

City of Columbia

701 East Broadway, Columbia, Missouri 65201



Agenda Item Number: B 255-15

Department Source: Community Development - Planning

To: City Council

From: City Manager & Staff

Council Meeting Date: 9/8/2015

Re: Landmark Subdivision-Plat 3 - Final minor plat, Sidewalk variance (Case #15-174)

Documents Included With This Agenda Item

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

Supporting documentation includes: Summary of Board/Commission Reports (includes maps, final plat, variance worksheet, PR 48-06A), Excerpts from Minutes

Executive Summary

Approval of the request will result in the creation of a two-lot final plat on R-1 (One-family Dwelling District) zoned land, to be known as "Landmark Subdivision - Plat 3", and approve an associated variance to Section 25-48.10 to waive the requirement for sidewalk construction along the north side of Country Club Drive.

Discussion

The applicant, C. Stephen Heying Surveying, on behalf of the owner, Bear Creek Properties, is requesting approval of a final plat to create 2 residential lots on R-1 (One-family Dwelling District) zoned land, located on the south side of McAlester Street, approximately 350 feet east of Old Highway 63. The request also includes a variance to waive the sidewalk construction requirement along the development's Country Club Drive frontage - the lot along McAlester Street will install sidewalk as required by the subdivision regulations.

The proposed subdivision is a replat of a previous 3-lot subdivision, Landmark Subdivision, Plat 2, that was approved in 2013 with a variance to construct sidewalks along the Country Club Drive frontage. Since the proposed replat constitutes a new subdivision action the City's Law Department determined that a new sidewalk variance was required.

The applicant is replatting Lot 2-B of the existing subdivision, which was a through lot that fronted both McAlester Street and Country Club Drive. The resultant two lots will each have street access, with Lot 2-B1 fronting on McAlester and Lot 2-B2 fronting on Country Club Drive; however, Lot 2-B2 will include a strip of property along the east portion of Lot 2-B1 that will abut the McAlester Street right of way. This will allow the southern lot to be served by City water from a water main that is located within the McAlester right of way.

At its meeting on August 20, 2015, the Planning and Zoning Commission (PZC) voted (7-0) to recommend approval of the requested sidewalk variance, and voted (7-0) to approve the final plat. Mr. Heying (applicant) was present at the meeting and gave an overview of the request. The

City of Columbia

701 East Broadway, Columbia, Missouri 65201



Commission noted that the property is similar to other sidewalk variances that they have recommended recently, as the property is located in a developed residential neighborhood that has little to no existing sidewalks. They also noted that a 10-foot sidewalk easement was included on the plat, which was requested by staff to accommodate future sidewalk installation, in the case the variance was granted. No one from the public spoke during the meeting.

A copy of the Planning and Zoning Commission staff report (including maps, final plat, applicant variance request, and PR 48-06A), and excerpts of the meeting's minutes are attached.

Fiscal Impact

Short-Term Impact: Limited short-term impact. All infrastructure extension will be at developer's expense.

Long-Term Impact: Long-term impact would include infrastructure maintenance and public safety services. Such increased costs may or may not be offset by increased property taxes and user fees.

Vision, Strategic & Comprehensive Plan Impact

Vision Impact: Development

Strategic Plan Impact: Infrastructure

Comprehensive Plan Impact: Land Use & Growth Management

Suggested Council Action

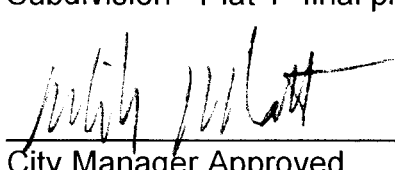
- 1) Approval of the variance to Section 25-48.1(a) to waive the sidewalk construction requirement along the Country Club Drive right of way, as recommended by the PZC.
- 2) Approval of the final plat for "Landmark Subdivision - Plat 3" as recommended by the PZC.

Legislative History

Ordinance #21705 (6/3/13): Approved "Landmark Subdivision - Plat 2" final plat, sidewalk variance

Ordinance #19945 (6/16/08): Approved "Landmark Subdivision - Plat 1" final plat


Department Approved


City Manager Approved

Introduced by _____

First Reading _____

Second Reading _____

Ordinance No. _____

Council Bill No. B 255-15

AN ORDINANCE

approving the Final Replat of Landmark Subdivision – Plat 3, a minor subdivision; accepting the dedication of rights-of-way and easements; authorizing a performance contract; granting a variance from the Subdivision Regulations regarding sidewalk construction; 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 hereby approves the Final Replat of Landmark Subdivision – Plat 3, as certified and signed by the surveyor on August 18, 2015, a minor subdivision located on the south side of McAlester Street and the north side of Country Club Drive, containing approximately 3.34 acres in the City of Columbia, Boone County, Missouri, and hereby authorizes and directs the Mayor and City Clerk to sign the plat evidencing such approval.

SECTION 2. The City Council hereby accepts the dedication of all rights-of-way and easements as dedicated upon the plat.

SECTION 3. The City Manager is hereby authorized to execute a performance contract with Bear Creek Properties, LLC in connection with the approval of the Final Replat of Landmark Subdivision – Plat 3. The form and content of the contract shall be substantially as set forth in "Exhibit A" attached hereto.

SECTION 4. Subdivider is granted a variance from the requirements of Section 25-48.1 of the Subdivision Regulations so that sidewalks shall not be required along the north side of Country Club Drive adjacent to the property's frontage.

SECTION 5. 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

PERFORMANCE CONTRACT

This contract is entered into on this 13th day of July, 2015 between the City of Columbia, MO ("City") and Bear Creek Properties, LLC ("Subdivider").

City and Subdivider agree as follows:

1. Subdivider shall construct, erect and install all improvements and utilities required in connection with the final plat of Landmark Subdivision Plat 3, including sidewalks and all improvements and utilities shown on the plat and related construction plans, within 36 months after the City Council approves the plat.

2. If street, utility or other construction of public improvements should occur on or adjacent to land in the subdivision at the initiative of the City Council, as benefit assessment projects, Subdivider agrees to bear Subdivider's equitable and proportionate share of construction costs, as determined by such assessments.

3. No utility service connections or occupancy permits shall be issued to the Subdivider or to any other person for any structure on land in the subdivision unless and until all utilities and improvements have been constructed, erected and installed in the structure and upon the lot or lots on which the structure is situated in accordance with all applicable ordinances, rules and regulations of the City.

4. No occupancy permit shall be issued to Subdivider or any other person for any structure constructed on land in the subdivision unless the street and sidewalk adjacent to the structure have been completed in compliance with the City's Standard Street Specifications.

5. City may construct, erect or install any improvement or utility not constructed, erected or installed by Subdivider as required by this contract. City may perform such work using City employees or City may contract for performance of the work. Subdivider shall reimburse City for all costs and expenses incurred by City in connection with the construction, erection or installation of improvements in utilities under this paragraph. Subdivider agrees to pay City all expenses and costs, including reasonable attorneys' fees, incurred by City in collecting amounts owed by Subdivider under this paragraph.

6. City shall not require a bond or other surety to secure the construction of the improvements and utilities required in connection with the final plat.

7. The obligations of Subdivider under this contract shall not be assigned without the express consent of the City Council.

8. The remedies set forth in this contract are not exclusive. City does not waive any other remedies available to enforce Subdivider's obligations under this contract or to recover damages resulting from Subdivider's failure to perform its obligations under this contract.

9. This contract is not intended to confer any rights or remedies on any person other than the parties.

IN WITNESS WHEREOF, the parties have executed this contract on the day and year first above written.

CITY OF COLUMBIA, MISSOURI

BY: _____
Mike Matthes, City Manager

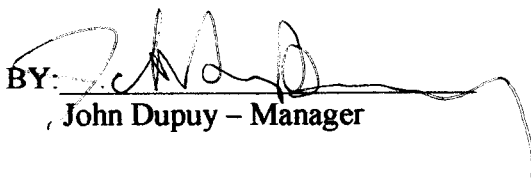
ATTEST:

Sheela Amin, City Clerk

APPROVED AS TO FORM:

Nancy Thompson, City Counselor

Subdivider

BY: 
John Dupuy – Manager



SUPPORTING DOCUMENTS INCLUDED WITH THIS AGENDA ITEM ARE AS FOLLOWS:

Summary of Board/Commission Reports (includes maps, final plat, variance worksheet, PR 48-06A), Excerpts from Minutes

**AGENDA REPORT
PLANNING AND ZONING COMMISSION MEETING
August 20, 2015**

SUMMARY

A request by C. Stephen Heying Surveying (agent) on behalf of Bear Creek Properties (owner) for approval of a 2-lot final minor plat on R-1 (One-family Dwelling District) zoned land, to be known as "Landmark Subdivision - Plat 3", and an associated variance to Section 25-48.1 to waive the requirement to construct sidewalks along Country Club Drive. The 3.34-acre subject site is located on the south side of McAlester Street, approximately 350 feet east of Old Highway 63. **(Case #15-174)**

DISCUSSION

The proposed subdivision is a replat of a previous subdivision, Landmark Subdivision, Plat 2, that was approved in 2013 and included three lots. The applicant is replatting Lot 2-B of the existing subdivision, which was a through lot that fronted both McAlester Street and Country Club Drive, as well as requesting a variance to waive the sidewalk construction requirement.

The resultant two lots will each have street access, with Lot 2-B1 fronting on McAlester and Lot 2-B2 fronting on Country Club Drive; however, Lot 2-B2 will include a strip of property along the east portion of Lot 2-B1 that will abut the McAlester Street right of way. This will allow the southern lot to be served by City water from a water main that is located within the McAlester right of way. No water main currently existing along Country Club Drive, and without the lot "stem" to McAlester, the property owner would be required to extend the public water main along Country Club Drive to serve the property.

It is worth noting that the previous subdivision that was approved (Landmark Subdivision, Plat 2) was granted a variance to waive the required sidewalk construction along Country Club Drive, which is essentially the same request now being made. The requested sidewalk waiver, although granted previously for the same property, must be granted again for the new subdivision. The previous variance was granted for Plat 2, and since the new plat and ordinance will refer to Plat 3, which is a distinct and separate subdivision than was previously approved, the previous variance will not apply.

The sidewalk variance request to Section 25-48.1 of the Subdivision Regulations is for the portion of the site fronting on Country Club Drive. If approved, the variance would waive the requirement that the applicant construct sidewalk along the property line adjacent to Country Club Drive. The nearest sidewalk on this stretch of road is in front of Landmark Hospital, to the west. There is an intervening residential parcel between it and the subject site on Alfred Street, creating a gap, and there is no sidewalk along Country Club Drive. The applicant is not seeking a variance for the sidewalk along McAlester Street on the north side of the site.

Council Policy Resolution 48-06A provides specific guidance for determining the need for a sidewalk variance along unimproved roads, as Country Club Drive is, and whether the impact of the proposed development justifies the requirement that the sidewalk be constructed, based on the following factors:

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

Per the applicant, the following improvements are planned:

- Residence: \$300,000-500,000
- Sidewalk: \$2,150

The cost of constructing a sidewalk represents a small portion of the overall costs of site improvements, accounting for less than one percent of the total cost. **NOT SUPPORTED.**

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

Staff has reviewed the site and determined that the current grade does not preclude the installation of sidewalks. However, the construction of sidewalks could affect the current drainage patterns on the site. The road is constructed without curb and gutter and with minor drainage improvements (grass lined ditches). If a sidewalk were to be constructed, it should be located far enough from the roadway to allow for the same character of drainage to be retained (over 20' away) or located adjacent to the roadway as a strip of concrete (which would be difficult to construct in a manner that meets ADA requirements). Neither of these options is optimal.

Staff finds that the installation of sidewalk (whether at current or future grades) would be feasible on the subject property. **NOT SUPPORTED.**

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

The roadway is a relatively low traffic volume street overall. It would be considered a residential feeder street if platted today, with an expected volume of less than 1,500 vehicles per day. The local street network does not afford convenient through access for vehicles, and therefore most traffic would be relegated to local residents and those accessing the golf course. The area is considered to be developed (assuming that the golf course remains as it is), which reduces the likelihood that future development would lead to the construction of a substantial amount of sidewalk in the vicinity of the subject property.

There is a sidewalk approximately 450 feet to the west of this lot that was constructed as part of the Landmark Hospital development. A developed single family lot separates the subject tract and the existing sidewalk. It is unlikely that the City would pursue sidewalk construction to close the gap between the subject property and the hospital unless publicly initiated. In addition, when looking at the surrounding residential area, there are no other existing sidewalks within the property's immediate neighborhood. **SUPPORTED.**

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

- Golf course to the east: Minor pedestrian generator - generally enough parking near golf course clubhouse for most events.
- Stephens Lake Park to the south: Only expected pedestrian activity would come from limited number of residential properties within neighborhood.
- Special use hospital to west: Little foot traffic to hospital expected from the east.

SUPPORTED.

After consideration of the requested variance to Section 25-48.1, staff finds that the listed factors included in Council Policy Resolution 48-06A are not adequately supported for staff to recommend approval of the requested variance. In staff's assessment, the applicant has met standards #3 and #4. Regarding standard #2, sidewalks are feasible, but construction could impact the existing drainage, which is not optimal. Clearly, the cost of constructing the sidewalk represents a small portion of the overall cost of the project, so standard #1 is not met.

As previously stated, Council granted a sidewalk variance for virtually the same property when it approved Landmark Subdivision Plat 2. Staff did not support the previous request either, and conditions do not appear to have changed since that time. While recommending that the variance be denied, staff acknowledges that it is unlikely that additional sidewalk will be constructed in the vicinity of the subject property, enabling a connection to a wider sidewalk network. However, in order for staff to

support a variance, the conditions should be such that most, if not all, of the standards set forth in the subdivision regulations are clearly met.

The Public Works Department does not object to the variance being granted, but does recommend a ten-foot sidewalk easement, located along the southern property line, be granted to the City in order to allow the City the ability to construct the sidewalk in the future if it so chooses. If the Commission considers granting the variance, staff recommends including the easement as a condition of approval. 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.

Staff has reviewed the submitted final plat and finds that the plat meets all technical requirements of the City's Subdivision Regulations. Staff supports the approval of the final plat, but does not support the approval of the requested variance.

RECOMMENDATION

Approval of the final plat of "Landmark Subdivision - Plat 3".

SUPPORTING DOCUMENTS (ATTACHED)

- Locator Maps
- "Landmark Subdivision – Plat 3" final plat
- Applicant's Variance Request
- Council Policy Resolution PR 48-06A

SITE CHARACTERISTICS

Area (acres)	3.34
Topography	Sloping downward to west, southwest
Vegetation/Landscaping	Turf, trees along west property line
Watershed/Drainage	Hinkson Creek
Existing structures	None

HISTORY

Annexation date	1906
Zoning District	R-1 (One-family Dwelling District)
Land Use Plan designation	Neighborhood District
Previous Subdivision/Legal Lot Status	Lot 2-B of Landmark Subdivision Plat 2

UTILITIES & SERVICES

Sanitary Sewer	City of Columbia
Water	City Water & Light
Fire Protection	CFD
Electric	City Water & Light

ACCESS

Country Club Drive

Location	South side of property
Major Roadway Plan	Not included in MRP
CIP projects	None
Sidewalk	Granted variance with current plat; Required with any replat

McAlester Street	
Location	North side of property
Major Roadway Plan	Not included in MRP
CIP projects	None
Sidewalk	Required

PARKS & RECREATION

Neighborhood Parks	Served by existing facilities
Trails Plan	No trails planned adjacent to property
Bicycle/Pedestrian Plan	No adjacent streets included within plan

Report prepared by Clint Smith

Approved by Patrick Zenner

FILED FOR RECORD IN BOONE COUNTY, MISSOURI
NORA DIETZEL, RECORDER OF DEEDS.

FINAL REPEAT OF A MINOR SUBDIVISION
LANDMARK SUBDIVISION - PLAT 3
CITY OF COLUMBIA, BOONE COUNTY, MISSOURI
AUGUST 11, 2015

SURVEYOR'S DESCRIPTION
A TRACT OF LAND LOCATED IN THE SOUTH HALF OF THE NORTHEAST QUARTER OF SECTION 7, TOWNSHIP 48 NORTH, RANGE 12 WEST OF THE FIFTH PRINCIPAL MERIDIAN, LOCATED IN COLUMBIA, BOONE COUNTY, MISSOURI, BEING LOT 2-B OF LANDMARK SUBDIVISION PLAT 2 AS SHOWN BY THE PLAT RECORDED IN PLAT BOOK 47, PAGE 35 OF THE RECORDS OF BOONE COUNTY AND FURTHER DESCRIBED AS FOLLOWS:
BEGINNING AT THE NORTHEAST CORNER OF SAID LOT 2-B OF LANDMARK SUBDIVISION PLAT 2; THENCE ALONG THE LINES OF SAID LOT 2-B, S 89°-29'-20" W - 346.20 FEET, THENCE, S 07°-47'-25" E - 290.57 FEET, THENCE, S 19°-36'-00" E - 133.90 FEET, THENCE, N 89°-32'-35" E - 174.18 FEET, THENCE, S 13°-52'-25" E - 194.36 FEET TO THE NORTH RIGHT-OF-WAY LINE FOR COUNTRY CLUB DRIVE AND INTERSECTING A NON-TANGENT POINT ALONG AN EXISTING CURVE; THENCE, ALONG A NON-TANGENTIAL CURVE OF RADIUS 305.86 FEET AND 111°00'00" WITH 107.56 FEET, WITH A CHORD BEARING N 42°-00'-20" E - 186.95 FEET, THENCE, N 06°-19'-00" W - 286.60 FEET, THENCE, N 00°-14'-10" E - 240.07 FEET TO THE POINT OF BEGINNING, CONTAINING 3.34 ACRES IN BOONE COUNTY, MISSOURI.

I HEREBY CERTIFY THAT I MADE A SURVEY OF THE ABOVE DESCRIBED TRACT OF LAND AND SUBDIVIDED IT AS SHOWN ON THE ATTACHED DRAWING IN ACCORDANCE WITH THE CURRENT MISSOURI MINIMUM STANDARDS FOR PROPERTY BOUNDARY SURVEYS.

C. STEPHEN HEYING, M.P.L.S. # 1991

STATE OF MISSOURI } SS
COUNTY OF BOONE }
SUBSCRIBED AND SWORN BEFORE ME, A NOTARY
PUBLIC IN AND FOR BOONE COUNTY, MISSOURI,
THIS ____ DAY OF _____, 2015.

_____, NOTARY PUBLIC
BOONE COUNTY, STATE OF MISSOURI
MY COMMISSION EXPIRES: _____

NOTES

- 1) BASIS OF BEARINGS: STEPHEN STABLES SUBDIVISION RECORDED IN PLAT BOOK 24, PAGE 21; LANDMARK SUBDIVISION PLAT 1 RECORDED IN PLAT BOOK 42, PAGE 31; AND LANDMARK SUBDIVISION PLAT 2 RECORDED IN PLAT BOOK 47, PAGE 35.
- 2) SUBJECT TO EASEMENTS OF RECORD AND OR AS FOUND IN THE FIELD.
- 3) THE DRAINAGE EASEMENT SHOWN IS FOR A STORM WATER FACILITY TO BE UTILIZED BY BOTH LOT 2-B AND 2-C OF LANDMARK SUBDIVISION PLAT 1 AS SHOWN BY THE PLAT RECORDED IN PLAT BOOK 42, PAGE 31.
THIS FACILITY WILL NOT BE MAINTAINED BY THE CITY OF COLUMBIA. A DRAINAGE EASEMENT BY SEPARATE DOCUMENT EXISTED BY THE RESPECTIVE LOT OWNERS WILL DESCRIBE THE CONDITIONS AND RESPONSIBILITY FOR MAINTENANCE OF THE FACILITY. ACCESS TO THE EASEMENT AREA IS PROVIDED ON LOT 1 OF SAID LANDMARK SUBDIVISION PLAT 1, AND IS NOT INTENDED FOR PUBLIC USE, BUT IS TO PROVIDE THE REPRESENTATIVES OF THE CITY OF COLUMBIA ACCESS TO THE DRAINAGE EASEMENT AREA FOR INSPECTION PURPOSES.
- 4) THE AVERAGED STREAM BUFFER LIMITS SHOWN ON THIS PLAT ARE INTENDED TO COMPLY WITH THE REQUIREMENTS OF ARTICLE X, CHAPTER 12A OF THE CITY OF COLUMBIA CODE OF ORDINANCES FOR A TYPE II STREAM, AS FOR THE 100-125 FEET TO 50-100 MFT (COLUMBIA, MO).
NO CONSTRUCTION IS PROHIBITED WITHIN THE INNER ZONE OF THE STREAM BUFFER, EXCEPT AS AUTHORIZED BY THE CITY OF COLUMBIA.
- 5) THIS TRACT DOES NOT LIE WITHIN THE 100 YEAR FLOOD PLAIN AS SHOWN BY FEMA/FIRM # 29019C0201A, EFFECTIVE MARCH 11, 2011.
- 6) THIS SURVEY COMPLIES WITH THE MISSOURI MAP ACCURACY STANDARDS, AND THIS PLAT MEETS OR EXCEEDS THE REQUIREMENTS OF URBAN TYPE CLASSIFICATION SURVEYS.

KNOW ALL MEN BY THESE PRESENTS:
THAT BEAR CREEK PROPERTIES, LLC IS THE SOLE OWNER OF THE ABOVE DESCRIBED TRACT OF LAND AND HAS CAUSED THE SAME TO BE SURVEYED, SUBDIVIDED, AND PLATTED AS SHOWN ON THE ATTACHED DRAWING.
EASEMENTS OF THE TYPES AND WIDTHS SHOWN ARE HEREBY DEDICATED TO THE CITY OF COLUMBIA FOR PUBLIC USE FOREVER IN THE PLACES SHOWN.

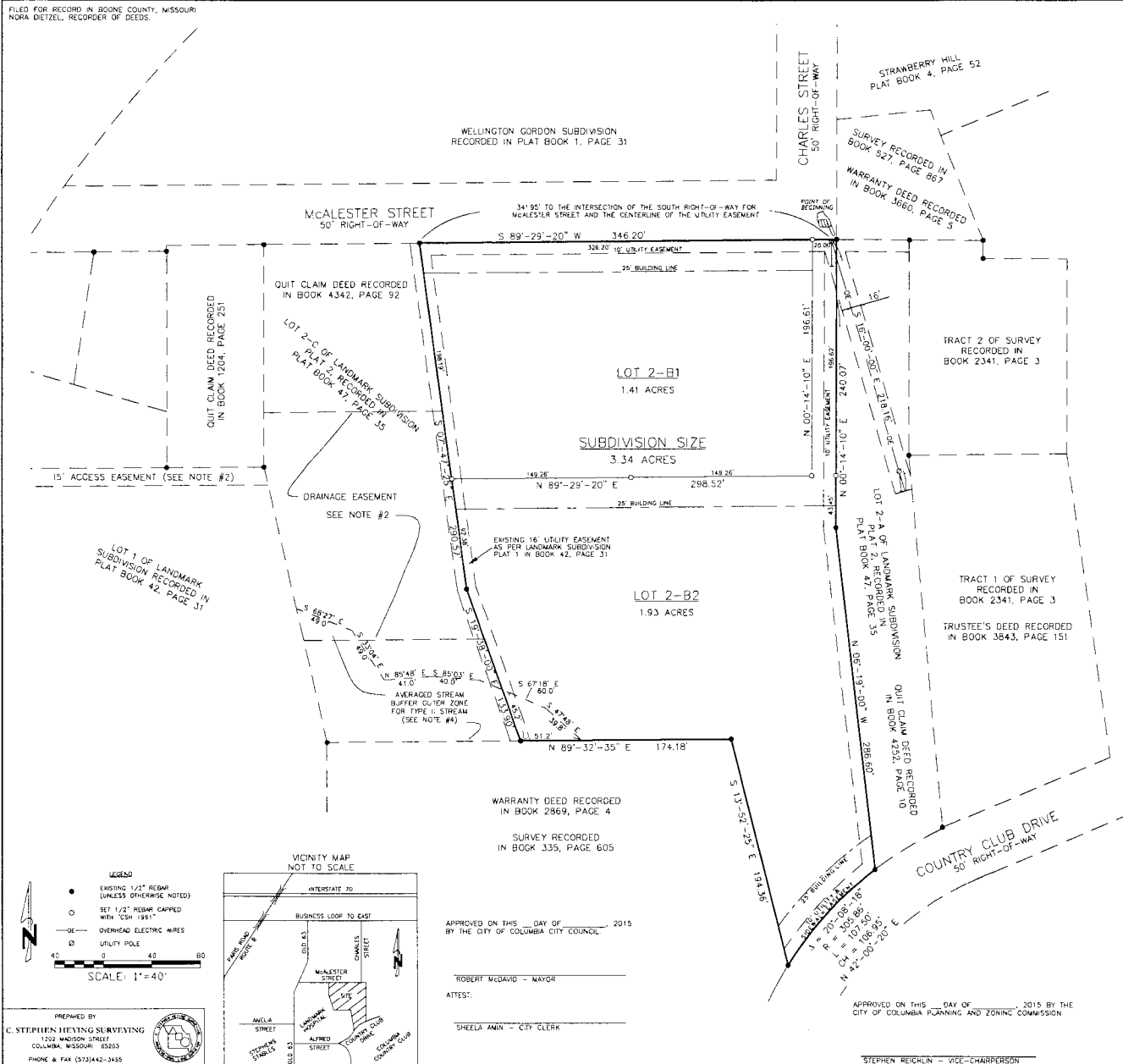
JOHN DUPUY - MANAGER

STATE OF MISSOURI } SS
COUNTY OF BOONE }

ON THIS ____ DAY OF _____, 2015, BEFORE ME, A
NOTARY PUBLIC IN AND FOR BOONE COUNTY, MISSOURI,
PERSONALLY APPEARED JOHN DUPUY, WHO BEING BY ME
DULY SHOWN, ACKNOWLEDGED TO ME THAT HE EXECUTED
THE SAME FOR THE PURPOSES THEREON STATED.

_____, NOTARY PUBLIC
BOONE COUNTY, STATE OF MISSOURI
MY COMMISSION EXPIRES: _____

STATE OF MISSOURI } SCT
COUNTY OF BOONE }



PREPARED BY:
C. STEPHEN HEYING SURVEYING
1202 MADISON STREET
COLUMBIA, MISSOURI 65203
PHONE & FAX (573) 442-3455



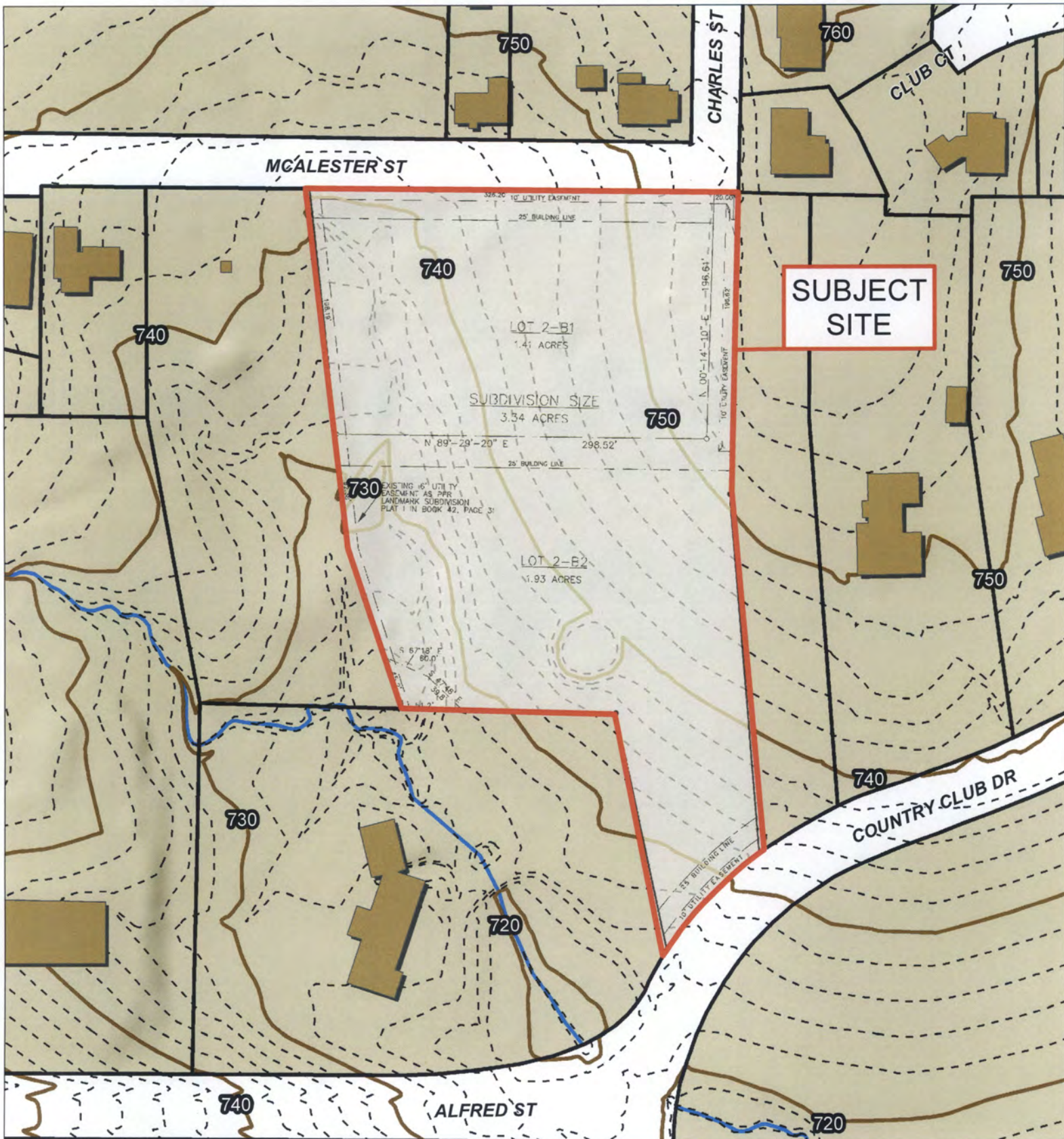
JOB #03-0805-06 KCM

APPROVED ON THIS ____ DAY OF _____, 2015
BY THE CITY OF COLUMBIA CITY COUNCIL

ROBERT McDAVID - MAYOR
ATTEST:
SHEELA ANN - CITY CLERK

APPROVED ON THIS ____ DAY OF _____, 2015 BY THE
CITY OF COLUMBIA PLANNING AND ZONING COMMISSION

STEPHEN REICHLIN - VICE-CHAIRPERSON



15-174: Landmark Subdivision Plat 3 Final Minor Plat & Variance



- 10 Foot Contour Lines
- 2 Foot Contour Lines
- Parcels
- Building Footprint





15-174: Landmark Subdivision Plat 3 Final Minor Plat & Variance



City of Columbia Zoning

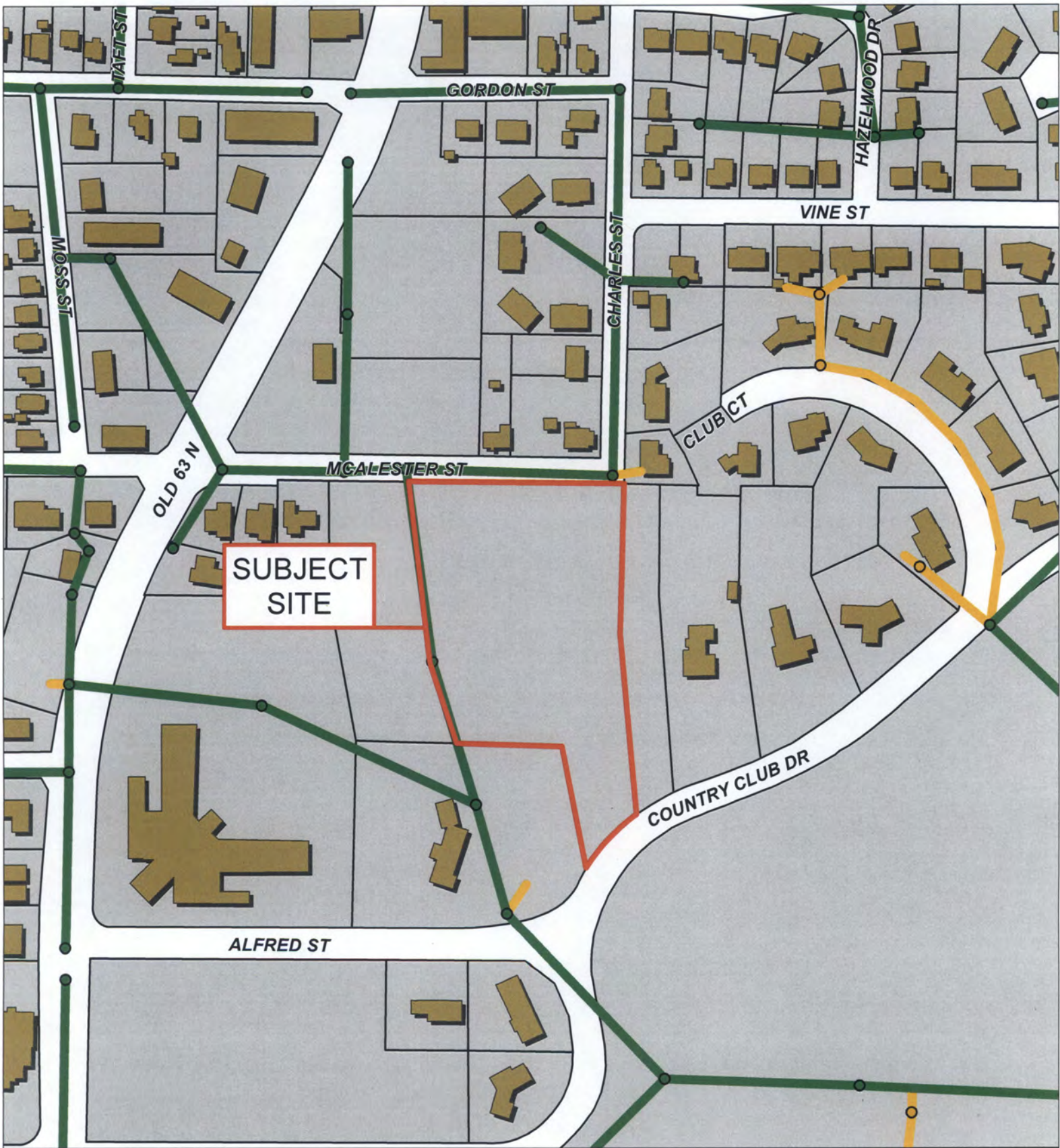


U-C Benton Stephens Urban Conservation District



Parcels





15-174: Landmark Subdivision Plat 3 Final Minor Plat & 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

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?

See attached page for explanation

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

Yes

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

Yes - see attached page for explanation

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?

No

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

N/A

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

Attached Page for Sidewalk Variance Worksheet

1. Applicant Bear Creek Properties, LLC has filed a request to replat Lot 2-B of Landmark Subdivision Plat 2 into two lots (Lots 2-B1 and 2-B2). Applicant seeks a variance eliminating the requirements for sidewalk construction along Country Club Drive. Lot 2-B has approximately 346.20 feet of frontage on McAlester Street. It additionally has approximately 107.50 feet of frontage on Country Club Drive. Country Club Drive is an unimproved street. There are no sidewalks on along any portion of Country Club Drive. Most of Country Club Drive is bounded along one side by a golf course. Applicant only requests a sidewalk variance as to Country Club Drive. The lowest quote received for the sidewalks is \$4.00 per square foot for a 5' wide sidewalk. Thus, the sidewalk along McAlester Street at 346.20' is estimated to cost at least \$12,000; however, it may run as high as \$20,000 because there is a culvert in the way. The sidewalk along Country Club Drive at 107.50' will cost at least an additional \$2,150. Once Lot 2-B is replatted into two lots, only Lot 2-B2 will have frontage along Country Club Drive.

3. There are no sidewalks along any portion of Country Club Drive. Most of Country Club Drive is bounded along one side by a golf course.

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.

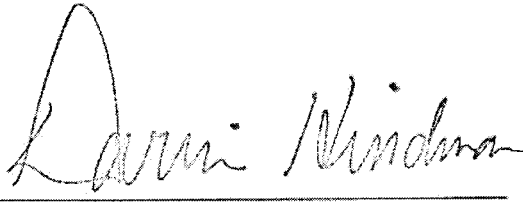
SECTION 10. This resolution replaces Policy Resolution 171-01A which is hereby repealed in its entirety.

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
AUGUST 20, 2015

Case No. 15-174

A request by C. Stephen Heying Surveying (agent) on behalf of Bear Creek Properties (owner) for approval of a two-lot final minor plat on R-1 (One-Family Dwelling District) zoned land, to be known as "Landmark Subdivision - Plat 3," and an associated variance to Section 25-48.1 to waive the requirement to construct sidewalks along Country Club Drive. The 3.34-acre subject site is located on the south side of McAlester Street, approximately 350 feet east of Old Highway 63.

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:

1. Approval of the proposed plat;
2. Denial of the requested variance from the requirement to build a sidewalk along the site's Country Club Drive frontage.

MR. REICHLIN: Any questions of staff? Seeing none. Thank you, Mr. Smith. Here again, if there's anybody in the audience who would care to share anything that will help us with our decision-making process, we welcome you to come forward. We would appreciate a brief synopsis.

MR. HEYING: My name is Steve Heying, land surveyor, and I did the prior plat and this one as well. And this is the exact same piece of sidewalk that we got the variance on when it was one lot. The lot to the north will access McAlester and the lot of the south will access Country Club Drive. It pretty well does away with a double-fronted lot. The 20-foot strip down the side is for utilities, not for access. The -- the reason for the sidewalk variance is nobody in the neighborhood wants it. This is John Dupree of Bear Creek. He's the owner of the property. He'll speak to that.

MR. DUPREE: Well, Just kind of a -- the big picture here. I don't know if you've seen the old Country Club neighborhood. It's the -- the land goes -- it doesn't have curves. It goes straight onto the street and back up, so people drive golf carts over it and that kind of stuff.

MR. REICHLIN: Excuse me.

MR. DUPREE: Yeah.

MR. REICHLIN: Let us have your name and address, please.

MR. DUPREE: Oh. John Dupree, 2264 Country Lane.

MR. REICHLIN: Thank you so much.

MR. DUPREE: That's all right. It's essentially one large golf course with a flat piece of concrete that goes down the center is how the street works. And so, it's -- it meshes with the land. If you put a sidewalk on there, you've basically broken the entire golf course method essentially. Instead of having

the rainwater coming down and sheeting onto the -- onto the thing as it's designed -- it works really well right now -- you've essentially created an artificial barrier on the ground which may, in fact, cause them to have to put curbs in and all kinds of other things. It's going to really mess up the street and the neighborhood. So it's not a minor thing. We're just -- I'm not against sidewalks, that's why we're allowing on the front. In fact, the top part is where I'm putting my house and the bottom part is where Nick is putting his. But the -- it would really mess things. In fact, it really -- we've got 100 percent of the neighbors along that street that say, no, we don't want that because it would really mess things up if it went in. And so, it's not just an anti-sidewalk thing or anything like that. It's literally it would cause a runoff issue and all kinds of problems and would mess with the lot. It would be like a little -- because it's a -- it's real narrow there. It would be like a little snake of concrete in the middle of a big well-groomed thing. Plus, as far as the purpose of a sidewalk, it's for people to walk down in. People walk down the nicely mown lane, so it's not like you can't walk down the street if it doesn't have it there.

MR. HEYING: And the -- the other thing to keep in mind is Country Club Drive is that. It goes to the Country Club. That's where it goes; it doesn't go anywhere else. It goes to a parking lot at the Country Club. It's for the Country Club. The idea with no curb and gutter and no sidewalks and the sheeting ditches is you can get back and forth across them with golf cars and walking when you're playing golf and stuff. The golf course is along Country Club Drive on the south and east sides of Country Club Drive. So that's also important to not having a chunk of sidewalk in front of this lot.

MR. REICHLIN: Thank you. Are there any questions of these speakers? Mr. Strodtman?

MR. STRODTMAN: Mr. Heying, how wide -- do you know what the width is of that lot on the Country Club Drive side? Do you know what the width is?

MR. HEYING: That's -- that's -- I had a problem with giving another ten-foot easement. Between the property line and the edge of asphalt is 16-foot. The normal cross-section in Columbia, Missouri, is a 50-foot right-of-way with a 32-foot street. That leaves nine foot of right-of-way behind the back of curb on each side of the street. In the first foot, we put the gas line, and then there's four foot back to the sidewalk. Underneath the sidewalk goes the water line, and back in the one foot behind the sidewalk is where --

MR. DUPREE: You mean the width along the road; right?

MR. HEYING: Yeah.

MR. STRODTMAN: Yeah. I mean there's the frontage on Country Club Drive. Do you know what the width of that is?

MR. HEYING: A hundred and seven feet; is that what you're talking about?

MR. DUPREE: Yeah. --

MR. STRODTMAN: It is. Okay. I see --

MR. HEYING: The length is 107.5 feet. Yeah.

MR. STRODTMAN: Thank you.

MR. REICHLIN: Is there anybody else?

MR. DUPREE: With the -- with the easement -- with the easement there, should the nature of the neighborhood change, you could put one there if you wanted, but --

MR. REICHLIN: Yeah. Okay. Great. Thank you very much. Throw this out to Commissioners. Any comments? Ms. Loe? Oh. Mr. Stanton?

MR. STANTON: I'm assuming that staff would like us to make this two parts -- vote on the -- vote on the plat and vote on the variance separately? Would that -- how you want to do it?

MR. SMITH: You could do that, I think. I think you could roll them all into one, too. I don't see why not. I mean, it's -- if you wanted to approve the -- the plat and deny the variance or vice versa. Approve the plat with the variance, I could you could make that in one motion.

MR. ZENNER: The preference of the law department would be to have them given as two separate motions to allow them to be processed one -- one resolution and one -- one ordinance.

MR. REICHLIN: Well, in that case, let's deal with the variance first. I'll entertain any comments of Commissioners or a motion regarding the approval or denial of the variance. Ms. Loe?

MS. LOE: I believe this is similar to one that has come up previously. And in that neighborhood, the lots were developed and we did not foresee sidewalks being introduced at any of the other lots. And this strikes me as similar in that it does not make a lot of sense at this time to introduce 100 linear feet of sidewalk. So I would support approving the variance.

MR. REICHLIN: Mr. Strodman?

MR. STRODTMAN: I would second.

MS. LOE: Okay. Oh, I'll move -- I'll make a movement --

MR. REICHLIN: A motion. A motion.

MS. LOE: -- a motion to do that. In the case 15-174, sorry, I can never find -- the variance to Section 25-48.1 to waive the requirement to construct sidewalks along Country Club Drive, move -- a motion to approve the variance.

MR. REICHLIN: Mr. Stanton?

MR. STANTON: I would like to add -- can you add in addition to giving the easement --

MS. LOE: With the understanding that the ten-foot easement has been included along that road.

MR. STANTON: Second that.

MR. REICHLIN: Second by Mr. Stanton. All right. May we have a roll call, please.

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

MR. STRODTMAN: Motion will be forwarded to City Council for approval.

MR. REICHLIN: Well, then do we have somebody that wants to tackle the second portion of this matter? Mr. Strodman?

MR. STRODTMAN: I'll do that. For Case 15-174, I make a recommendation for approval of a two-lot final minor plat. That's my motion.

MS. BURNS: I second that.

MR. REICHLIN: Ms. Burns, second. Have a roll call, please.

MR. STRODTMAN: Yes, sir.

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

MR. STRODTMAN: Motion for approval will be forwarded to City Council.