

City of Columbia

701 East Broadway, Columbia, Missouri 65201



Agenda Item Number: B 90-15

Department Source: Community Development - Planning

To: City Council

From: City Manager & Staff

Council Meeting Date: 4/20/2015

Re: Sidewalk variance request - 2620 N Stadium Boulevard (Case #15-88)

Documents Included With This Agenda Item

Council memo, Resolution/Ordinance

Supporting documentation includes: Summary of Board/Commission Reports (including letter from applicant, maps, plat, and policy resolution), Excerpts from Minutes

Executive Summary

Approval of this request will result in a waiver from the requirement to construct approximately 300-feet of sidewalk along the subject site's frontage on Stadium Boulevard.

Discussion

The applicant is requesting a variance from the requirement to construct a sidewalk along the property's approximately 300 foot Stadium Boulevard frontage. The subject site includes Lot 3B of Boone Quarry Plat 3A, which was approved on February 10, 2014, and therefore is required to construct sidewalks within three years of plat approval per Chapter 25-48.1 (Subdivision Regulations) of the City Code. An overlapping requirement to build sidewalks along the property's Stadium Boulevard frontage resulted from construction of a new building addition on the site, which triggers the sidewalk construction standards and criteria outlined in Chapter 24-35 (Streets, Sidewalks, and Public Places).

At its meeting on April 9, 2015, the Planning and Zoning Commission voted unanimously (8-0) to approve both of the above-referenced variance requests. Commissioners agreed that there was little need for a sidewalk at this location since there is no supporting sidewalk network in the area, and no major pedestrian generators in the immediate vicinity. There was no public comment for or against this request; however, the applicant was there to answer Commission questions.

The staff report (including letter from applicant, maps, plat, and policy resolution) and meeting excerpts are attached.

Fiscal Impact

Short-Term Impact: No new capital spending is expected within the upcoming 2 years as a result of this proposal.

Long-Term Impact: None.

City of Columbia

701 East Broadway, Columbia, Missouri 65201



Vision, Strategic & Comprehensive Plan Impact

Vision Impact: Development (Goal 5.3)

Strategic Plan Impact: N/A

Comprehensive Plan Impact: Livable & Sustainable Communities

Suggested Council Action

The Commission recommends approval of variances from both Sections 25-48.1 and 24-35 of the City Code.

Legislative History

N/A


Department Approved


City Manager Approved

Introduced by _____

First Reading _____

Second Reading _____

Ordinance No. _____

Council Bill No. B 90-15

AN ORDINANCE

granting a variance from the Subdivision Regulations, and a waiver from the requirements of the City Code, relating to construction of a sidewalk along a portion of the north side of Stadium Boulevard adjacent to Lot 3B of Boone Quarry Plat 3A (2620 N. Stadium Boulevard); and fixing the time when this ordinance shall become effective.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBIA, MISSOURI, AS FOLLOWS:

SECTION 1. The City Council grants a variance from the requirements of 25-48.1 of the Subdivision Regulations, and a waiver from the requirements of Section 24-35 of the City Code, so that sidewalks shall not be required along a portion of the north side of Stadium Boulevard adjacent to Lot 3B of Boone Quarry Plat 3A (2620 N. Stadium Boulevard).

SECTION 2. This ordinance shall be in full force and effect from and after its passage.

PASSED this _____ day of _____, 2015.

ATTEST:

City Clerk

Mayor and Presiding Officer

APPROVED AS TO FORM:

City Counselor



SUPPORTING DOCUMENTS INCLUDED WITH THIS AGENDA ITEM ARE AS FOLLOWS:

Summary of Board/Commission Reports (including letter from applicant, maps, plat, and policy resolution), Excerpts from Minutes

**AGENDA REPORT
PLANNING AND ZONING COMMISSION MEETING
April 9, 2015**

SUMMARY

A request by Stephanie Hall (owner) for variances from the requirement that five-foot wide sidewalks be constructed along streets abutting lots in subdivisions approved after January 1, 2001 (Section 25-48.1), and prior to the issuance of certificates of occupancy for construction of new buildings on property zoned for commercial or multi-family uses that abut arterial or collector streets (Section 24-35). The subject site is addressed 2620 N Stadium Boulevard. (Case #15-88)

DISCUSSION

The applicant is requesting a variance from the requirement to construct a sidewalk along the property's approximately 300 foot Stadium Boulevard frontage. The subject site includes Lot 3B of Boone Quarry Plat 3A, which was approved on February 10, 2014, and therefore is required to construct sidewalks within three years of plat approval per Chapter 25 (Subdivision Regulations) of the City Code. An overlapping requirement to build sidewalks along the property's Stadium Boulevard frontage resulted from construction of a new building addition on the site, which triggers the sidewalk construction standards and criteria outlined in Chapter 24 (Streets, Sidewalks, and Public Places).

Variance from Section 25-48.1 of the Subdivision Regulations

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 (staff responses to criteria appear 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.

Industrial uses typically generate low levels of pedestrian traffic. While little pedestrian traffic exists along this stretch of Stadium Boulevard at this time, the provision of sidewalks along this roadway frontage would increase public safety, health and welfare by accommodating separation of pedestrians and motor vehicles on this busy major roadway, thereby reducing the likelihood of injuries occurring from automobile-pedestrian conflicts.

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 topographical conditions associated with the subject site. It is relatively flat.

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.

The subject site is encumbered by utility structures, which prevent the traditional placement of a sidewalk within the street right-of-way. However, it is possible to dedicate public sidewalk easements within the subject site, which route portions of the sidewalk around these various obstacles.

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

Sidewalk variances contradict the comprehensive plan's support for the creation of walkable neighborhoods.

Council Policy Resolution 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 \$7,000, which is approximately 0.8% of the total development cost of \$850,000.

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

The terrain is flat, and would not present a physical obstacle to sidewalk installation. While utility poles, electrical transformers and a drainage culvert may prevent the sidewalk from being installed completely within the street right-of-way, it is possible to deviate the sidewalk alignment to avoid these obstacles.

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

Stadium Boulevard is classified as an arterial road with traffic counts between 6,500 and 10,000 vehicles daily.

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

L.A. Nickell Golf Course and Columbia Cosmopolitan Recreation Area are located approximately ½ mile east of the subject site. Columbia Independent School is located approximately ¾ mile southeast of the site. A large residential neighborhood exists directly across Stadium Boulevard from the subject property.

There are no pedestrian generators located along Stadium Boulevard to the north and west of the subject site. A large office building and Con-Agg industrial facility are located to the east and south.

Variance from Section 24-35 of the Streets, Sidewalks, and Public Places Regulations

The second part of the applicant's request relates to Section 24-35 of the City Code, which requires a sidewalk to be installed along the frontage of Lot 3B prior to the issuance of permits to occupy any new structures on the lot. The applicant is requesting a variance from this requirement so that a permanent certificate of occupancy may be issued for a small addition to the existing building 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;

See above.

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

The sidewalk network along this stretch of Stadium Boulevard is spotty at best, with small sections of sidewalk in place along a few residential lot frontages. There are no sidewalks in place on either side of the subject site.

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

The area is mostly developed with a mixture of industrial, office, and park uses on the north/east side of Stadium Boulevard, and a blend of commercial, residential and industrial uses on the south/west side of Stadium. Development in the area may generally be considered as low to medium density.

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

Given the industrial use of the subject site, and distances between the site and nearest available amenities and services, it is unlikely that the site will generate much pedestrian traffic along Stadium Boulevard.

5. The cost of constructing the sidewalk;

See above.

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

See above.

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

No trees, ground cover, or natural areas would need to be impacted by the sidewalk.

STAFF RECOMMENDATION

After considering the various decision-making criteria provided in the above ordinances and policy resolution, staff recommends the following action be taken:

1. Denial of the request for variance from Section 25-48.1 (Subdivision Regulations)
 - a. After reviewing the variance criteria of Section 25-20, there does not appear to be any unnecessary hardship or practical difficulty which would prevent the sidewalk from being installed as required.
 - b. After reviewing the guidance in Council Policy Resolution 48-06A, staff does not believe that any of the four decision-making factors are supportive of a variance.
2. Denial of the request for variance from Section 24-35 (Streets, Sidewalks and Public Places Ordinance)
 - a. If we consider all factors as being equal, staff cannot support this request based on their assessment that only two of the seven factors (#2, pertaining to the existence of a sidewalk network in the area; and #4, relating to the anticipated amount of pedestrian traffic originating from the subject site) under Section 24-35(d) support the requested variance.

ATTACHMENTS

- Letter from the applicant
- Locator and topographic maps
- Administrative Replat of Lots 3A and 3B of Boone Quarry Plat 3A
- Council Policy Resolution PR 48-06A

Report prepared by Steve MacIntyre; Approved by Pat Zenner

Community Development Director

March 6, 2015

City of Columbia

701 E Broadway

Columbia, MO

I am requesting a sidewalk variance for the property at 2620 North Stadium Blvd. The land and building were purchased in April of 2014 after it sat empty for some 7 years. I have moved a manufacturing business to this location on a temporary occupancy permit. Upon marking out the required location of the sidewalk, numerous factors came into play pointing out the negative impact of a sidewalk in this location.

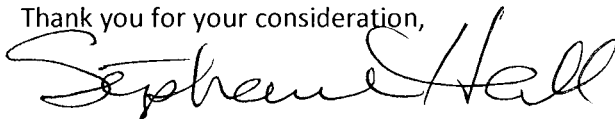
The property in question is located 1.2 miles north of I-70 on North Stadium Blvd. There are no sidewalks installed on North Stadium from I-70 to our property and there are no sidewalks installed north of our property as the road is a state highway. There are not even sidewalks installed along the .5 miles of North Stadium where there is a city owned golf course. North Stadium road is not part of a city bus route, it is not a collector street, nor is it a high traffic road. In fact the speed limit is 50mph because of the rural location and low traffic volume. Additionally, in the summer of 2015 MO-DOT will be replacing a bridge just 1 mile further north on North Stadium (also called Rt. E) and they will not be constructing a sidewalk on this bridge.

In order to install the sidewalk there would be multiple work orders that would need to be completed by the City of Columbia utilities. There is an electrical pole that falls directly in the sidewalk path. There is an underground city sewer line with a clean out in the way as well as a water main and the main electrical line from the pole to the building. All of these items would have to be moved by the City of Columbia.

Furthermore, our property which is now home to a manufacturing facility backs up to Boone Quarry. There is an entrance to the quarry a mere 300 feet from the road. It would be unsafe to encourage pedestrian traffic along North Stadium Blvd. Also along this section of North Stadium Blvd is a concrete manufacturing plant with large culverts and large trucks driving in and out which also presents an unsafe area to encourage pedestrians.

Finally, in this circumstance with these conditions, we would plead that a sidewalk is not needed and the impact would not justify the requirement for a sidewalk to be constructed. I am including photos of the road in front of the property, the gate to the quarry, and a view in both directions down the road from the property.

Thank you for your consideration,

A handwritten signature in black ink that reads "Stephanie Hall". The signature is written in a cursive, flowing style.

Stephanie Hall



2620 North Stadium Blvd



City of Columbia
Planning Department
701 E. Broadway, Columbia, MO
(573) 874-7239 planning@gocolumbiamo.com

Sidewalk Variance Worksheet **(for sidewalks along unimproved streets)**

For office use:

Case #:	Submission Date:	Planner Assigned:
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Please answer the following questions¹:

1. What is the cost of constructing the sidewalk, relative to the cost of the proposed development?

The cost to the property owners to develop the sidewalk would be approximately \$7,000.00; the development cost is \$850,000.00. There would also be a cost to the city utilities to prepare for the sidewalk installation.

2. Is the terrain such that sidewalks or walkways are physically feasible?

There is a natural storm water runoff right where the sidewalk should be installed as well as a mature tree. The quarry is 300 feet from the front edge of the road. There is 1 city electric poles, a city sewer line, a city water line, and an electrical main that would have to be relocated to allow for sidewalk construction.

3. Would the sidewalk be located in a developed area, on a low traffic volume local street without sidewalks?

The sidewalk would be located on a rural road with no sidewalks south of it for 1.2 miles and no sidewalks north of it indefinitely. The development is not on a city bus route, is not on a collector street, and does not have pedestrian traffic.

4. Are there any current or future parks, schools or other pedestrian generators near the development for which a sidewalk or walkway would provide access?

There are no parks, schools, or pedestrian generators near the development. In fact, there are dangers to pedestrians in the form of a rock quarry and a concrete plant where pedestrian traffic should be deterred.

If an alternative walkway is being proposed, please describe how the alternative would deviate from standard sidewalk requirements.

If applicable, please attach a map showing the proposed alternative walkway alignment.

¹ Based on factors for determining sidewalk need, identified in Council Policy Resolution PR 48-06A



City of Columbia utilities that would need to be moved to allow for sidewalk construction.



Standing at road in front of property looking south on Stadium Blvd.



Standing at road in front of property looking
north on Stadium Blvd.



Natural water runoff along front of property



Standing at road looking at entrance to quarry 300 feet from road



15-88: 2620 N Stadium Blvd Sidewalk Variance

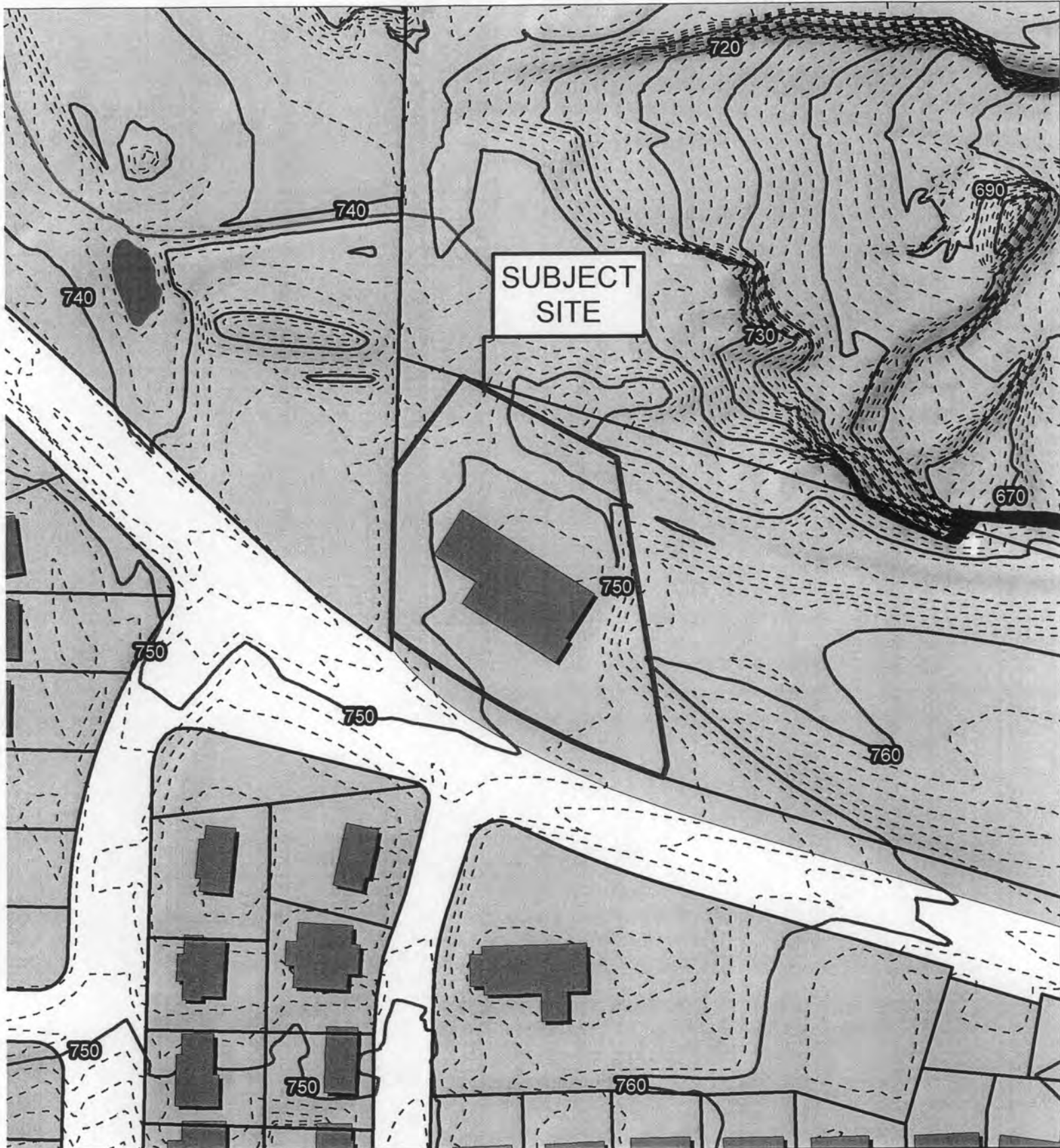


City of Columbia Zoning
Parcels



Columbia City Limit





15-88: 2620 N Stadium Blvd Sidewalk Variance



- 10 Foot Contour Lines
- - - 2 Foot Contour Lines
- Parcels
- Building Footprint
- Bodies of Water
- Columbia City Limit



FILED FOR RECORD IN BOONE COUNTY, MISSOURI
BETHE JOHNSON, RECORDS OF DEEDS



LOCATION MAP
NOT TO SCALE

LEGEND:

- () EXISTING
- () SET
- () 1/2" IRON PIPE (UNLESS NOTED OTHERWISE)
- () STONE
- () PERMANENT MONUMENT
- (N) MEASURED DISTANCE
- (REC) RECORDED DISTANCE
- () RIGHT-OF-WAY MARKER

SCALE: 1"=60'
8 20 30 100
BEARINGS ARE REFERENCED TO GRID NORTH, OF THE MISSOURI STATE PLANE COORDINATE SYSTEM (CENTRAL ZONE), OBTAINED FROM GPS OBSERVATION.

ADMINISTRATIVE PLAT BOONE QUARRY, PLAT No. 3A

LOCATED IN THE NORTHWEST QUARTER OF SECTION 3, TOWNSHIP 48
NORTH RANGE 13 WEST AND IN THE SOUTHWEST QUARTER OF
SECTION 34, TOWNSHIP 48 NORTH, RANGE 13 WEST
COLUMBIA, BOONE COUNTY, MISSOURI
JANUARY 20, 2014

CERTIFICATION:

I HEREBY CERTIFY THAT IN JANUARY OF 2014, I COMPLETED A SURVEY AND SUBDIVISION FOR COH-HCO OF MO, LLC OF A TRACT OF LAND LOCATED IN THE NORTHWEST QUARTER OF SECTION 3, TOWNSHIP 48 NORTH, RANGE 13 WEST AND THE SOUTHWEST QUARTER OF SECTION 34, TOWNSHIP 48 NORTH, RANGE 13 WEST, COLUMBIA, BOONE COUNTY, MISSOURI AND BEING ALL OF LOT 3 OF BOONE QUARRY, PLAT NO. 3, RECORDED IN PLAT BOOK 31, PAGE 132 AND BEING DESCRIBED BY THE WARRANTY DEED RECORDED IN BOOK 3088, PAGE 31 AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING ON THE NORTH RIGHT-OF-WAY LINE OF STATE ROUTE E AT THE SOUTHEAST CORNER OF SAID LOT 3 AND WITH THE LINES THEREOF, N 73°30'45"W, 558.28 FEET, THENCE 224.78 FEET ALONG A 800-12-ROCK PAVEMENT CURVE TO THE RIGHT SAID CURVE HAVING A CHORD, N 82°14'50"W, 323.04 FEET, THENCE LEAVING SAID NORTH RIGHT-OF-WAY LINE AND CONTINUING WITH THE LINES OF SAID LOT 3, N 71°4'50"E, 295.80 FEET, THENCE S 72°14'30"E, 454.83 FEET, THENCE S 10°29'25"W, 309.58 FEET TO THE POINT OF BEGINNING AND CONTAINING 8.33 ACRES.

I FURTHER CERTIFY THAT I SURVEYED THE ABOVE DESCRIBED PROPERTY AND SUBDIVISION AS SHOWN ON THE PLAT IN ACCORDANCE WITH THE CURRENT MISSOURI MECHANICAL STANDARDS FOR PROPERTY BOUNDARY SURVEYS.

SURVEY AND PLAT BY:

CROCKETT ENGINEERING CONSULTANTS, LLC
3808 NORTH STADIUM BLVD.
COLUMBIA, MO 65202
CORPORATE NUMBER: 000101304

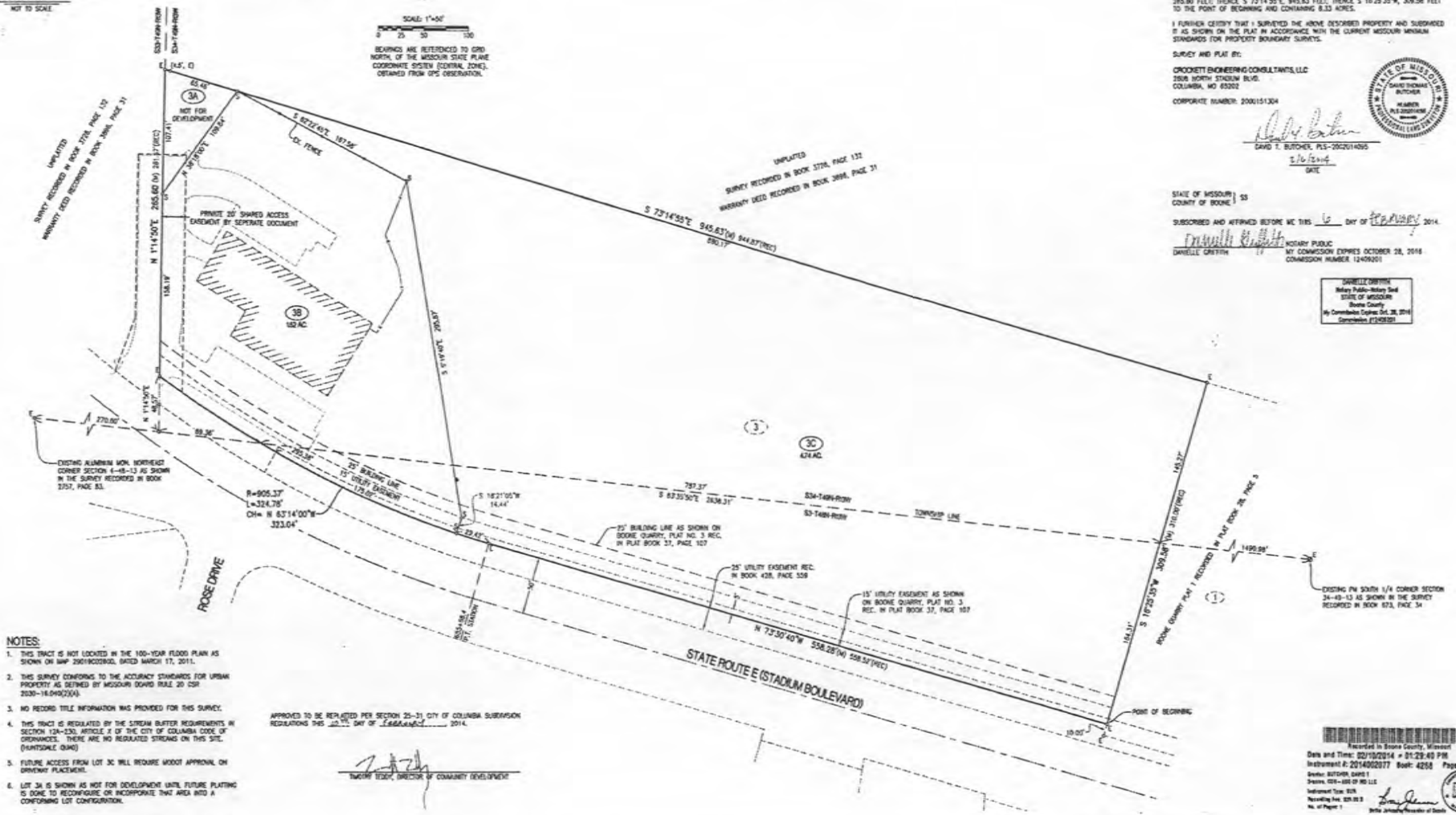


DAVID T. BUTCHER
2/16/2014
DATE

STATE OF MISSOURI
COUNTY OF BOONE

SUBSCRIBED AND AFFIRMED BEFORE ME THIS 16 DAY OF FEBRUARY 2014.
DANIELLE CRUTCH, Notary Public
MY COMMISSION EXPIRES OCTOBER 28, 2016
COMMISSION NUMBER: 12479201

DANIELLE CRUTCH
Notary Public-Notary Seal
STATE OF MISSOURI
Boone County
My Commission Expires Oct. 28, 2016
Commission #12479201



NOTES:

1. THIS TRACT IS NOT LOCATED IN THE 100-YEAR FLOOD PLAIN AS SHOWN ON MAP 29018C02802, DATED MARCH 17, 2011.
2. THIS SURVEY CONFORMS TO THE ACCURACY STANDARDS FOR URBAN PROPERTY AS SET FORTH BY MISSOURI DOORS RULE 20 CSR 200.01-16.040(2)(A).
3. NO RECORD TITLE INFORMATION WAS PROVIDED FOR THIS SURVEY.
4. THIS TRACT IS REGULATED BY THE STREAM BUFFER REQUIREMENTS IN SECTION 124-120, ARTICLE 4 OF THE CITY OF COLUMBIA CODE OF ORDINANCES. THERE ARE NO REGULATED STREAMS ON THIS SITE. (HUNTSVILLE DRIVE)
5. FUTURE ACCESS FROM LOT 3C WILL REQUIRE MODOT APPROVAL ON DRIVEWAY PLACEMENT.
6. LOT 3A IS SHOWN AS NOT FOR DEVELOPMENT UNTIL FUTURE PLATTING IS DONE TO RECONFIGURE OR INCORPORATE THAT AREA INTO A CONFORMING LOT CONFIGURATION.

APPROVED TO BE REPLATED PER SECTION 25-31, CITY OF COLUMBIA SUBDIVISION REGULATIONS THIS 22 DAY OF February 2014.

THOMAS STEAD, DIRECTOR OF COMMUNITY DEVELOPMENT

Date and Time: 02/19/2014 - 01:29:40 PM
Instrument #: 2014002077 Book: 4268 Page: 67
Surveyor: BUTCHER, David T.
Drawn: CRUTCH, Danielle
Instrument Type: SUR
Recording Fee: \$25.00
No. of Pages: 1
Bethe Johnson, Records of Deeds

Permanent Record
Filed in Clerk's Office

Introduced by Hindman Council Bill No. PR 48-06 A

A POLICY RESOLUTION

establishing a policy on requests for variances to subdivision regulation requirements for construction of sidewalks along unimproved streets.

WHEREAS, Chapter 25 of the City Code generally requires sidewalks to be constructed on both sides of all streets within a subdivision; and

WHEREAS, the City frequently receives requests for variances from these requirements when development occurs along unimproved streets which are not being constructed or reconstructed as part of the subdivision; and

WHEREAS, the City is committed to assuring safe pedestrian accommodations throughout the City while recognizing that there are occasions when standard sidewalks are not appropriate at the time of subdivision or development; and

WHEREAS, the City Council deems it necessary to adopt a policy statement to serve as a guide in reviewing and acting on requests for variances for sidewalks along unimproved streets in the City.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF COLUMBIA, MISSOURI, AS FOLLOWS:

SECTION 1. The City Council shall review each request for a sidewalk variance along an unimproved street in the context that there must be a reasonable relationship between the proposed activity of a landowner and the requirement that the landowner construct a sidewalk and in the context that the public safety and welfare make it desirable to encourage pedestrian movement by providing safe walkways and sidewalks away from traffic lanes of streets.

SECTION 2. The City Council shall grant the requested variance without conditions only if it determines that the sidewalk is not needed or that the impact of the proposed development does not justify the requirement that the sidewalk be constructed.

SECTION 3. In determining the need for a sidewalk variance and in determining whether the impact of the proposed development justifies the requirement that the sidewalk be constructed, the City Council shall consider but not be limited to the following factors:

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

- b. Whether the terrain is such that sidewalks or walkways are physically feasible;
- c. Whether the sidewalk would be located in a developed area, on a low traffic volume local street without sidewalks;
- d. Current or future parks, schools or other pedestrian generators near the development for which a sidewalk or walkway would provide access.

SECTION 4. If the City Council finds that the proposed use of the land would justify the requirement that a sidewalk be constructed and that in the interest of public safety and welfare there is an immediate or near future need for a sidewalk or walkway at the location of the variance request, the City Council will approve the variance request only if an alternative walkway is provided or if the property owner pays the City for future construction of the sidewalk pursuant to Section 7 or if some other equitable arrangement for construction of a sidewalk or other pedestrian infrastructure improvement is made.

SECTION 5. Alternative walkways are defined as all weather pedestrian facilities constructed in accordance with plans and specifications approved by the Public Works Department. Alternative walkways may deviate in vertical and horizontal separation from the roadway in order to take advantage of natural contours and minimize the disturbance to trees and natural areas but must meet all requirements for handicap accessibility. Alternative walkways must be located on public easements but a walkway easement may be conditioned that if the walkways are no longer needed for a public purpose, the walkway easements will be vacated.

SECTION 6. When alternative walkways are permitted, plans, specifications and easements must be submitted prior to approval of the final plat abutting the unimproved street and construction must occur prior to the first certificate of occupancy within the platted area.

SECTION 7. If the City Council determines that the public safety and welfare would not be jeopardized, the Council may allow the property owner, in lieu of constructing an alternative walkway, to pay the City the equivalent cost of construction of a conventional sidewalk. The equivalent cost of construction of a conventional sidewalk shall be defined as the City's average cost of constructing portland cement concrete sidewalks by public bid during the two (2) calendar years prior to the year in which the variance request is submitted. Payment of the equivalent cost of a conventional sidewalk shall occur:

- a. Prior to approval of the first final plat when the variance is approved in connection with a preliminary plat;

- b. Prior to issuance of the first building permit when approved with a final plat or planned development where no variance request has been made with the preliminary plat; or
- c. Prior to issuance of the certificate of occupancy when variance requests are approved on individual lots where final plats have been approved without variance request.

Each payment made under this section shall be used to construct a sidewalk along the unimproved street adjacent to the property for which the payment was made. The sidewalk shall be constructed when the street is constructed to City standards.

SECTION 8. In all cases, when alternative walkways or payments under Section 7 are approved as fulfilling the subdivision requirements for construction of sidewalks, the action of Council shall be noted on a final plat of the properties affected. In cases where final plats have been previously approved, re-platting may be required.

SECTION 9. The grant of a variance to the subdivision regulations requirement for construction of a sidewalk shall not affect the power of the City Council to later install a sidewalk adjacent to the property and levy a special assessment against the property for construction of the sidewalk.

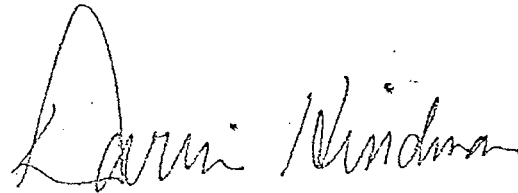
SECTION 10. This resolution replaces Policy Resolution 171-01A which is hereby repealed in its entirety.

ADOPTED this 20th day of march, 2006.

ATTEST:




City Clerk



Mayor and Presiding Officer

APPROVED AS TO FORM:



City Counselor

EXCERPTS
PLANNING AND ZONING COMMISSION MEETING
APRIL 9, 2015

Case No. 15-88

A request by Stephanie Hall (owner) for variances from the requirement that five-foot wide sidewalks be constructed along streets abutting lots in subdivisions approved after January 1, 2001 (Section 25-48.1), and prior to the issuance of certificates of occupancy for construction of new buildings on property zoned for commercial or multi-family uses that abut arterial or collector streets (Section 24-35). The subject site is addressed 2620 N. Stadium Boulevard.

Staff report was given by Mr. Steve MacIntyre of the Planning and Development Department.
Staff recommendations:

1. Denial of the request for variance from Section 25-48.1 (Subdivision Regulations);
2. Denial of the request for variance from Section 24-35 (Streets, Sidewalks and Public Places Ordinance).

DR. PURI: Commissioners, any questions of the staff?

MR. REICHLIN: I have one.

DR. PURI: Mr. Reichlin, please.

MR. REICHLIN: With regard to 24-35, this is an existing structure, so how does all of that wrap into, you know, the occupancy?

MR. MacINTYRE: Well, they made some improvements, including an addition to the structure that required a building permit. And so at this point, they have a temporary construction -- or pardon me -- a temporary certificate of occupancy. However, without having a sidewalk in place or address, they need to -- it is still lacking a permanent certificate of occupancy.

MR. REICHLIN: Is the quarry in the City or is this parcel -- I'm assuming this parcel is in the City, but is the quarry in the City?

MR. MacINTYRE: Yes. I think there may be portions of it that fall outside, but, you know what, I don't know that I have the exact boundary available on any of my maps here tonight.

DR. PURI: How far away is Cosmo Park? You have put on there Cosmo Park, and how far away is that? On that previous picture, I think the one that you had an aerial view on --

MR. MacINTYRE: Yeah. I think it is -- pardon me. I think it is actually about a half of a mile to the southeast, so it is off of this map. When Stadium curves back down to the south to join I-70, it parallels Cosmo Park and the golf course, which is part of that recreation area, which is City-owned park land. It is right about where Blackfoot Drive enters, so it is just off the east side -- or the right side of this map.

DR. PURI: Okay. Any other questions of the staff? Ms. Loe?

MS. LOE: We have discussed upcoming trail development, and I think some of those trails have

been connected to Cosmo Park. Are any of those trails in this area or does the golf course provide any trail connection?

MR. MacINTYRE: Yeah. The -- the trails that we have discussed in the past were mainly -- there was one that would cross at the new I-70 -- or interchange improvement where the diverging diamond is, and that is south of the site, of course. But as far as the connections -- trail connections in this particular area, there are none in direct proximity to the site. The golf course has a golf cart path around it, but I have seen and perhaps even used it on occasion as a pedestrian. However, I would say that's -- it's not connected to Stadium Boulevard in any place along the Stadium frontage, and would be really not an adequate alternative to having a sidewalk there along the City's park land, which I should add is missing at this point. There is no dedicated pedestrian path to serve Cosmo Park along Stadium frontage, nor is one planned that I'm aware of.

DR. PURI: Mr. Tillotson?

MR. TILLOTSON: Question. On the south side of Stadium, there is no sidewalks there at all either?

MR. MacINTYRE: On the south side?

MR. TILLOTSON: You haven't discussed any sidewalks on that side. Are there sidewalks anywhere?

MR. MacINTYRE: Right. I observed only one or two individual lot widths, very narrow sections -- short sections of sidewalk, if any. They are mostly lacking in this area.

MR. TILLOTSON: Well, we think people would run across Stadium to jump on that 300 foot of sidewalk?

MR. MacINTYRE: No, I doubt it.

DR. PURI: Any other questions of the staff? I see none. Generally, we don't open up subdivisions to public hearing, but since I see people here, we'll open up to the floor.

PUBLIC HEARING OPENED

DR. PURI: Do you have anything to say about this? If so, you can approach the podium and address the Commission.

MS. HALL: There is no sidewalks on our side of the road.

DR. PURI: Please state your name and address --

MS. HALL: Oh, I'm sorry.

DR. PURI: -- so she can take that -- yeah.

MS. HALL: Stephanie Hall, and what did you -- did you say my address?

DR. PURI: Uh-huh.

MS. HALL: 705 North Dometorch, Rocheport, Missouri 65279.

DR. PURI: Great. Now you can start.

MS. HALL: Okay. On our side of the road, there is no sidewalks all the way to I-70. And Cosmo Park is almost an entire mile from us, and there is no sidewalks along there. But, most importantly, the quarry -- our driveway is a shared driveway with the quarry, and it would not be good to encourage any

kind of pedestrian traffic where the quarry entrance is. And our driveway -- the shared driveway, in three years' time, will be the quarry's main entrance according to Con-Agg, and they did write an email suggesting that there not be any encouragement of sidewalk pedestrian traffic on that side of the road because of the quarry being literally right behind our building. So I think that is the most important thing. Yes, we could make the sidewalk work and we could take out a tree and avoid the power pole, and we are all good with that, but I just don't think it is a safe place to put a sidewalk.

DR. PURI: Commissioners, any questions of this speaker? Seeing none. Thank you.

MS. HALL: Thank you.

DR. PURI: Anybody else? Seeing none.

PUBLIC HEARING CLOSED

DR. PURI: Discussion, Commissioners?

MS. BURNS: Dr. Puri?

DR. PURI: Yes, Ms. Burns?

MS. BURNS: I mean, given what -- the very thorough staff report that we heard, I'm inclined to support the variance just based on the low pedestrian use and the possible safety issues. I drove out there today, and frankly, I wouldn't want to walk in that area. I would want to walk across the street. But there is nothing connecting anything to it, so you would have a very short piece of sidewalk and then you would be back walking on the shoulder of the road. Given the low pedestrian use and the dangers that you might incur by having a sidewalk there, I would be inclined to support the variance.

DR. PURI: Is that a motion?

MS. BURNS: Yes, it is.

MR. TILLOTSON: Second.

MR. STANTON: Second.

DR. PURI: Mr. Tillotson seconds the motion. May we have roll call, please.

MR. STRODTMAN: I'm sorry, who was the second?

DR. PURI: Mr. Tillotson.

MR. LEE: Explain what a yes vote is -- granting the waiver.

DR. PURI: Yes.

MR. LEE: Okay.

DR. PURI: Yes means you are granting the waiver. Okay.

Roll Call Vote (Voting "yes" is to recommend approval.) Voting Yes: Mr. Reichlin, Mr. Stanton, Mr. Strodtman, Mr. Tillotson, Ms. Burns, Mr. Lee, Ms. Loe, Dr. Puri. Motion carries 8-0.

MR. STRODTMAN: Planning and Zoning's recommendation will be forwarded to City Council for their approval.

DR. PURI: Okay.