AGENDA REPORT
PLANNING AND ZONING COMMISSION MEETING
December 8, 2016

SUMMARY

A request by Peggy Hendren (owner) for a variance from the requirement of Section 25-48.1 (Subdivision Regulations) to install a sidewalk along the frontage of an R-1 (One-Family Dwelling District) zoned lot along an unimproved street. The subject site is located on the north side of Proctor Drive, approximately 550 feet east of Creasy Springs Road, and is addressed 811 Proctor Drive. **(Case #17-16)**

DISCUSSION

The applicant is requesting a variance from the requirement to construct a sidewalk along the property's approximately 176-foot Proctor Drive frontage. Section 25-48.1 of the Subdivision Regulations requires sidewalks to be built along the abutting street frontages of lots platted after 2001 prior to the issuance of a Certificate of Occupancy for newly built structures or within three years of final plat approval per standard performance contract obligations.

The subject site was subdivided earlier this year to allow a 0.23-acre portion of the original two-acre tract, which includes a pre-existing home, to be sold off. The property owner has indicated that she has no immediate plans to develop the remaining 1.74 acres, and she feels that the sidewalk requirement is burdensome and unnecessary at this location.

The following criteria are used to evaluate whether to grant a variance from 25-48.1 based on Section 25-20(a) (Variances and exceptions - General criteria), and Council Policy Resolution 48-06A (Specific criteria pertaining to streets without curb & gutters).

General Variance Criteria (Section 25-20)

The Subdivision Regulations provide criteria by which all variances and exceptions should be evaluated. Specifically, Section 25-20 allows for variances from undue hardships or practical difficulties that might result from strict compliance with these Regulations, subject to the following conditions being met (variance criteria in **bold**; staff analysis in *italics*):

1. The granting of the variance will not be detrimental to the public safety, health or welfare or injurious to other property or improvements in the neighborhood in which the property is located.

There is an intermittent sidewalk network in place along both sides of Proctor Drive to the east and west of the subject site. Proctor Drive is a local residential street which experiences low traffic volumes (annual average daily traffic of 455 as of last count in 2009); however, the narrow pavement width, steep ditches and hilly nature of this street make the lack of a sidewalk along the site's frontage detrimental to public safety, health or welfare.

2. The conditions upon which the request for a variance is based are unique to the property for which the variance is sought, are not applicable generally to other property, and are not self-imposed.

There are no unique conditions associated with the subject site.

3. Because of the particular physical surroundings, shape or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of these regulations was carried out.

There are no topographical or other physical impediments associated with the subject property which would result in a particular hardship to the owner as it relates to constructing a sidewalk along the site's street frontage.

4. The variance will not in any manner abrogate the provisions of the comprehensive plan of the city.

Columbia Imagined includes goals to "[i]dentify service gaps and support zoning and development decisions to provide walkable local commercial service and employment nodes" (p. 144), and to promote "interconnectivity between neighborhoods, commercial districts, and employment centers using non-motorized transportation networks" (p. 148).

Staff believes that granting isolated sidewalk variances in situations where no practical difficulties exist may have the effect of eroding the comprehensive plan's provisions.

Specific Variance Criteria (PR 48-06A)

Council Policy Resolution 48-06A uses the following factors to provide additional guidance in weighing the cost versus benefit of sidewalk construction:

1. The cost of constructing the sidewalk relative to the cost of the proposed development;

The applicant estimates the cost of the sidewalk to be $10,000. No development is proposed.

2. Whether the terrain is such that sidewalks or walkways are physically feasible;

There are no topographical impediments which make construction of the required sidewalk infeasible.

3. Whether the sidewalk would be located in a developed area, on a low traffic volume local street without sidewalks;

Proctor Drive is a local residential street. The south side of Proctor Drive, between Creasy Springs Road and Proctor Park, has been platted and developed with single-family homes, and includes approximately 1,200 feet of sidewalk abutting the rear yards of Bear Creek Village subdivision. An intervening 178-foot survey parcel separates the subject site from a 380-foot sidewalk segment that extends eastward from Creasy Springs Road along the north side of Proctor Drive. The remainder of the north side of unimproved Proctor Drive is composed of multi-acre survey parcels that are either undeveloped, developed with single-family homes, a grandfathered recycling facility, and City parkland.

4. Current or future parks, schools or other pedestrian generators near the development for which a sidewalk or walkway would provide access.

A sidewalk on the subject site would improve access to Proctor Park, which is located at the point where Proctor bends to the south, and Parkade Elementary School at the eastern terminus of Proctor

Drive. The City's Sidewalk Master Plan identifies a 1,500-foot sidewalk connection along the south side of Proctor, between Bear Creek Village and Bear Creek Drive (the school) as a second priority project.

Conclusion

Staff does not support the requested sidewalk variance due to a lack of practical difficulties associated with its physical construction, and the perceived need for sidewalk to connect to parkland and a school. The apparent danger associated with pedestrians sharing this narrow and hilly street with automobiles, and the substantial investments by others further reinforces staff's belief that the variance should be denied.

RECOMMENDATION

Denial of a sidewalk variance from Section 25-48.1

SUPPORTING DOCUMENTS

- Locator maps
- Letter from applicant

SITE CHARACTERISTICS

Area (acres)	1.98 acres
Topography	Relatively flat along street frontage
Vegetation/Landscaping	Turf and a few mature trees
Watershed/Drainage	Bear Creek
Existing structures	Single-family home

HISTORY

Annexation date	1964
Zoning District	R-1 (One-Family Dwelling District)
Land Use Plan designation	Neighborhood District
Subdivision/Legal Lot Status	Lots 1 & 2 of Hendren Hills Subdivision

ACCESS

Proctor Drive	
Location	South side of site
Major Roadway Plan	Local Residential (Unimproved & City-maintained). 50-ft ROW in place
CIP projects	None
Sidewalk	Sidewalk required per Section 25-48.1 (Subdivision Regulations)

Report prepared by Steve MacIntyre Approved by Patrick Zenner