleyview Park: 1,000 feet northwest of the site*
- *Developed residential subdivisions to the west of the site*

**2. The existence of a sidewalk network in the area;**

The sidewalk network along the north side of Primrose is very limited between Stadium Boulevard and Sunflower Street, and is concentrated exclusively between the site and Stadium. Of the portions west of the site without sidewalk, the northwest corner of Primrose and Stadium is currently under review as a PD development, which will require sidewalks in the future, and the lot at the northwest corner of Rashid Court and Primrose will require sidewalks in the future upon development. Two additional lots do not have sidewalk and are currently developed.

There is currently no sidewalk on the south side of Primrose, and the street is nearly fully developed with single and two family dwellings. However, a much more developed sidewalk network is installed approximately 500 feet north of the intersection of Primrose and Garden Drive, beginning at Valleyview Park. This network connects much of the residential area north of the park, and provides connectivity to Stadium.

**3. The density of current and future development in the area;**

Almost the entirety of Primrose is currently developed with primarily single-family residential dwellings. To the south of the site, along Timber Creek Drive, PD zoned property is currently undeveloped but is approved for multi-family housing. To the northeast of the site, several IG zoned properties are currently undeveloped.

**4. The amount of pedestrian traffic likely to be generated by the proposed development;**

The site includes approximately 36 multi-family dwelling units. The amount of pedestrian traffic would be significantly higher than a single-family development of the same size. However, the site provides a direct access to the Valleyview park to the north, so this may reduce the amount of pedestrian traffic attributed to visiting the park.

**5. The cost of constructing the sidewalk;**

An estimate of the cost of construction is attached.

**6. Whether the terrain is such that sidewalk is physically feasible; and**

Construction of sidewalk in this location is feasible based on staff observations and submitted plans.

**7. The extent to which trees, ground cover and natural areas would be impacted by the sidewalk.**

As stated by the applicant (see attached worksheet), a significantly large tree, along with a limited amount of other vegetation, would need to be removed, and the site would need to be graded to accommodate the sidewalk. Although staff believes only a portion of the tree would be required to be removed.

Conclusion

Staff finds that the request does not meet the standards for waiving sidewalk installation on the subject property. Taken together, the circumstances do not warrant the waiver of sidewalk installation in this particular location given the benefit that the sidewalk would provide to pedestrians. While the

preservation of significant trees is a worthwhile goal, it may occasionally be in conflict with other goals, such as pedestrian safety. Furthermore, given that this sidewalk is currently included in the CIP, the City will be installing sidewalks in this area in the future if this waiver is granted, and the tree will be removed at that time barring any amendments to that particular project. The installation of the sidewalk now would reduce the amount of sidewalk that the City must build in the future.

The applicant has requested that a fee-in-lieu of constructing the sidewalk be considered as an alternative; however, there is no allowance for a fee-in-lieu within the UDC, and the decision to accept a fee will be at the discretion of Council.

### **RECOMMENDATION**

Denial of design adjustment to Section 29-5.1(d.2.i) and denial of the request to waive Section 24-35 in order to waive the sidewalk requirement for the subject site.

### **SUPPORTING DOCUMENTS (ATTACHED)**

- Locator maps
- Worksheet from applicant with attachments
- Cost Estimate
- CIP (page B-39)
- Columbia Imagined (pgs. 144, 148)

Report prepared by Clint Smith

Approved by Patrick Zenner