

City of Columbia

701 East Broadway, Columbia, Missouri 65201



Agenda Item Number: B 180-15

Department Source: Community Development - Planning

To: City Council

From: City Manager & Staff

Council Meeting Date: 7/6/2015

Re: Marcy Motors - Sidewalk Variance (Case #15-128)

Documents Included With This Agenda Item

Council memo, Resolution/Ordinance, Exhibits to Resolution/Ordinance

Supporting documentation includes: Summary of Board/Commission Reports (including locator maps, variance worksheet, site plan, cost estimates and drawings, comprehensive plan excerpts), sidewalk and temporary construction easements, and Excerpts from Minutes

Executive Summary

Approval of the request will grant a variance from Section 25-48 of the City Code, which requires sidewalks in subdivisions approved prior to 2001, and from Section 24-35, which requires sidewalks for new construction on property zoned commercial or multi-family and located along an arterial or collector streets.

Discussion

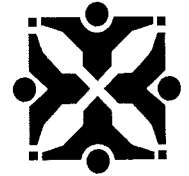
The applicant is requesting a variance to Section 25-48 (Subdivisions; Sidewalks generally (plats approved before January 1, 2001)) and Section 24-35 (Streets, Sidewalks, and Public Places; Sidewalks Required), both of which require the construction of sidewalks on the subject property due to construction of a new building on the site.

Staff evaluated the requested variance from Section 25-48 based on conditions listed in Section 25-20 (Variances and exceptions) of the Subdivision Regulations, and also evaluated the variance from Section 24-35 based on factors listed in Section 24-35(d). After considering the existing conditions and the applicant's responses, staff found that the variance requests were not supported. Please refer to the attached PZC staff report for the full evaluation.

While staff recommended denial of the variances, it provided an alternative for the Commission's consideration in the event that the variances were recommended to be granted. The alternative action proposed, would require the property owner to dedicate any and all easements necessary for the future installation of sidewalks. The easements contemplated by staff included a sidewalk easement and a temporary construction easement (TCE). The submission of easements was seen as necessary because the requested variances were not being sought as part of a platting action in which additional right of way and TCE's could have been obtained.

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At its meeting on June 18, 2015, the Planning and Zoning Commission voted unanimously (7-0) to recommend approval of the variance, with the staff's condition that all necessary easements be granted to the City to accommodate the future construction of a sidewalk along the property's frontage. The applicant's representative gave an overview of the request and requested that the variance be granted for the reasons supplied in the variance worksheet. In addition, the representative stated that due to the future CIP project to underground utilities along the Business Loop (a 6-10 year project) the City would likely remove and replace any sidewalk built by the property owner. The representative noted that the applicant was supportive of the recommended condition of approval. No one else from the public spoke during the meeting.

Prior to rendering its decision, the Commission inquired about what easements needed to be in place for the City to install the sidewalk in the future, the required width of the sidewalk, potential CIP projects for sidewalk installation, and how the creation of the Business Loop CID could impact sidewalk installation.

The granting of both easements is a reasonable condition in order to avoid the City becoming responsible for not only the installation of the sidewalk, but for the cost of acquiring any easements required to install it as well. The applicant has agreed to the conditions and has supplied the necessary easement documents, which are attached and may be accepted by Council.

A copy of the staff report (including locator maps, variance worksheet, site plan, cost estimates and drawings, comprehensive plan excerpts), sidewalk and temporary construction easements, and Excerpts from Minutes are attached.

Fiscal Impact

Short-Term Impact: Limited impact. If a variance is granted, sidewalk will not likely be constructed within 2 years. If not granted, then sidewalk constructed at applicant's expense.

Long-Term Impact: If a variance is granted, the City is likely to be responsible for the construction of the sidewalk in the future.

Vision, Strategic & Comprehensive Plan Impact

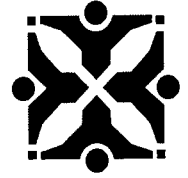
Vision Impact: Transportation

Strategic Plan Impact: Infrastructure

Comprehensive Plan Impact: Mobility, Connectivity, and Accessibility, Livable & Sustainable Communities

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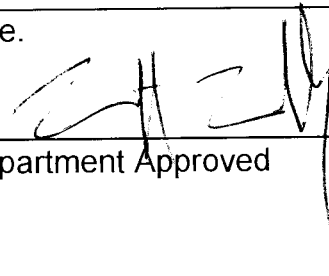


Suggested Council Action

Approval of the requested variances from Section 25-48 and Section 24-35 and acceptance of the sidewalk and temporary construction easements, as recommended by the Planning and Zoning Commission.

Legislative History

None.


Department Approved


City Manager Approved

Introduced by _____

First Reading _____

Second Reading _____

Ordinance No. _____

Council Bill No. B 180-15

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 Business Loop 70 East and east of Providence Road (405 Business Loop 70 East); accepting conveyances for sidewalk and temporary construction purposes; directing the City Clerk to have the conveyances recorded; 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 Business Loop 70 East and east of Providence Road, adjacent to Lot 7 of Barkwell's Subdivision (405 Business Loop 70 East).

SECTION 2. The City of Columbia accepts the following conveyances:

Grant of Easement for sidewalk purposes from 405 Business Loop 70 East LLC, dated June 29, 2015, a copy of which is attached to this ordinance.

Agreement for temporary construction easement from 405 Business Loop 70 East LLC, dated June 29, 2015, a copy of which is attached to this ordinance.

SECTION 3. The City Clerk is authorized and directed to have the conveyances recorded in the office of the Boone County Recorder of Deeds.

SECTION 4. 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

GRANT OF EASEMENT FOR SIDEWALK PURPOSES

THIS INDENTURE, made on the 29 day of JUNE, 2015, by and between **405 Business Loop 70 East LLC**, a limited liability company of the State of Missouri, Grantor, and the City of Columbia, Missouri, a municipal corporation, Grantee; Grantee's mailing address is Post Office Box 6015, Columbia, MO 65205;

WITNESSETH:

That the Grantor, in consideration of the sum of Ten Dollars (\$10.00), to us in hand paid by the City of Columbia, Missouri, the receipt of which is hereby acknowledged, do hereby grant unto said City, its successors and assigns, an easement of way for street purposes, over the following described real estate, situated in the County of Boone, State of Missouri, to wit:

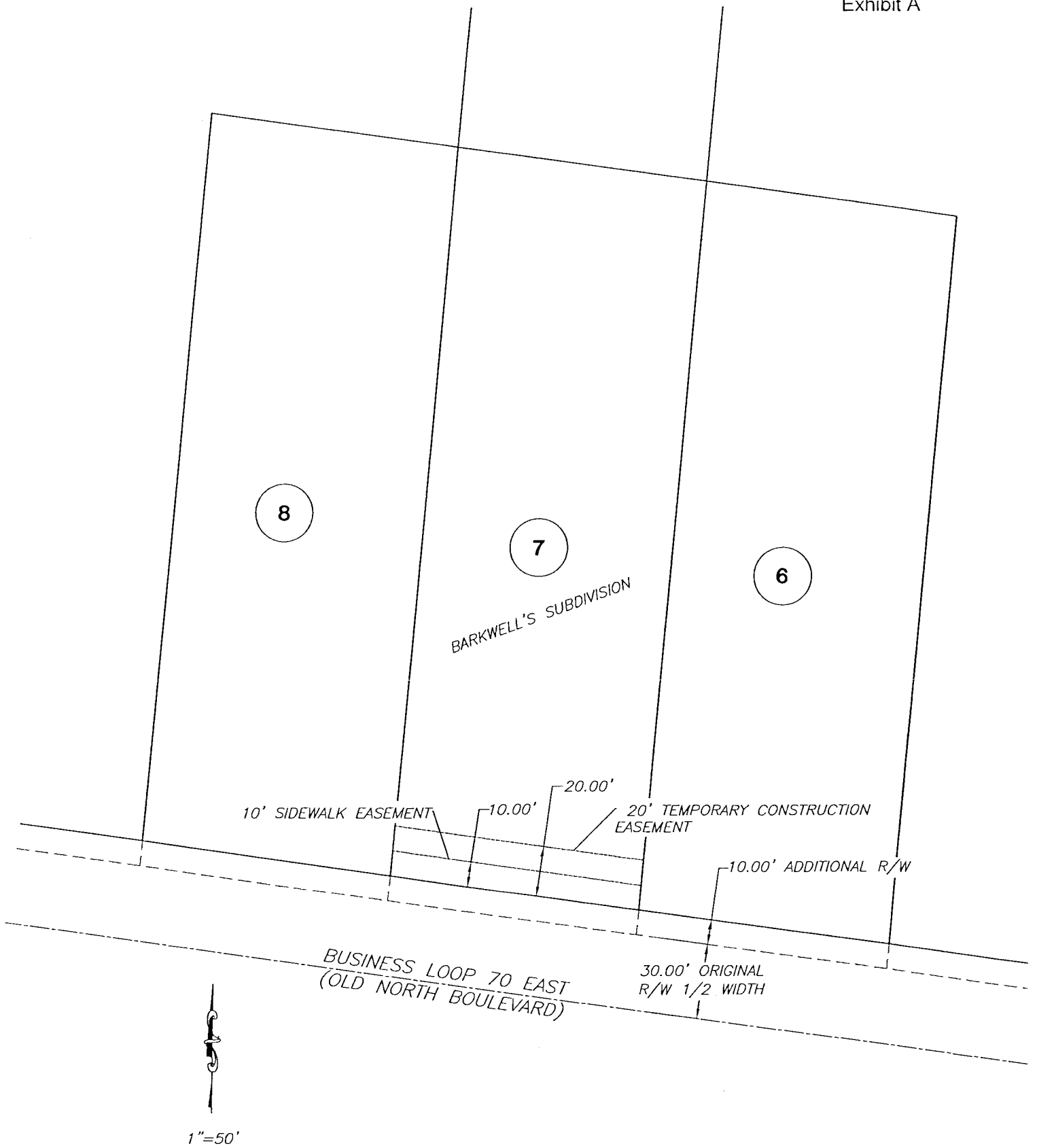
A TEN (10) FOOT WIDE STRIP LOCATED IN THE SOUTHWEST QUARTER (SW 1/4) OF THE SOUTHEAST QUARTER (SE 1/4) OF SECTION 1, TOWNSHIP 48 NORTH, RANGE 13 WEST, CITY OF COLUMBIA, BOONE COUNTY, MISSOURI, ACROSS LOT 7 OF BARKWELL'S SUBDIVISION AS RECORDED IN BOOK 91, PAGE 532, OF THE RECORDS OF BOONE COUNTY, MISSOURI, THE SOUTH LINE OF SAID TEN FOOT WIDE STRIP BEING APPROXIMATELY TEN (10) FEET NORTH OF THE FOLLOWING DESCRIBED SOUTHERN BOUNDARY LINE OF SAID LOT 7:

BEGINNING AT THE SOUTHEAST CORNER OF SAID LOT 7, THENCE WESTERLY ALONG THE NORTH RIGHT-OF-WAY LINE OF OLD NORTH BOULEVARD (NOW BUSINESS LOOP 70 EAST) TO THE SOUTHWEST CORNER OF SAID LOT 7 AND THE END OF THIS LINE. THE SOUTH LINE OF SAID EASEMENT BEING A COMMON LINE WITH THE EXISTING NORTH RIGHT-OF-WAY LINE OF BUSINESS LOOP 70 EAST. (see attached Exhibit A)

This grant includes the right of the City of Columbia, Missouri, its officers, agents and employees, to enter upon the described land to construct, re-construct, maintain and operate a public sidewalk at any time for the purposes of exercising any of the rights herein granted.

The Grantor warrants that, subject to liens and encumbrances of record at the date of this easement, it is the owner of the above-described land and has the right and authority to make and execute this Grant of Easement on behalf of said limited liability company.

SPENCER HASKAMP
Notary Public - Notary Seal
 State of Missouri
 County of Boone
My Commission Expires July 11, 2015
Commission #11116674



SIDEWALK & TCE EASEMENT EXHIBIT
FOR MARCY MOTORS
LOT 7 BARKWELL'S SUBDIVISION

AGREEMENT FOR TEMPORARY CONSTRUCTION EASEMENT

THIS AGREEMENT for temporary construction easement entered into this 29 day of JUNE, 2015, by and between **405 Business Loop 70 East LLC**, a limited liability company of the State of Missouri, Grantor, and the City of Columbia, Missouri, a municipal corporation; Grantee, Grantee's mailing address is Post Office Box 6015, Columbia, MO 65205.

WITNESSETH:

That the Grantor, in consideration of the sum of Ten Dollars (\$10.00), to us in hand paid by the City of Columbia, Missouri, a municipal corporation, the receipt of which is hereby acknowledged, do hereby grant unto the Grantee, a temporary easement and right-of-way to be in effect during the time of construction of the Public Sidewalk adjacent to Business Loop 70 East project in Boone County for the following purposes, namely: to provide access to said construction project by granting the right to enter upon, permanently alter the grade, store materials, and operate and park equipment on, over and across the right-of-way hereinafter described, which is located within the boundaries of a parcel of land situated in the County of Boone and State of Missouri and described as follows:

A TWENTY (20) FOOT WIDE STRIP LOCATED IN THE SOUTHWEST QUARTER (SW 1/4) OF THE SOUTHEAST QUARTER (SE 1/4) OF SECTION 1, TOWNSHIP 48 NORTH, RANGE 13 WEST, CITY OF COLUMBIA, BOONE COUNTY, MISSOURI, ACROSS LOT 7 OF BARKWELL'S SUBDIVISION AS RECORDED IN PLAT BOOK 91, PAGE 532, OF THE RECORDS OF BOONE COUNTY, MISSOURI, THE SOUTH LINE OF SAID TWENTY FOOT WIDE STRIP BEING APPROXIMATELY TEN (10) FEET NORTH OF THE FOLLOWING DESCRIBED SOUTHERN BOUNDARY LINE OF SAID LOT 7:

BEGINNING AT THE SOUTHEAST CORNER OF SAID LOT 7, THENCE WESTERLY ALONG THE NORTH RIGHT-OF-WAY LINE OF OLD NORTH BOULEVARD (NOW BUSINESS LOOP 70 EAST) TO THE SOUTHWEST CORNER OF SAID LOT 7, THE END OF THIS LINE. THE SOUTH LINE OF SAID EASEMENT BEING A COMMON LINE WITH THE EXISTING NORTH RIGHT-OF-WAY LINE OF BUSINESS LOOP 70 EAST. *(See attached Exhibit A)*

TO HAVE AND TO HOLD said temporary easement and right-of-way unto the Grantee and to its successors and assigns during the period of construction herein referred to. Said easement and right-of-way to forever cease upon completion of said construction.

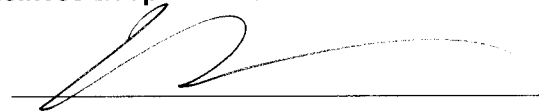
This grant includes the right of the City of Columbia, Missouri, its officers, agents and employees, to enter upon said real estate at any time during the time of construction for the purpose of exercising any of the rights herein granted.

The Grantor covenants that it has the right and authority to make and execute this agreement on behalf of said limited liability company.

IN WITNESS WHEREOF, the said **405 Business Loop 70 East LLC** has caused these presents to be signed by its authorized member(s) the day and time first written above.

405 Business Loop 70 East LLC

By:



Aaron Marcy, Manager *and member*

STATE OF MISSOURI

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)ss.

COUNTY OF BOONE

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On this 29th day of JUNE in the year 2015, before me, a Notary Public in and for said state, personally appeared, Aaron Marcy, who being by me duly sworn, acknowledged that s/he is a ^{*}member of 405 Business Loop 70 East LLC, and that said instrument was signed in behalf of said company and further acknowledged that s/he executed the same as a free act and deed for the purposes therein stated and that s/he has been granted the authority by said company to execute the same.

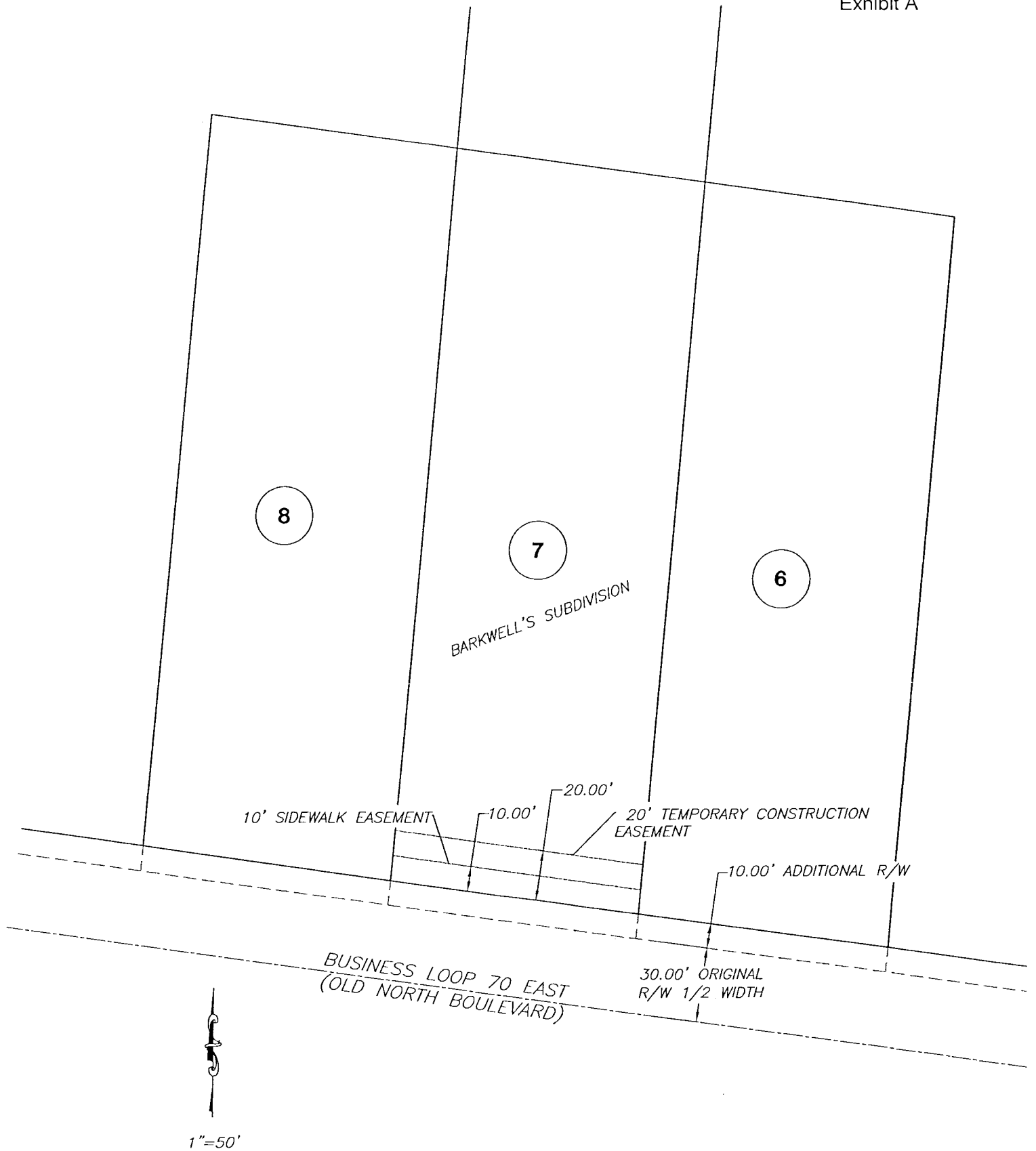
** Manager and*

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal.


Notary Public *Spencer Haskamp*

My commission expires: JULY 11, 2015

SPENCER HASKAMP
Notary Public - Notary Seal
State of Missouri
County of Boone
My Commission Expires July 11, 2015
Commission #11116674



SIDEWALK & TCE EASEMENT EXHIBIT
FOR MARCY MOTORS
LOT 7 BARKWELL'S SUBDIVISION



SUPPORTING DOCUMENTS INCLUDED WITH THIS AGENDA ITEM ARE AS FOLLOWS:

Summary of Board/Commission Reports (including locator maps, variance worksheet, site plan, cost estimates and drawings, comprehensive plan excerpts), sidewalk and temporary construction easements, and Excerpts from Minutes

**AGENDA REPORT
PLANNING AND ZONING COMMISSION MEETING
June 18, 2015**

SUMMARY

A request by A Civil Group (applicant) on behalf of 405 Business Loop 70 East (owner) for a variance from Section 25-48 of the City Code, which requires sidewalks in subdivisions approved prior to 2001, and from Section 24-35, which requires sidewalks for new construction on property zoned commercial or multi-family and located along an arterial or collector street. The subject site is located on the north side of Business Loop 70 East, approximately 1,000 feet east of Providence Road, and addressed as 405 Business Loop 70 East. (**Case #15-128**)

DISCUSSION

The applicant is requesting two variances from the requirement to construct a sidewalk along the property's approximately 100-foot Business Loop frontage. The applicant is required to construct sidewalks due to the construction of a new building on the site.

The first variance is from Section 25-48, which requires sidewalks on all property included on plats approved prior to 2001 – the subject site was platted prior to 2001. The second variance is from Section 24-35 which requires sidewalks to be constructed on property located along an arterial or collector street and that is zoned for a commercial, office or multi-family use. The Business Loop is considered a major arterial and the subject site is zoned C-3.

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

Variance from Section 25-48 (Subdivisions; Sidewalks generally (plats approved before January 1, 2001))

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 resulting from strict compliance with the Regulations, subject to the following conditions being met:

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.

*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. **NOT SUPPORTED.***

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.

Based on visual observations of the site (see Photos #1-3), compared to other properties near the site along the north side of the Business Loop, the site may be unique in that the property does experience some elevation change along the portion of the property where the sidewalk would be installed. However, there are several examples of sites along the Business Loop that include grades that required the installation of a retaining wall, which would likely be required in this case. One example is located at the Rusk Rehab Center (located at the northwest corner of Garth Avenue and the Business Loop) that features an 18-inch retaining wall with a 6-foot sidewalk (see photo #4), which would be similar in scale to the required sidewalk. No other unique conditions were observed on site.

The applicant has stated (see attached variance worksheets) that there is not adequate width to install the required 6-foot sidewalk in the right of way, which is the typical practice. But it appears that this situation would be similar on adjacent properties, and therefore not unique to the property. The presence of a utility pole is also common along the corridor.

*The conditions listed by the applicant, although not unique, do not appear to be self-imposed. **NOT SUPPORTED.***

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.

Due to the required width of the sidewalk (6' when located at the back of curb of a state maintained roadway), it is likely that a portion of the sidewalk will be required to be constructed on the subject property, as it will not entirely fit in the right of way between the curb and the property line. The subject site is also encumbered by a utility pole, and the sidewalk will need to provide a four foot clearance around the pole to the north, which will cause a sidewalk "bump-out" that will further encroach onto the subject property.

*As mentioned in #2 above, the site does include a grade change where the sidewalk would be constructed, but this has been addressed on other sites by the construction of a retaining wall. Based on initial staff rough measurements, an 18-inch retaining wall would likely be required at the east end of the property, which would extend to the west over a portion of the property before the grades no longer require it. In addition, several other impediments will need to be adjusted to the new grade height. While these items will increase construction costs, staff does not believe that the cost alone would rise to the level of a hardship. In addition, the conditions mentioned are not necessarily specific to this particular property, with the exception of the grade. Other properties will likely be subject to similar requirements given the conditions found along Business Loop. **NOT SUPPORTED.***

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

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.
- 2012 Sidewalk Master Plan: Area identified as future project area for sidewalk installation.
- FY 2015 Capital Improvement Program (CIP): Sidewalk installation identified for this site with target construction date of 2020. Funding for this project is not yet identified. **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 commercial zoned properties along arterial and collector streets. The applicant is requesting a variance 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;

*Hickman High School, a significant traffic generator, is located directly across from the subject property, on the south side of Business Loop. Hickman was also identified in the Sidewalk Master Plan as a pedestrian attractor for this area. The large amount of commercial development in the area also represents a substantial drive of pedestrian activity. **FACTOR NOT SUPPORTED.***

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

*There is no sidewalk on the north side of Business Loop from Providence east to Range Line Street. On the south side of Business Loop, sidewalk is in place along the frontage of Hickman High School (Providence east to Seventh St), and then again from Coats Street east to Range Line. At the intersection of Providence and Business Loop, Pedways are constructed along the east side of Providence to the north and south. To the west of Providence, sidewalk construction has been intermittently installed on properties. **FACTOR NOT SUPPORTED.***

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

*The Business Loop corridor near the property is heavily developed with primarily commercial uses, and includes limited institutional uses (Hickman HS). The most current Average Daily Traffic counts from MoDOT (2012) indicate 15,570 trips, reflective of a highly traveled roadway. **FACTOR NOT SUPPORTED.***

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

*As a vehicle sales business, it is unlikely that the site will generate high levels of pedestrian traffic. **FACTOR SUPPORTED.***

5. The cost of constructing the sidewalk;

*See attached estimates for several options of construction provided by the applicant. The costs associated with construction are likely similar to costs that would be incurred by other properties in the area, with the possible exception of the retaining wall. Based on the estimates provided, the additional cost of the retaining wall is between \$2,500 - \$3,700 (although figures provided for a retaining wall include sidewalk engineering fees, which would likely make the sole cost of the retaining wall lower than shown). **FACTOR NOT SUPPORTED.***

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

*Terrain would not prevent the installation of a sidewalk. See #3 above from Variance 25-48. **FACTOR NOT SUPPORTED.***

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

*A small number of bushes would be reduced or eliminated with the construction of a sidewalk, depending on the construction options. The existing landscaping area does not comply with the minimum amount of area of landscaping required, but is considered legal non-conforming. The impact on the site due to the reduction in the existing landscaping would be minimal. **FACTOR NOT SUPPORTED.***

Conclusion

Overall, staff does not support the requested variances based on the factors listed above. 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. The costs associated with the installation of sidewalks does exceed a more typical sidewalk installation not located on a State maintained roadway, but this is not a unique situation, as the majority of property along this roadway corridor will be subject to similar costs. The added cost of a retaining wall does not appear to constitute an unnecessary hardship.

Upon review of the criteria for Section 24-35, staff finds that only one factor is substantially satisfied (#4). Due to the inability to satisfy the remaining factors, staff does not support granting a variance to Section 24-35.

It is important to note that in the event that a variance is considered, staff strongly recommends that as a condition of approval, the property owner shall be required to grant a sidewalk easement, and any other construction easements that may be necessary for the construction of sidewalks in the future, to the City. If not granted, the City may be required to purchase the easements from the property owner in the event that the City installs sidewalks in the future. Staff believes this is a reasonable condition in order to avoid the City becoming responsible for not only the installation of the sidewalk, but also the cost of easements that would have been the responsibility of the owner had a variance not been granted.

RECOMMENDATION

1. Denial of the requested variances from Section 25-48 and Section 24-35.
2. Alternatively, if the Commission votes to approve the variance, staff recommends that approval be subject to the following condition:
 - The property owner shall grant to the City a sidewalk easement, and any other construction easements necessary, for the construction of sidewalks in the future.

SUPPORTING DOCUMENTS (ATTACHED)

- Locator aerial & topographic maps
- Variance Worksheet
- Civil Site Plan
- Cost Estimates and Drawings for sidewalk installation (per applicant)
- Excerpts from Comprehensive Plans (Columbia Imagined, Sidewalk Master Plan, CIP)

Report prepared by Clint Smith

Approved by Patrick Zenner

PHOTOS



Photo 1 : Looking west, at east property line



Photo 2: Looking west, on property



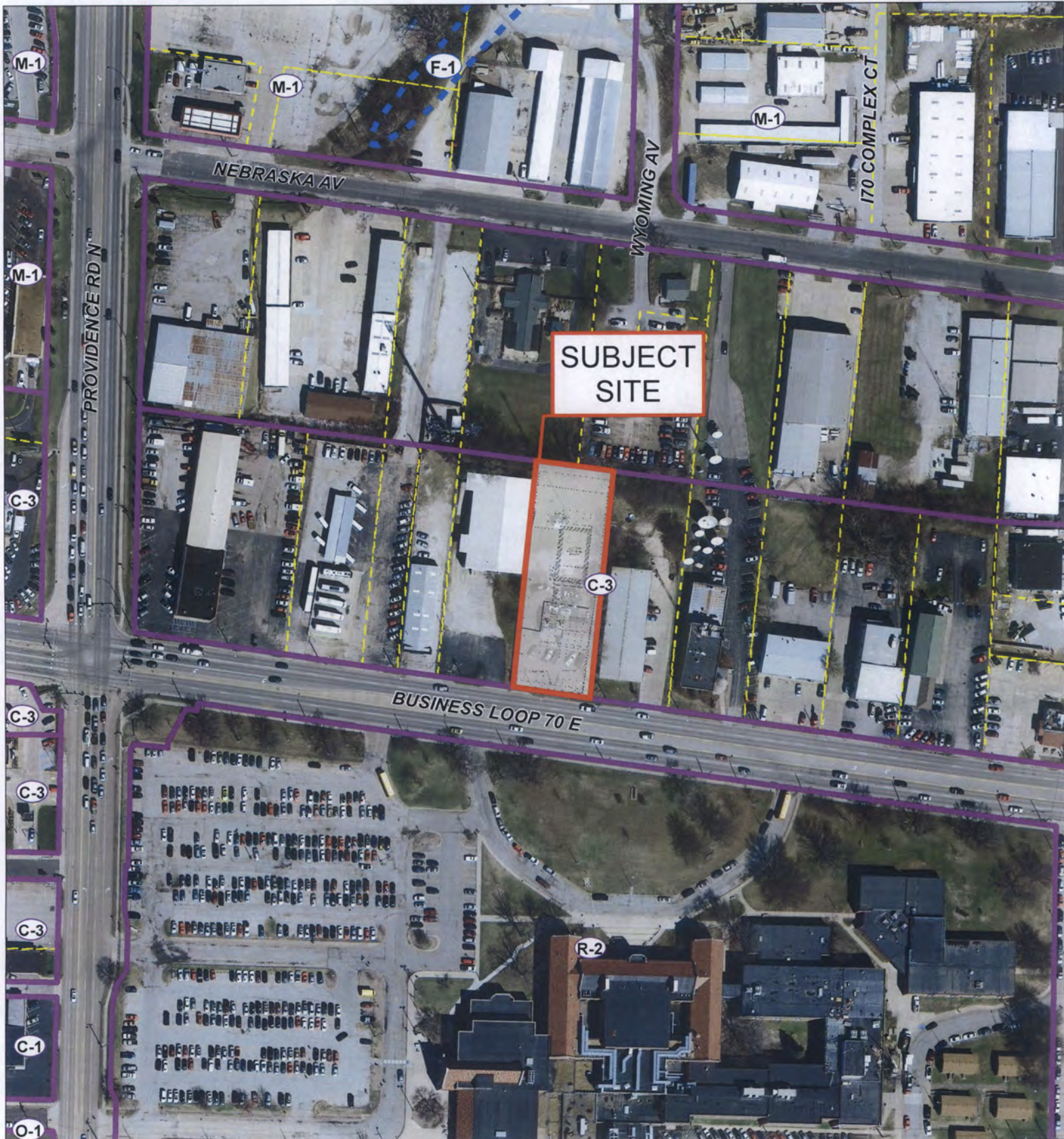
Photo 3: Looking east, at driveway



Photo 4: Rusk Rehab retaining wall



Photo 5: Looking west, west property line



15-128: Marcy Motors Sidewalk Variance

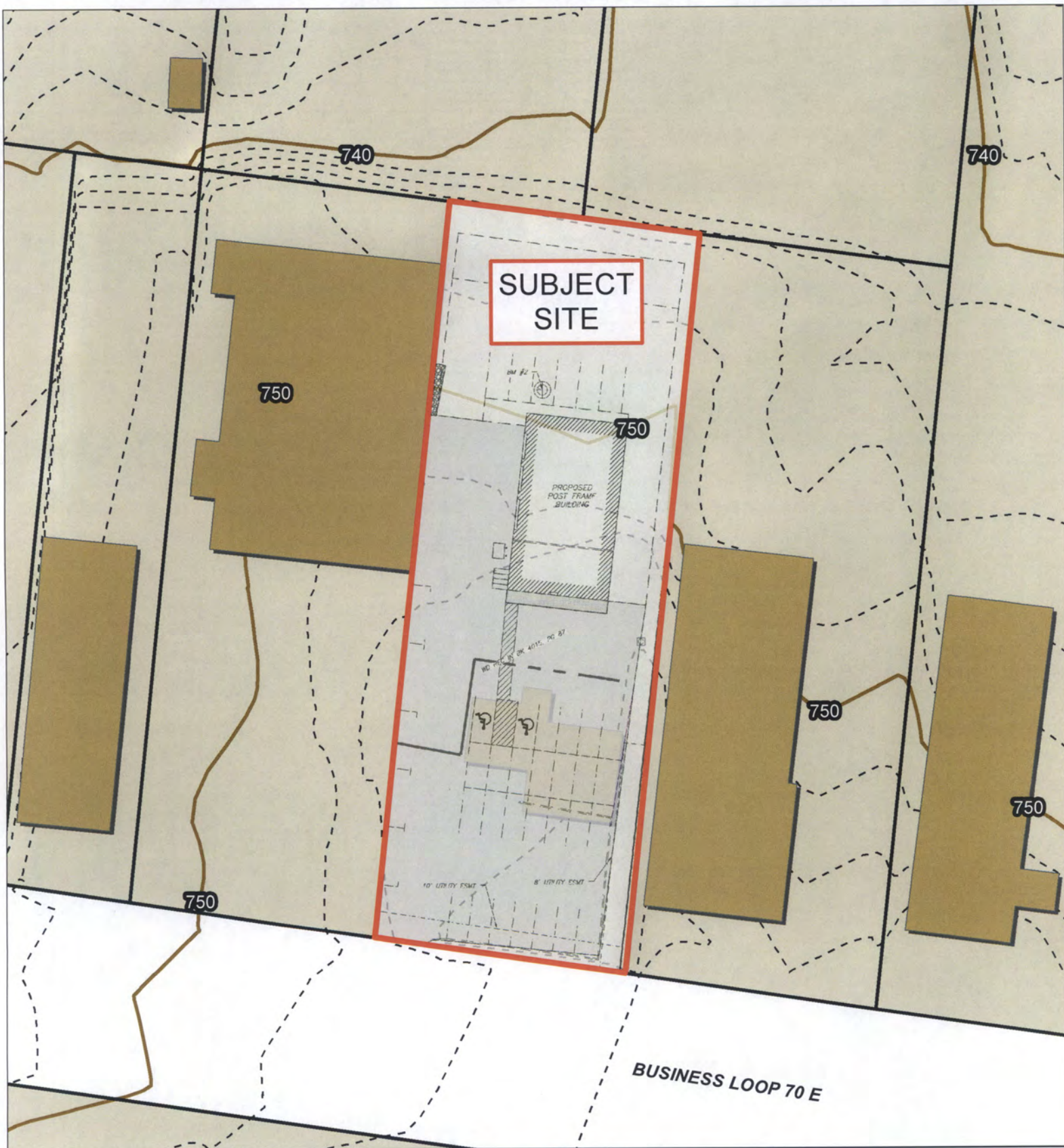


City of Columbia Zoning

Parcels

100-Year Flood Plain







15-128: Marcy Motors Sidewalk Variance



● City Sanitary Structure

— City Sanitary Line

■ Building Footprint

● Private Sanitary Structure

— Private Sanitary Line

■ Parcels





**City of Columbia
Planning Department**

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

Variance Worksheet

For office use:

Case #: 15728	Submission Date: 5/7/15	Planner Assigned: CES
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Where the Planning and Zoning Commission finds that undue hardships or practical difficulties may result from strict compliance with the City's Subdivision Regulations, it may recommend and the Council may approve variances so that substantial justice may be done and the public interest secured, provided that any such variance shall not have the effect of nullifying the intent and purpose of the Subdivision Regulations.

The Commission shall not recommend variances unless it finds and determines that the following criteria are met¹. Please explain how the requested variance complies with each of the below requirements:

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.

No sidewalk exists currently on either adjacent properties. The existing nature of the district and corridor along Business Loop is not conducive to pedestrian traffic or construction of sidewalks, particularly on the north side of Business Loop. Until uniform design and improvements to Business Loop corridor can be built (e.g. undergrounding of overhead utilities), no harm or detrimental impacts are expected to public safety, health or welfare, nor will it be injurious to other property or improvements in the neighborhood.

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.

Modot is currently the governing authority for Business Loop 70. Only 4.5'-5.0' of open space exists between the existing Business Loop pavement curb and right-of-way line. Modot Standards, and correspondence with Modot Staff, requires that sidewalk built within 2' of the pavement curb to be 6' in width. Therefore there is not adequate room in the right-of-way to install a standard sidewalk. If it is constructed at the back of the existing curb the sidewalk will extend into the land owners lot. This encroachment will require a sidewalk easement and will additionally reduce the Landscaping buffer to an inadequate width, requiring further encroachment into the land owners lot, removing a 2-4' strip of existing parking lot or requiring a Board of Adjustment Variance. (continued next sheet)

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; and

Existing grade within the right-of-way does not meet current City standard slopes and building to such would require an 18" to 24" retaining wall to be built, along with the lowering of an existing gas service line that currently serves the property. Also due to non-standard or ada compliance slopes across the driveway, the driveway approach would have to be removed and replaced, requiring modot permit, traffic control and approval. A Water Meter, modot roadsign, utility pull box top would also have to be adjusted to proper grade. All these issues together create substantial and significant cost which create hardship for the owner. Moving the sidewalk outside the right-of-way would still require a wall due to the existing topography and parking lot grade.

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

Section 24-35(d) presents consideration the Council shall consider when determining whether a sidewalk shall be required, which we believe can be used by council/P&Z to determine if the variance will abrogate provision of the comprehensive plan of the City.

- (1) Pedestrian traffic generators such as parks and schools in the area;

Hickman High School is on the South side of the road but there is already existing sidewalk network on the south side of the road for pedestrian traffic to use.

- (2) The existence of a sidewalk network in the area;

There is no existing sidewalk network on the north side of Business Loop 70. and it is fully developed.

- (3) The density of current and future development in the area;

Current density reflects a commercial heavy corridor that is dominated by vehicular traffic

- (4) The amount of pedestrian traffic likely to be generated by the proposed development;

Car Dealerships by nature will generate very minimal pedestrian traffic.

- (5) The cost of constructing the sidewalk;

As mentioned above, significant and substantial obstacles exist, which would require disproportionate cost to value for the owner

¹ Per Section 25-20: Variances and exceptions

(continued next sheet)

2. (cont'd)

Further, due to existing mailbox, utility pole and Modot Road Sign in the right-of-way that must remain (correspondence with City Water & Light indicates it is not feasible to move the power pole at this time until the whole line is relocated underground, and the Road Sign will continue to be required to be in the right-of-way by Modot), the sidewalk clear width would be restricted in several places to approximately 36". This would be between the obstruction and pavement back of curb, causing an unsafe condition for pedestrians considering the speed of vehicle traffic on Business Loop. Additional consideration in this particular case is an existing Gas Service line that, due to the non-standard right-of-way grading existing currently, would need to be lowered to accommodate the new sidewalk. Also this would require additional expense for extra width of sidewalk construction.

Exploring a second option of moving the sidewalk out of the right-of-way also presents unique issues. If a sidewalk is built outside the right-of-way, a 5' sidewalk easement would need to be granted by the land owner to the City of Columbia. This area is now the location of the required landscape buffer strip with vegetation, this strip would have to be removed and either replaced behind the sidewalk, creating a total of 11' of encroachment into the land owners lot, of which 6' to 11' strip of existing parking lot and ideal real estate for the land owner would be removed. A portion of this parking lot removal could possibly be mitigated with a variance to remove the Landscape Buffer, although this would be subject to a Board of Adjustment variance approval, causing additional time and money to be invested in the project. Also, in this case, due to the existing overhead utility lines and the ultimate pursuit by the City Water & Light department to underground these utility lines in a utility easement just behind the right-of-way, the sidewalk would need to be removed

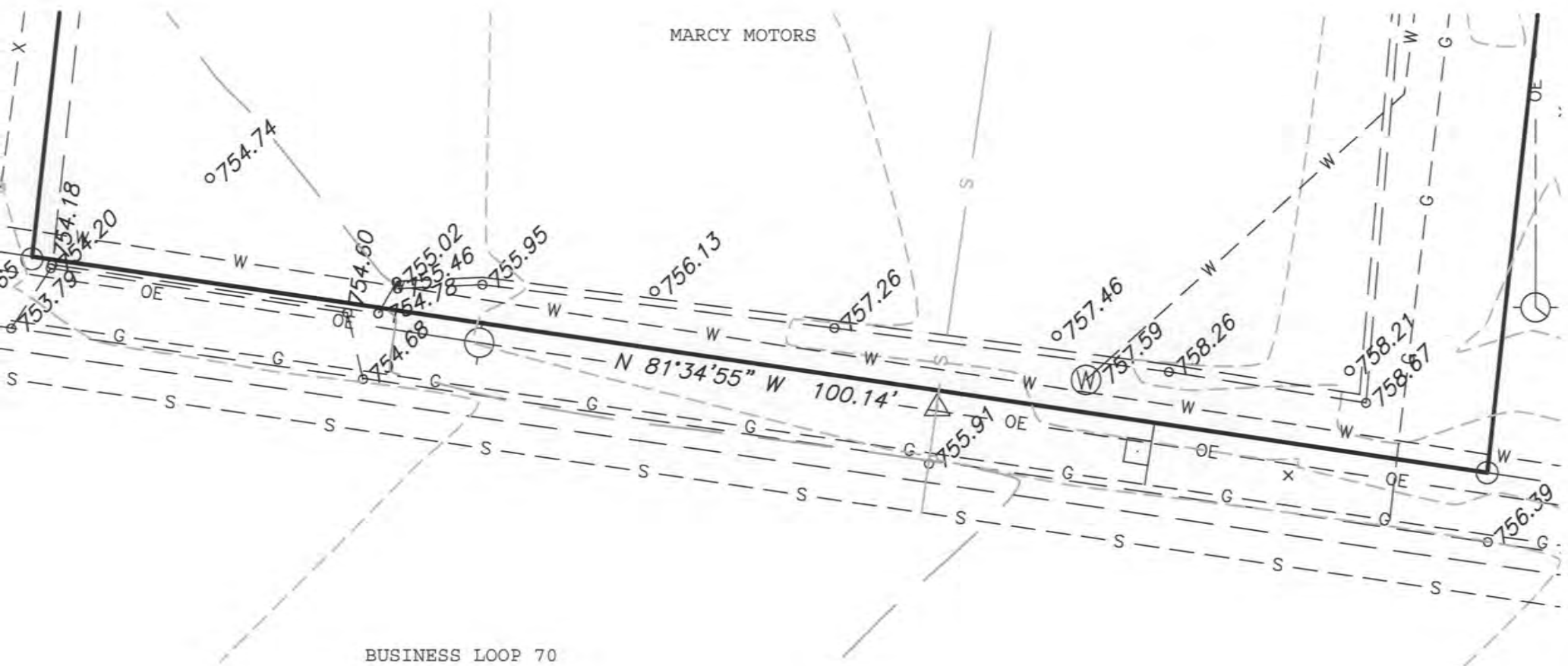
4. (cont'd)

(6) Whether the terrain is such that a sidewalk is physically feasible; and

As mentioned in #3, existing grades in area are not currently suitable to build a sidewalk. Substantial improvements, including relocating utilities, grading and building retaining walls would be required to install the sidewalk.

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

Building sidewalk against the back of curb would present the least intrusion to the existing green strip, but would still result in inadequate landscape buffer per city code of ordinances and would either require additional land, currently used for the nature of his business, to be lost and dedicated to landscaping, or the pursuit of a Board of Adjustment Variance. If the sidewalk were attempted to be built outside the right-of-way, even more land would be lost by the land owner or Board of Adjustment Variance would be required. Either way the landscaping as it currently exists would be impacted.



SCALE 1"=10'

- LEGEND OF LABELS**
- ① CONSTRUCT CONCRETE PAVEMENT AS SHOWN.
 - ② RUTTING - 1/4" DEEP, 1/2" WIDE, 6" THICK CONCRETE. SEE DETAIL 5 - SHEET 0301.
 - ③ ROLL CART DUMPSTER WITH PAID HEAVY DUTY CONCRETE. SEE DETAIL 3, PAGE 0301.
 - ④ PAINT PARKING STALL WITH 4" STRIPE AS SHOWN. COLOR WHITE. TYPICAL ALL STALLS EXCEPT M/C.
 - ⑤ PAINT M/C PARKING STALL AND AISLE WITH 4" STRIPE AS SHOWN. COLOR BLUE. AND INSTALL REQUIRED SIGNS ON RETAINING WALL. SEE DETAIL 5 & 6, SHEET 0301.
 - ⑥ SET OUT EXISTING ASPHALT AT APPROXIMATE LOCATION SHOWN. CONTRAST TO ADJACENT ASPHALT NECESSARY TO MATCH EXISTING SURFACE. SHOWN ON THE DRAINAGE PLAN.
 - ⑦ CRASSED AREA/OPEN SPACE
 - ⑧ PLACE EXPANSION JOINT FILLER AT INTERFACE BETWEEN BUILDING AND DRIVEWAY PAVEMENT.

- LEGEND OF LABELS (CONT'D)**
- ① GAS SERVICE TO BE COORDINATED WITH AMEREN. MIN 2 WEEKS PRIOR TO NEEDING SERVICE. (PHONE 573-876-3030)
 - ② EXTEND 3/4" PRIVATE PVC WATER LINE. VERIFY SERVICE TAP AND BUILDING STUD LOCATIONS WITH MEP ENGINEERING PLANS. SEE CITY WBL WATER LINE EMBEDED DETAIL.
 - ③ ELECTRIC SERVICE. NEW PAD-MOUNTED TRANSFORMER TO BE CONSTRUCTED. VERIFY LINE AND TRANSFORMER LOCATION AND SPECIFICATIONS WITH MEP AND CIVIL ENGINEERING PLANS.
 - ④ TELEPHONE SERVICE. VERIFY LINE AND TRANSFORMER LOCATION AND SPECIFICATIONS WITH MEP AND CIVIL ENGINEERING PLANS.
 - ⑤ CABLE SERVICE. COORDINATE WITH MEDACOM (BOB BOWEN 573-443-1535) AND MEP ENGINEERING PLANS.
 - ⑥ JOINT TRENCH WITH ELECTRIC, TELEPHONE AND CABLE CONDUIT TO STUB INTO BUILDING.
 - ⑦ 4" PVC SANITARY SEWER LATERAL PER CITY OF COLUMBIA DETAIL #8. MAINTAIN 3" DEPTH. MINIMUM 2% SLOPE. SEE SANITARY SEWER NOTE ON DEMO PLAN. CONFIRM STUB LOCATION TO BUILDING WITH MEP ENGINEERING PLANS. BACKWATER VALVES COMPLIANT WITH SPC SECTION 715 MAY BE NECESSARY DUE TO PLUMBING FIXTURES BEING BELOW NEXT UPSTREAM MANHOLE. COORDINATE WITH MEP PLANS.

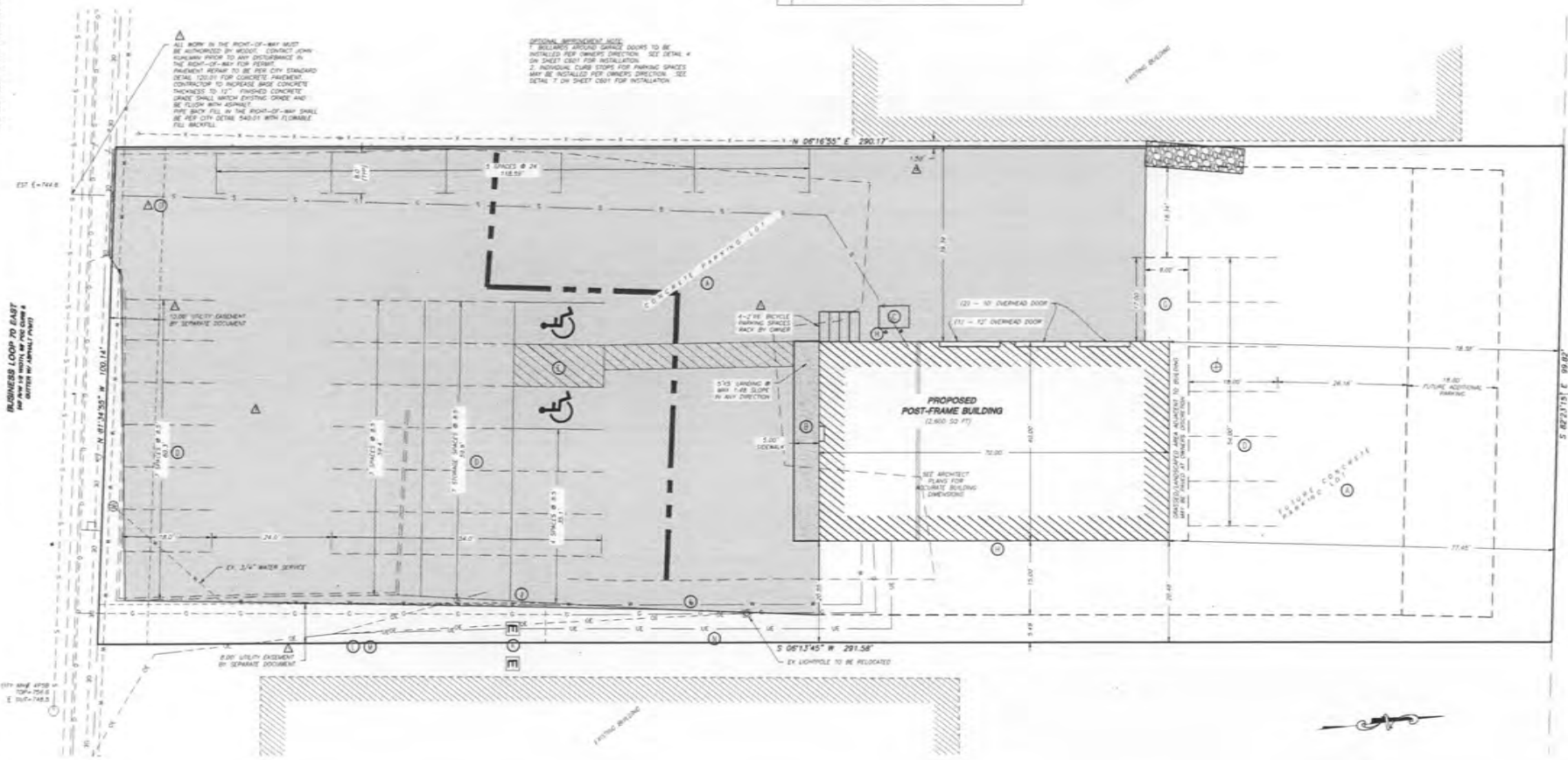
HEAVY DUTY CONCRETE (SEE LABEL ①)

REGULAR DUTY CONCRETE (SEE LABEL ②)

OPTIONAL IMPROVEMENT NOTE

1. BOLLARDS AROUND GARAGE DOORS TO BE INSTALLED PER OWNER'S PREFERENCE. SEE DETAIL 4 ON SHEET 0301 FOR INSTALLATION.

2. INDIVIDUAL CURB EDGES FOR PARKING SPACES MAY BE INSTALLED PER OWNER'S PREFERENCE. SEE DETAIL 7 ON SHEET 0301 FOR INSTALLATION.



MARCY MOTORS SITE PLAN

405 BUSINESS LOOP, COLUMBIA, MO

SITE/UTILITY PLAN

A CIVIL GROUP
 CIVIL ENGINEERING
 PLANNING
 SURVEYING
 3401 BROADWAY
 SUITE 105
 COLUMBIA, MO 65203
 PH: (573) 819-5750
 FAX: (573) 819-1697
 MISSOURI CERTIFICATE OF AUTHORITY: 2001006118

THIS DOCUMENT HAS BEEN ELECTRONICALLY SIGNED, SEALED AND DATED

STATE OF MISSOURI
OFFICE OF THE COMMISSIONER OF REVENUE
RECEIVED
 SEP 15 2010

PROJECT # 200914-01
 DRAWING # 200914-01 SITE
 DRAWN BY: CAD
 SHEET C301
 SHEET 3 OF 7

ITEMIZED CONSTRUCTION ESTIMATE
MARCY MOTORS SIDEWALK - TYPICAL
COLUMBIA, MISSOURI
May 28, 2015

5/28/2015

ITEM #	DESCRIPTION	UNIT	QUANTITY	UNIT PRICE	AMOUNT
1	5' Sidewalk @ B/C	SF	500	\$5.50	\$2,750
SUBTOTAL					\$2,750.00

NOTES & CLARIFICATIONS

1 - This is an engineers estimate, based on standard sidewalk construction per City Standards

ITEMIZED CONSTRUCTION ESTIMATE
MARCY MOTORS SIDEWALK - OPTION A
COLUMBIA, MISSOURI
May 28, 2015

5/28/2015

ITEM #	DESCRIPTION	UNIT	QUANTITY	UNIT PRICE	AMOUNT
1	6' Sidewalk @ B/C	SF	492	\$5.50	\$2,706
2	Remove and Replace Modot Entrance	SF	100	\$10.00	\$1,000
3	Remove and Replace Driveway (outside r/	SF	250	\$7.50	\$1,875
4	Adjust Water Meter Lid	LS	1	\$200	\$200
5	Adjust Comm Box Lid	EA	2	\$200	\$400
6	Gas Service Lowering	LS	1	\$400	\$400
7	Retaining Wall/Curb Wall	SF	135	\$20.00	\$2,700
8	Business Loop Traffic Control	LS	1	\$1,000	\$1,000
9	Sidewalk/Wall Engineering	LS	1	\$1,000	\$1,000
10	Survey Easement Prep	LS	1	\$500	\$500
11	BOA Engineering Fees	LS	1	\$500	\$500
12	BOA Lawyer Fees	LS	1	\$2,000	\$2,000
13	BOA City Fees	LS	1	\$250	\$250
SUBTOTAL					\$14,531.00

NOTES & CLARIFICATIONS

- 1 - This is an engineers estimate, based on Attached Exhibit
- 2 - Gas Service lowering based on phone conversation with Bruce Darr at Ameren. \$250 base fee + \$10/lf
- 3 - Assume communication box lids can remain plastic and do not have to be upgraded to heavy duty lids
- 4 - Retaining Wall assumed 75 Linear feet, average 21" Height (top to btm ftng)

ITEMIZED CONSTRUCTION ESTIMATE
MARCY MOTORS SIDEWALK - OPTION B
 COLUMBIA, MISSOURI
 May 28, 2015

5/28/2015

ITEM #	DESCRIPTION	UNIT	QUANTITY	UNIT PRICE	AMOUNT
1	6' Sidewalk @ B/C	SF	492	\$5.50	\$2,706
2	Remove and Replace Modot Entrance	SF	100	\$10.00	\$1,000
3	Remove and Replace Driveway (outside r/	SF	250	\$7.50	\$1,875
4	Adjust Water Meter Lid	LS	1	\$200	\$200
5	Adjust Comm Box Lid	EA	2	\$200	\$400
6	Gas Service Lowering	LS	1	\$400	\$400
7	Retaining Wall/Curb Wall	SF	94	\$20	\$1,880
8	Business Loop Traffic Control	LS	1	\$1,000	\$1,000
9	Sidewalk/Wall Engineering	LS	1	\$1,000	\$1,000
10	Survey Easement Prep	LS	1	\$500	\$500
11	Demo Existing Parking Lot	SF	325	\$2	\$650
12	Landscaping Buffer Relocation from exist	LS	1	\$500	\$500
SUBTOTAL					\$12,111.00

NOTES & CLARIFICATIONS

1 - This is an engineers estimate, based on Attached Exhibit

2 - Gas Service lowering based on phone conversation with Bruce Darr at Ameren. \$250 base fee + \$10/lf

3 - Assume communication box lids can remain plastic and do not have to be upgraded to heavy duty lids

4 - Retaining Wall assumed 75 Linear feet, average 15" Height (top to btm ftng)

ITEMIZED CONSTRUCTION ESTIMATE
MARCY MOTORS SIDEWALK - OPTION C
 COLUMBIA, MISSOURI
 May 28, 2015

5/28/2015

ITEM #	DESCRIPTION	UNIT	QUANTITY	UNIT PRICE	AMOUNT
1	5' Sidewalk	SF	385	\$5.50	\$2,118
2	Remove and Replace Driveway (outside r/	SF	250	\$7.50	\$1,875
3	Adjust Water Meter Lid	LS	1	\$200	\$200
4	Gas Service Lowering	LS	1	\$400	\$400
5	Retaining Wall/Curb Wall	SF	75	\$20	\$1,500
6	Sidewalk/Wall Engineering	LS	1	\$1,000	\$1,000
7	Survey Easement Prep	LS	1	\$500	\$500
8	Demo Existing Parking Lot	SF	150	\$2	\$300
9	BOA Engineering Fees	LS	1	\$500	\$500
10	BOA Lawyer Fees	LS	1	\$2,000	\$2,000
11	BOA City Fees	LS	1	\$250	\$250
SUBTOTAL					\$10,642.50

NOTES & CLARIFICATIONS

1 - This is an engineers estimate, based on Attached Exhibit

2 - Gas Service lowering based on phone conversation with Bruce Darr at Ameren. \$250 base fee + \$10/lf

3 - Retaining Wall assumed 75 Linear feet, average 12" Height (top to btm ftng)

ITEMIZED CONSTRUCTION ESTIMATE

5/28/2015

MARCY MOTORS SIDEWALK - OPTION D

COLUMBIA, MISSOURI

May 28, 2015

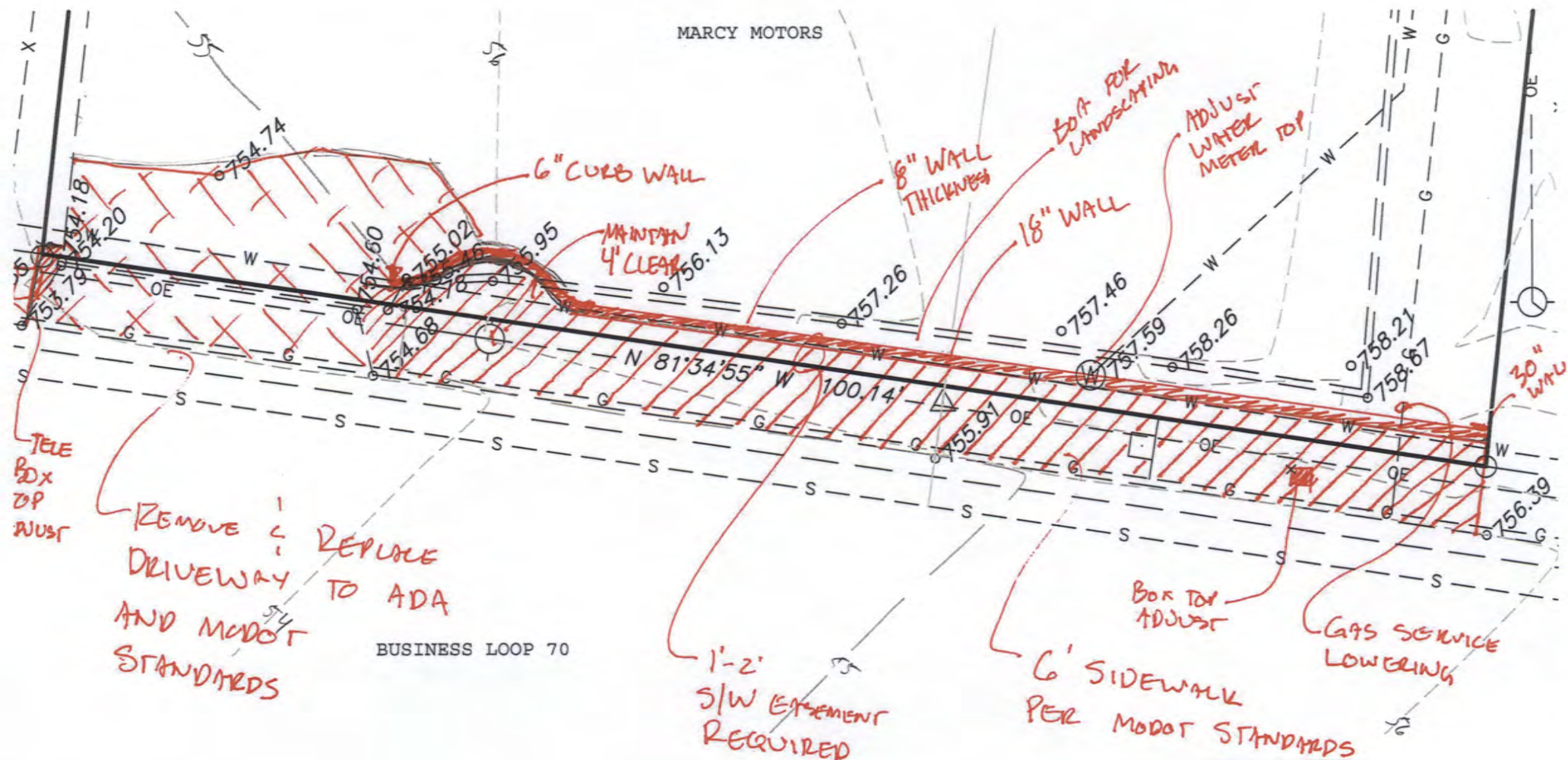
ITEM #	DESCRIPTION	UNIT	QUANTITY	UNIT PRICE	AMOUNT
1	5' Sidewalk	SF	385	\$5.50	\$2,118
2	Remove and Replace Driveway (outside r/	SF	375	\$7.50	\$2,813
3	Adjust Water Meter Lid	LS	1	\$200	\$200
4	Gas Service Lowering	LS	1	\$400	\$400
5	Sidewalk Engineering	LS	1	\$500	\$500
6	Survey Easement Prep	LS	1	\$500	\$500
7	Demo Existing Parking Lot	SF	585	\$2	\$1,170
8	Landscaping Buffer Relocation from exist	LS	1	\$500	\$500
SUBTOTAL					\$8,200.00

NOTES & CLARIFICATIONS

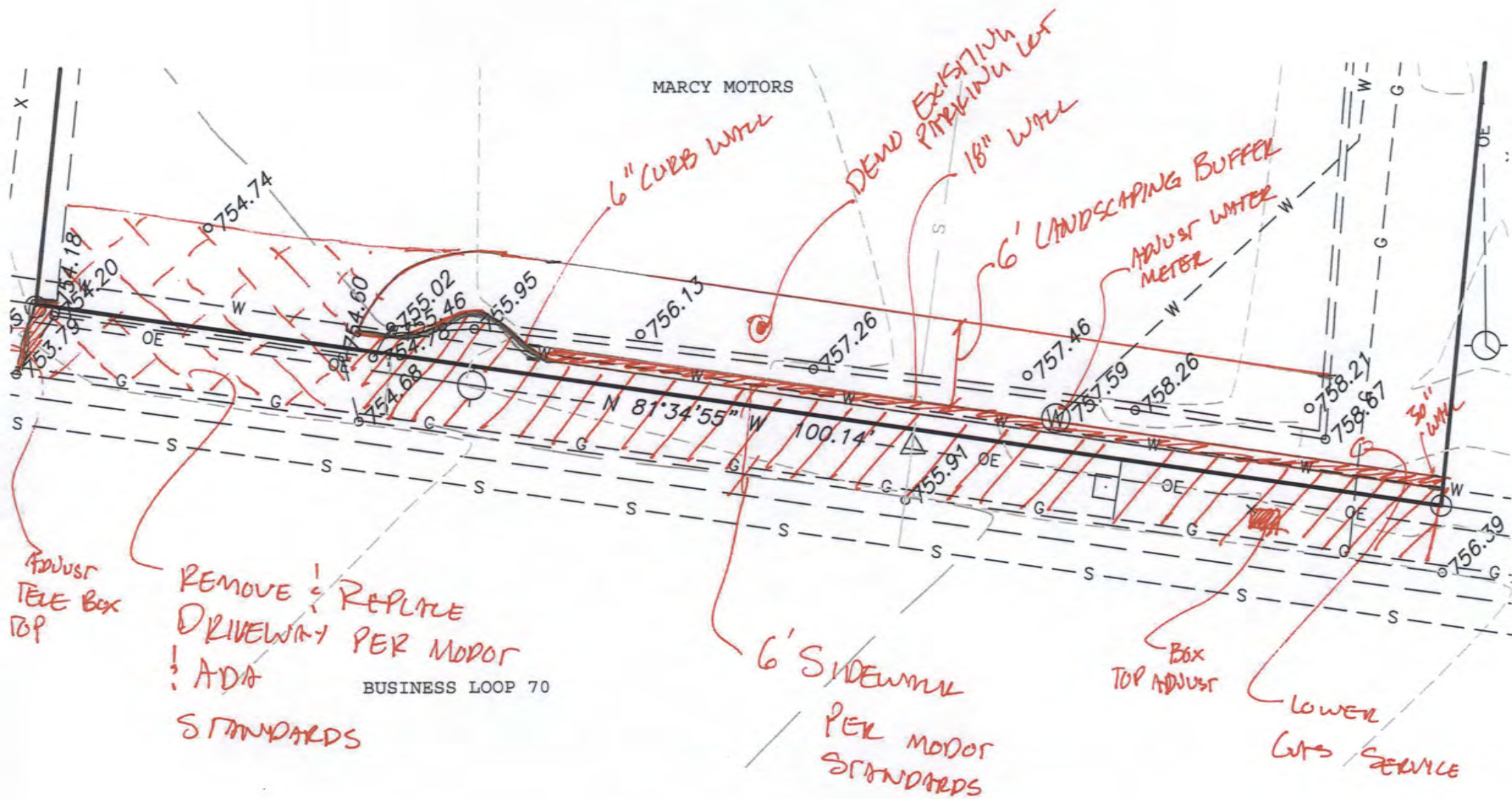
1 - This is an engineers estimate, based on Attached Exhibit

2 - Gas Service lowering based on phone conversation with Bruce Darr at Ameren. \$250 base fee + \$10/lf

OPTION A → SIDEWALK @ BACK OF CURB. BOA REQ'D FOR INADEQUATE LANDSCAPE BUFFER

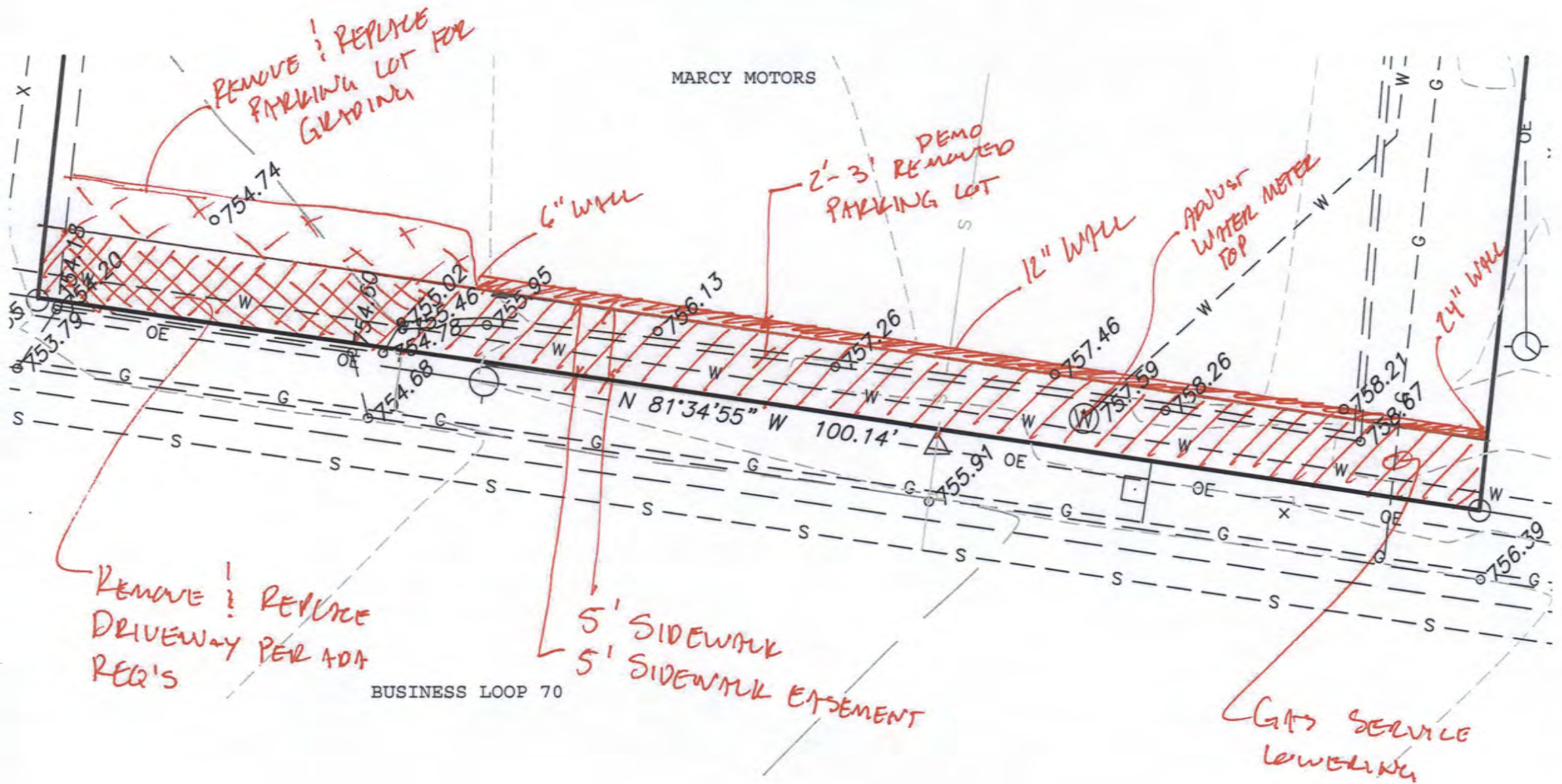


OPTION B → SIDEWALK @ BACK OF CURB. NO BOA ACTION REQUIRED

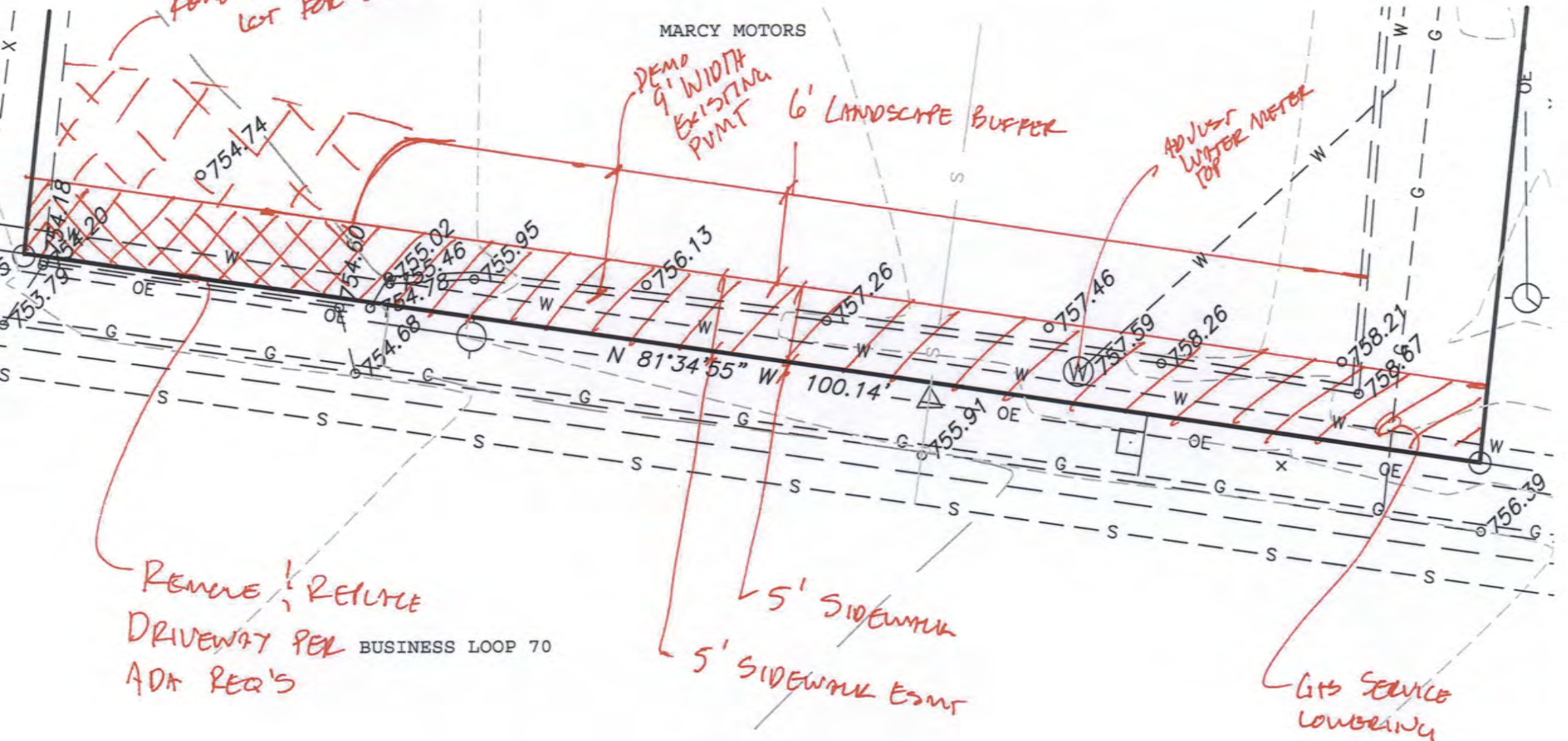


SCALE 1"=10'

OPTION C → SIDEWALK BEHIND POWER POLE. BOA REQUIRED FOR INADEQUATE LANDSCAPE BUFFER.



OPTION D → SIDEWALK BEHIND POWER POLE. NO BOA ACTION, PROVIDE REQUIRED LANDSCAPE BUFFER



SCALE 1"=10'

Policy	Strategy	Actions	Participants & Stakeholders	Public Prioritization
Policy One: Support diverse and inclusive housing options	Promote home ownership and affordable housing options, and encourage integrated residential densification via flexibility and dwelling unit options	Amend Zoning Regulations to: <ul style="list-style-type: none"> Allow accessory dwelling units in the R-2 zoning district Introduce a cottage-style small-lot residential zoning district to accommodate single-family detached housing options that may be more affordable due to smaller lot and home sizes Allow zero lot line setbacks and narrower lot width standards in the R-2 district to accommodate single-family attached dwelling options (as opposed to duplexes, which necessitate rental vs. owner-occupied housing) 	AIA Chapter, Boone County Codes Commission, Board of Realtors, Builders' Assn., CHA, City Council, Developers, Neighborhood Associations	Low
Policy Two: Support mixed-use	Establish neighborhood scale commercial and service nodes	<ul style="list-style-type: none"> Use planning tools and decision making to locate smaller-scale commercial and service businesses adjacent to neighborhoods Neighborhood plans should address desired locations and types of potential new businesses 	Columbia Board of Realtors, Developers, Neighborhood Associations, REDI, Small Business Incubators	High
	Adopt form-based zoning	<ul style="list-style-type: none"> Use <i>Metro 2020</i> Land Use District Design Guidelines as a basis for developing and applying form-based zoning 	Central MO Development Council, Columbia Home Builders Association, Developers, Downtown Associations, Historic Preservation Commission, Neighborhood Associations, Urban Land Institute	Low
	Identify service gaps and support zoning and development decisions to provide walkable local commercial service & employment nodes	<ul style="list-style-type: none"> Incentivize mixed and desired/needed uses in key locations (zones and nodes) Build on <i>Metro 2020</i> guidelines to make land use compatibility decisions, and to determine when separation vs. integration of land uses is appropriate 	Bicycle & Pedestrian Commission, Developers, Energy & Environmental Studies (MU Extension), Neighborhood Associations, PedNet	High
Policy Three: Facilitate neighborhood planning	Facilitate the creation of neighborhood land use plans ahead of development/redevelopment pressure	<ul style="list-style-type: none"> Work with HPC to prepare a Historic Preservation Plan, which surveys areas of historical significance and develops strategies for their preservation Develop local incentives to encourage/support historic preservation and mixed-use planning in neighborhoods Work with CPS to identify appropriate school sites based on growth projections, and coordinate zoning and capital improvement projects to support these sites. The City should work with neighborhoods to develop a planning process, then develop plans for 2-5 neighborhoods/year 	Colleges & Universities, Columbia Public Schools, Developers, DLC, Downtown Community Improvement District, Historic Preservation Commission, Neighborhood Associations	High
Policy Four: Promote community safety	Identify opportunities to promote community safety through design, community policing and promotion, the siting of public safety facilities, and access to community resources	<ul style="list-style-type: none"> Encourage CPTED principles in subdivision and zoning codes Support defensible neighborhoods through programs such as the Crime Free Housing, Neighborhood Watch, targeted code enforcement and property maintenance assistance programs Facilitate public safety facility and technology placement using population projections and growth management Increase access to community services and resources and promote neighborhood-based solutions to public safety 	Columbia Public Schools, Developers, Neighborhood Associations, Parks and Recreation Dept., Planning & Zoning Commission, Property Owners, Public Safety Providers, Social Service Providers.	To be determined by the Council (policy added post-public prioritization)

Policy	Strategy	Actions	Participants & Stakeholders	Public Prioritization
Mobility, Connectivity, and Accessibility				
Policy One: Accommodate non-motorized transportation	Encourage interconnectivity between neighborhoods, commercial districts, and employment centers using non-motorized transportation networks	<ul style="list-style-type: none"> Prioritize greenway trail projects that connect neighborhoods to commercial and employment centers Enforce the ordinance that requires landowners to maintain public sidewalks adjacent to their properties 	Bicycle and Pedestrian Commission, Bike and Track Clubs, CID, Columbia Parks and Recreation, Columbia Public Works, Disabilities Community, DLC, Neighborhood Associations, PedNET	High
	Support and promote the public transportation system	<ul style="list-style-type: none"> Connect bus routes with trails and greenways Pursue new technologies and efficiencies to enhance the system Encourage compact development near transit corridors and commercial hubs to support transit feasibility 	Boone County Center on Aging, Boone County Family Resources, Bicycle and Pedestrian Commission, Columbia Public Works, Columbia Transit, CoMET, MACC, OATS, Services for Independent Living	High
	Expand the existing transit system to meet ridership needs	<ul style="list-style-type: none"> Evaluate the existing transit system and opportunities for system improvements based upon ridership surveys Evaluate different route designs and models Explore diversification of funding sources 	Boone County Center on Aging, Boone County Family Resources, Bicycle and Pedestrian Commission, Columbia Public Works, Columbia Transit, CoMET, Disabilities Commission, MACC, OATS, Services for Independent Living	Medium
Policy Two: Improve transit service	Support and promote affordable and efficient air travel into and out of Columbia Regional Airport	<ul style="list-style-type: none"> Recruit nearby communities to support Columbia Regional Airport 	Airport Advisory Commission, Airline Industry, Central MO Municipalities, Chamber of Commerce, Columbia Public Works, MU & Colleges, Private Business, REDI, State of MO	Low
	Promote public transportation system expansion with regional considerations	<ul style="list-style-type: none"> Focus on developing a transit system between Columbia, the Columbia Regional Airport, Jefferson City, and the Jefferson City Amtrak Station 	Boone County, Boone County Center on Aging, Boone County Family Resources, Columbia Transit, CoMET, MACC, OATS, REDI, Services for Independent Living, State of MO, Surrounding Counties and Communities	Low
	Identify funding to support regional transit development and create partnerships between regional stakeholders to produce an integrated transportation system	<ul style="list-style-type: none"> Coordinate with MU, Columbia College, Stephens College, social service agencies, major employment centers, and Boone County 	Boone County, Boone County Center on Aging, Boone County Family Resources, Columbia Transit, CoMET, Disabilities Community, MACC, OATS, REDI, Services for Independent Living, State of MO, Surrounding Counties and Communities	Low
Policy Three: Promote a mobility management public transportation system				

3. Business Loop 70, Garth Avenue to Providence

Side: Both

Length: 1,373'

Estimated cost: \$390,000

Bus Route: NO

Ped Attractors: Hickman High School, Ridgeway Elementary, Douglass High School

Comments: This is a major commercial strip with adjacent residential areas. The majority of the frontage lacks sidewalks. The entire length of the segment is 1373', but needed new sidewalk to connect to existing sidewalks would be 861'. This project is listed in the CIP as an unfunded project for 2020.

Priority: 1

4. Business Loop 70, Providence to Rangeline Street

Side: North

Length: 2,640'

Estimated Cost: \$492,000

Bus Route: YES (partial)

Ped Attractors: Hickman High School, Field Elementary

Comments: Major commercial corridor with little pedestrian accommodation. This project is listed in the CIP as an unfunded project for 2020.

Priority: 1

5. Business Loop 70, 7th Street to Rangeline Street

Side: South

Length: 1,320'

Estimated Cost: \$192,000

Bus Route: YES

Ped Attractors: Hickman High School

Comments: Major traffic and commercial corridor with minimal pedestrian access.

Priority: 1

6. Business Loop 70, Rangeline Street to Route B

Side: Both

Length: 3696'

Estimated Cost: \$1,092,000

Bus Route: YES

Ped Attractors: Hickman High School

Comments: See other Business Loop projects. Provides connection to Old 63 sidewalk.

Priority: 1

7. Stadium Boulevard, Business Loop 70 to Primrose Drive

Length: 2,100'

Side: West

Bus Route: NO

Bus Loop 70 Sdwlk-Providence to Rangeline**Description:**

Construct a 5' wide sidewalk on Business Loop 70 from Providence Rd to Rangeline Street

Ward

1

Begin Design

2020

Begin Construction

2020

Eligible for Percent for Arts?

No

Current Funding Request:

\$410,000

Total Appropriated:

\$0

Total City Project Cost:

\$410,000

Est. Project Balance: 10/01/2014

\$0

Current Status:

Future project. Funding needed.

Factors Effecting Timing/Completion of Project:

Funding

Eligible Funding Sources:

capital improvement sales tax, transportation sales tax, future ballot

Master Plan:

Sidewalk Master Plan

FY

2020

Eligible Funding Sources

Unfunded

Amount

\$410,000

\$410,000





SIDEWALK & TCE EASEMENT EXHIBIT
FOR MARCY MOTORS
LOT 7 BARKWELL'S SUBDIVISION

GRANT OF EASEMENT FOR SIDEWALK PURPOSES

THIS INDENTURE, made on the _____ day of _____, 2015, by and between **405 Business Loop 70 East LLC**, a limited liability company of the State of Missouri, Grantor, and the City of Columbia, Missouri, a municipal corporation, Grantee; Grantee's mailing address is Post Office Box 6015, Columbia, MO 65205;

WITNESSETH:

That the Grantor, in consideration of the sum of Ten Dollars (\$10.00), to us in hand paid by the City of Columbia, Missouri, the receipt of which is hereby acknowledged, do hereby grant unto said City, its successors and assigns, an easement of way for street purposes, over the following described real estate, situated in the County of Boone, State of Missouri, to wit:

A TEN (10) FOOT WIDE STRIP LOCATED IN THE SOUTHWEST QUARTER (SW 1/4) OF THE SOUTHEAST QUARTER (SE 1/4) OF SECTION 1, TOWNSHIP 48 NORTH, RANGE 13 WEST, CITY OF COLUMBIA, BOONE COUNTY, MISSOURI, ACROSS LOT 7 OF BARKWELL'S SUBDIVISION AS RECORDED IN BOOK 91, PAGE 532, OF THE RECORDS OF BOONE COUNTY, MISSOURI, THE SOUTH LINE OF SAID TEN FOOT WIDE STRIP BEING APPROXIMATELY TEN (10) FEET NORTH OF THE FOLLOWING DESCRIBED SOUTHERN BOUNDARY LINE OF SAID LOT 7:

BEGINNING AT THE SOUTHEAST CORNER OF SAID LOT 7, THENCE WESTERLY ALONG THE NORTH RIGHT-OF-WAY LINE OF OLD NORTH BOULEVARD (NOW BUSINESS LOOP 70 EAST) TO THE SOUTHWEST CORNER OF SAID LOT 7 AND THE END OF THIS LINE. THE SOUTH LINE OF SAID EASEMENT BEING A COMMON LINE WITH THE EXISTING NORTH RIGHT-OF-WAY LINE OF BUSINESS LOOP 70 EAST.

This grant includes the right of the City of Columbia, Missouri, its officers, agents and employees, to enter upon the described land to construct, re-construct, maintain and operate a public sidewalk at any time for the purposes of exercising any of the rights herein granted.

The Grantor warrants that, subject to liens and encumbrances of record at the date of this easement, it is the owner of the above-described land and has the right and authority to make and execute this Grant of Easement on behalf of said limited liability company.

IN WITNESS WHEREOF, the said **405 Business Loop 70 East LLC** has caused these presents to be signed by its authorized member(s) the day and year first written above.

405 Business Loop 70 East LLC

By: _____

Aaron Marcy, Manager

STATE OF MISSOURI)
)ss.
COUNTY OF BOONE)

On this _____ day of _____ in the year 2015, before me, a Notary Public in and for said state, personally appeared, Aaron Marcy, who being by me duly sworn, acknowledged that they are member(s) of 405 Business Loop 70 East LLC, a limited liability company, and that said instrument was signed in behalf of said company and further acknowledged that they executed the same as a free act and deed for the purposes therein stated and that they have been granted the authority by said limited liability company to execute the same.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal.

Notary Public

AGREEMENT FOR TEMPORARY CONSTRUCTION EASEMENT

THIS AGREEMENT for temporary construction easement entered into this _____ day of _____, 2015, by and between **405 Business Loop 70 East LLC**, a limited liability company of the State of Missouri, Grantor, and the City of Columbia, Missouri, a municipal corporation; Grantee, Grantee's mailing address is Post Office Box 6015, Columbia, MO 65205.

WITNESSETH:

That the Grantor, in consideration of the sum of Ten Dollars (\$10.00), to us in hand paid by the City of Columbia, Missouri, a municipal corporation, the receipt of which is hereby acknowledged, do hereby grant unto the Grantee, a temporary easement and right-of-way to be in effect during the time of construction of the Public Sidewalk adjacent to Business Loop 70 East project in Boone County for the following purposes, namely: to provide access to said construction project by granting the right to enter upon, permanently alter the grade, store materials, and operate and park equipment on, over and across the right-of-way hereinafter described, which is located within the boundaries of a parcel of land situated in the County of Boone and State of Missouri and described as follows:

A TWENTY (20) FOOT WIDE STRIP LOCATED IN THE SOUTHWEST QUARTER (SW 1/4) OF THE SOUTHEAST QUARTER (SE 1/4) OF SECTION 1, TOWNSHIP 48 NORTH, RANGE 13 WEST, CITY OF COLUMBIA, BOONE COUNTY, MISSOURI, ACROSS LOT 7 OF BARKWELL'S SUBDIVISION AS RECORDED IN PLAT BOOK 91, PAGE 532, OF THE RECORDS OF BOONE COUNTY, MISSOURI, THE SOUTH LINE OF SAID TWENTY FOOT WIDE STRIP BEING APPROXIMATELY TEN (10) FEET NORTH OF THE FOLLOWING DESCRIBED SOUTHERN BOUNDARY LINE OF SAID LOT 7:

BEGINNING AT THE SOUTHEAST CORNER OF SAID LOT 7, THENCE WESTERLY ALONG THE NORTH RIGHT-OF-WAY LINE OF OLD NORTH BOULEVARD (NOW BUSINESS LOOP 70 EAST) TO THE SOUTHWEST CORNER OF SAID LOT 7, THE END OF THIS LINE. THE SOUTH LINE OF SAID EASEMENT BEING A COMMON LINE WITH THE EXISTING NORTH RIGHT-OF-WAY LINE OF BUSINESS LOOP 70 EAST.

TO HAVE AND TO HOLD said temporary easement and right-of-way unto the Grantee and to its successors and assigns during the period of construction herein referred to. Said easement and right-of-way to forever cease upon completion of said construction.

This grant includes the right of the City of Columbia, Missouri, its officers, agents and employees, to enter upon said real estate at any time during the time of construction for the purpose of exercising any of the rights herein granted.

EXCERPTS
PLANNING AND ZONING COMMISSION MEETING
JUNE 18, 2015

Case No. 15-128

A request by A Civil Group (applicant) on behalf of 405 Business Loop 70 East (owner) for a variance from Section 25-48.1 of the City Code, which requires sidewalks in new subdivisions, and from Section 24-35, which requires sidewalks for new construction on property zoned commercial or multi-family and is located along an arterial or collector street. The subject site is located on the north side of Business Loop 70 East, approximately 1,000 feet east of Providence Road, and addressed as 405 Business Loop 70 East.

MR. REICHLIN: May we have a staff report, please?

Staff report was given by Mr. Clint Smith of the Planning and Development Department. Staff recommends denial of the request for variances from Section 25-48 and Section 24-35.

MR. REICHLIN: Are there any questions of staff? I have one. Just -- so there was a new construction on this parcel that triggered the sidewalk requirement?

MR. SMITH: Correct.

MR. REICHLIN: Okay. That's the only -- I wasn't sure --

MR. SMITH: Uh-huh.

MR. REICHLIN: I saw where there was new construction, but I didn't look -- it may not be readily visible.

MR. SMITH: Yeah. You can see it. This is -- if I may, this is the -- or this was the previous building and this was demolished, and there is a new facility now more towards the rear of the property.

MS. BURNS: Yes.

MR. REICHLIN: Ms. Burns?

MS. BURNS: You indicated that MoDOT requires a six-foot sidewalk?

MR. SMITH: Uh-huh.

MS. BURNS: And is that also what ADA requirements --

MR. SMITH: I don't know if that's an ADA requirement. What I understand, I think, it is a safety issue. If it's going to -- if the sidewalk is installed in that proximity to the roadway, they require an additional width of sidewalk for safety purposes so that you're removed farther from the roadway. The applicant, I know, has had direct conversations with MoDOT, so they may have more insight on that requirement.

MS. BURNS: But I wondered if they had -- if MoDOT would allow a more narrow sidewalk, if that would change anything about this?

MR. SMITH: I think the requirement is within two feet of the curb, so if they would have to set it back two feet, and I think then it could be a five-foot sidewalk. But, overall, I think the distance from curb

to the edge of the sidewalk would be greater in that situation than if they built it at the back of the curb.
That was –

MS. BURNS: Thank you.

MR. SMITH: You're welcome.

MR. REICHLIN: I had one other item. Could you flesh out for us, as a group, what you see in terms of timeline for the CIP installation of --

MR. SMITH: Sure.

MR. REICHLIN: --sidewalks going forward and how that may affect our --

MR. SMITH: Yeah. I can kind of discuss what the CIP says. Right now, the CIP does identify the -- this portion of Business Loop in the six- to ten-year window for sidewalk installation. I do believe they have not indicated that that project is funded and it would most likely -- they've listed the funding -- eligible funding sources as a ballot initiative, so that was something that is not necessarily secured as far as funding goes. So the six to ten window, they'll do this construction in 2020, and I believe that would probably be with the expectation that that funding is -- is secured earlier than later. I think the longer time goes by without that being secured, that date could be pushed farther back to more the ten-year side of the six-to-ten-year window.

MR. REICHLIN: Is there anybody else? Seeing no one. At this time, if there is somebody in the audience that would like to briefly help us with the insight on this matter, we -- it would be appreciated.

MR. DARR: Yeah. I'm Code Darr; I'm a project engineer at A Civil Group. I represent Aaron Marcy; he's the owner of Marcy Motors.

MR. REICHLIN: Can we get an address, please?

MR. DARR: Yeah. Our offices are at 3401 Broadway Business Park Court.

MR. REICHLIN: Thank you.

MR. DARR: I think Clint handled most of the technical issues and addresses the variance evaluation from the Code. I think one of the things that might not have been emphasized as much, the construction costs. You know, he lined out all the technical obstacles or some of the technical obstacles that he said that weren't necessarily undue hardship. But if you combine all these, they do add up to a lot of additional costs, including the gas-line lowering, which is not that big of a deal by itself, or the retaining wall, which is unique to this site as opposed to all the other ones, the landscaping, the extra width for MoDOT, all that kind of stuff. But in and of itself, I could see how when you're looking at those individually, maybe those aren't -- wouldn't necessitate granting of this variance, but if you look at those all together they do impose a pretty significant construction cost addition, maybe up to three times, it would be likely, according to the cost estimates that I have provided. So while he did address all those, the valuations that the Code lines out that you had hit, I think the main thing that -- that I would say that we are wanting to emphasize is more of a common-sense approach. And that is, if you look back to one of those slides, there is the telephone pole. Yeah. You can see it right there in that lower-right picture. So currently, City Water and Light is doing an underground of all those poles on the north side of Business Loop and they actually just ended at Doc & Norm's, which is a couple of properties down. And when we originally

brought this, you know, these issues, as far as we had to get MoDOT's approval and the extra width and the retaining wall, and the owner was, like, man, this is just getting real expensive and -- and he asked about a variance, and I was, like, yeah, I'll look into it. And in talking to Water and Light, you know, one of the issues was this utility pole and we didn't have the clear width and he would have to encroach into his property and -- and they were doing this underground, and I talked to them, and they were, like, yeah. When we first talked to them, they were, like, yeah, we would -- we are planning on undergrounding that and we want to extend where the project currently ended, which is at Doc & Norm's on, and we would support that variance because if we built it now and they extended it, they would just be tearing it up and putting the -- all those utility lines underground right there, so it would be, you know, demo'd and rebuilt, so there would be -- it wouldn't seem to make sense to build it at this time. They went back and looked at it a little further and they didn't have in their budget to do it as part of the -- the project that was currently being done on the north side of Business Loop, but he did say that -- or Water and Light did say that this is a project they want to do. So while it might not be -- the sidewalk might not be constructed as part of the CIP necessarily immediately, there's also the Water and Light project that's coming up, and as soon as they get funding, this is a project that has some priority that they want to get done. So if -- when this does get done, inevitably they will tear up all the sidewalk we built and then rebuild it. So it comes to when is this project going to be done and how much use is this sidewalk going to get if we build it at this -- at this time. And as he said, you know, there is not a real immediate need. Obviously, this property doesn't really need it. It's not generating pedestrian traffic. There is the network on the south side of the road. So we feel like to spend this money now might not make the most sense. Even though he does understand that there should be a sidewalk there and eventually there will be a sidewalk there, and he has even been willing to pay an in-lieu-of fee for a typical sidewalk construction to contribute to the CIP or the Water and Light project when they underground the -- underground the utility lines, although I don't -- it seemed like staff wasn't really interested in that at this time. I know their policy. It's -- it's hard to manage that money and get it to the right spot. So -- and he is willing to grant the easement. So I guess our main thing is it just -- maybe this isn't the right time and it seems like we might be costing the City more money for demo'ing it, and it's going to be rebuilt by the City sometime in the future, whether it's two years or ten years. We don't feel there's an immediate need, so we -- we just didn't think it really made sense to do it right now, So that's -- if -- if you have any other questions -- as far as MoDOT, there's a lot of specific things, but I won't get into those. They are going to make you do six foot if you put it on the back of curb. There's really no getting around that as far as their safety protocols and stuff. And if you do want it to be the typical five foot, you have to set it back over two feet from the curb. There's some other things, but I'll leave it at that unless you have more specific questions.

MR. REICHLIN: Any questions? Thank you very much.

MR. DARR: Thank you.

MR. REICHLIN: I have an additional question of staff. With regard to the creation of the improvement district for the Business Loop and what they're going -- what those tax -- what those funds going to be directed to, can you help us with that?

MR. SMITH: Yeah. We're aware that the CID there was recently formed and from looking back at the minutes, it does indicate that they -- sidewalks, I believe, is mentioned as something that they would like to pursue. At this time, I don't think we've seen any type of budget or plan as far as how they intend to spend the money, so -- and the interaction between them and the City's variance process in this sidewalk situation, it's a little bit new, so I'm not exactly sure how those would interact. It would be -- they would be nice. It's something that they -- they could go together, but, right now, I'm not sure exactly how that would work, so --

MR. REICHLIN: Ms. Burns?

MS. BURNS: Oh, thank you. Mr. Smith, I had one additional question. In the -- if -- in the -- your recommendation as far as if the variance was approved and that the property owner shall grant the City a sidewalk easement and any other construction easements necessary for the construction of sidewalks in the future --

MR. SMITH: Uh-huh.

MS. BURNS: -- that still puts the burden of cost on the applicant. Correct?

MR. SMITH: That merely requires them to submit to the City a grant of easement because the -- some of the sidewalk would be required to be built on their property. So if we do not have the easement, if we install the sidewalk in the future, we would have to either -- they would have to grant it at that time and there's no guarantee that they would grant it without payment from the City, so the City has, from my understanding, paid for easements in the past, so --

MS. BURNS: So there's no option to say this will happen at some time in the future, if you would like to push it -- either pay now or pay later. If you would like to push it to the future, the burden of financial responsibility still falls on the applicant?

MR. SMITH: Yeah. As far as I know, there's really not a method to push the cost for -- from the applicant to the future, say, in five to ten years.

MR. ZENNER: I think what you're -- what you're driving at is actually a -- the burden of the sidewalk to be installed on a future date. Typically, with road projects, when we do complete street design or redesign of a street, sidewalk construction, removal and then reconstruction are normally included. Now the purpose behind the condition that Mr. Smith has put in his staff report is to ensure that we're not having to also pay for additional easement access or right-of-way to place that sidewalk, and it is not necessarily to place the applicant on the hook for the cost of that construction, though the City does retain its ability to tax bill the property owner and any other property owner that would benefit from a future sidewalk installation. Those monies may be able to be offset by the CID should they have a budget item that would then allow for that expense to be paid for. That's our typical protocol. We're trying to ensure, however, if the commission should consider approving the variance, that we are not having to pay higher acquisition costs at a later date.

MS. BURNS: Thank you.

MR. REICHLIN: Well, with that, I open it to comments from commissioners. Mr. Stanton?

MR. STANTON: I'm in support of the variance if easements are granted so the City will not have

any problems acquiring the land to do this project in the future. So I support it if the variances are supported by the owner.

MR. REICHLIN: Anybody else?

MS. BURNS: I -- the only thing I'd like to say is looking forward as the CID develops and maintains an income stream, this could be a major project as far as installing sidewalks up and down the side of the road. And I just wonder if their CID, if that's how they want to use their funds if we grant this variance, because if this area is redeveloped, it could become more walkable. And I keep looking at the master plan, we keep getting sidewalk issues up here, and we keep kind of pushing them off. And here I see when we have the development that we have to the west with McDonald's and with Hickman High School across, this isn't an ideal place to walk. I went out and drove and looked at this. It isn't ideal to walk on this side of the road. I just wonder when we start with the master plan of connectivity.

MR. REICHLIN: Go ahead, Mr. Smith.

MR. SMITH: Was that -- I'm sorry. Was that a direct question or was that --

MS. BURNS: No.

MR. SMITH: That's what I thought.

MS. BURNS: Sharing my thoughts.

MR. REICHLIN: Okay. Mr. Stanton.

MR. STANTON: Well, I would tend to agree with my colleague. It seems like all these variances keep us from executing our total walkable network of -- of streets and sidewalks throughout the City. But a good point was made that if this goes underground and we make them put a sidewalk here, and then they put all these utilities underground, they're just going to bust that sidewalk right back up and then lay it back down. I mean, good for some businesses, but this wouldn't be too feasible.

MS. LOE: I would agree that the timing seems off. And if the City does not have the wherewithal at this point to accept payment in lieu of, then having the easements in place so that sidewalks can be provided or built at a time when the timing is better sounds like to me the best proposal to move forward with.

MR. REICHLIN: Would anybody like to frame a motion? Ms. Loe?

MS. LOE: Okay. I started this one. I move that we -- I lost my place in the --

MR. REICHLIN: It's Case 15-126 -- no. 15-128.

MS. LOE: 15-128. But I had Mr. Smith's language here, so one second. Approve the variance, but amend it that the property shall grant to the City a sidewalk easement and any other construction easements necessary for the construction of a sidewalk in the future.

MR. STANTON: Second.

MR. REICHLIN: We have a motion by Ms. Loe and a second by Mr. Stanton. Roll call, please?

MS. LOE: Yes, sir. I'm going to read the whole official title. Case No. 15-128, a request by A Civil Group on behalf of 405 Business Loop 70 East for a variance from Section 25-48 of the City Code which requires sidewalks in a new subdivision, and from Section 24-35, which requires sidewalks for new construction on property zoned commercial or multi-family, and is located along an arterial or a collector

street, for property located at 405 Business Loop 70 East, with the amendment that the property owner shall grant to the City a sidewalk easement and any other construction easements necessary for the construction of sidewalks in the future.

Roll Call Vote (Voting "yes" is to recommend approval.) Voting Yes: Ms. Burns, Ms. Loe, Mr. Harder, Mr. Reichlin, Mr. Stanton, Ms. Rushing, Ms. Russell. Motion carries 7-0.

MS. LOE: The vote is seven yes. It carries. It shall be -- recommendation for approval will be forwarded.

MR. REICHLIN: Thank you.