

Introduced by _____

First Reading _____

Second Reading _____

Ordinance No. _____

Council Bill No. B 267-13

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 south side of Richland Road (5000 E. Richland Road); setting forth conditions for approval; 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 south side of Richland Road, adjacent to Lot 201 within Lake George Plat 2 (5000 E. Richland Road).

SECTION 2. The variance and waiver from sidewalk construction described in Section 1 is subject to the conditions that the property owner shall provide, at no cost to the City, a 55-foot wide half-width right-of-way and up to a 20-foot wide temporary construction easement at such time as Richland Road is improved by the City.

SECTION 3. This ordinance shall be in full force and effect from and after its passage.

PASSED this _____ day of _____, 2013.

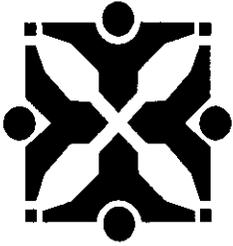
ATTEST:

City Clerk

Mayor and Presiding Officer

APPROVED AS TO FORM:

City Counselor



Source: Community Development - Planning

Agenda Item No:

To: **City Council**
From: **City Manager and Staff**

Council Meeting Date: Sep 16, 2013

Re: Lake George Plat 2 - Sidewalk Variance (Case #13-147)

EXECUTIVE SUMMARY:

A request by Alan Lynch (owner) for a variance from Section 25-48.1, which requires sidewalks to be constructed on the abutting side of any street adjacent to plats approved after January 1, 2001; and for a variance from Section 24-35 of the City Code, which requires sidewalks to be installed upon construction of new buildings on property zoned for commercial or multi-family uses that abut arterial or collector streets. The subject site is located on the south side of Richland Road, approximately 700 feet west of Bay Hills Drive, and is addressed 5000 E. Richland Road. (Case # 13-147)

DISCUSSION:

The applicant is requesting a variance from the requirement to construct sidewalk along the site's entire Richland Road frontage. The lot was platted as Lot 201, Lake George Plat 2 in 2013, after being annexation into the city with PUD-4 zoning to create a legal lot for the development of an independent and assisted care housing facility for the elderly. At this time, the owner is converting an existing single-family home on the site to accommodate elderly clients, and has long-term plans to construct additional dwellings on the site, subject to approval of a PUD development plan.

Richland Road is an unimproved arterial street. The City's FY2014 Capital Improvements Program indicates that the road will be rebuilt to an arterial street standard in six to ten years, pending \$6.5 million in funding allocation. A field survey by Public Works revealed that the existing topography would make it impractical to construct a sidewalk along the existing street frontage at this time that would not need to be replaced upon reconstruction of Richland Road in the future.

Variances from two overlapping sections of the City Code are requested:

1. Variance from Section 25-48.1, to provide relief from the requirement to construct 400 linear feet of five-foot wide sidewalk, and
2. Variance from Section 24-35 of the City Code, to provide relief from the requirement to construct public sidewalk prior to the issuance of occupancy permits for new structures on the site.

At its September 5, 2013 meeting, the Planning and Zoning Commission voted unanimously (6-0) to recommend approval of the requested variances, subject to the condition that the applicant provides, at no cost to the City, a 55-foot wide half-width right-of-way, and up to a 20-foot wide temporary construction easement at such time as Richland Road is improved by the City. The applicant has agreed to these conditions. There was limited discussion by Commissioners, and no members of the public spoke on this request.

FISCAL IMPACT:

It is anticipated that the value of the future dedication of additional right-of-way and a temporary construction easement exceeds the cost of sidewalk construction.

VISION IMPACT:

<http://www.gocolumbiamo.com/Council/Meetings/visionimpact.php>

13.1 Goal: Columbia will enjoy a safe, interconnected, non motorized transportation network. It will be culturally supported by the citizens as it will encourage social interaction and healthy lifestyles. The roadway, sidewalk, public transit, and trail systems will all tie together into an effective integrated transportation network.

13.1.3 Strategy: Give proper funding, priority, and support to repairing, connecting, and expanding the city sidewalk system. Increase the pace of sidewalk improvements.

SUGGESTED COUNCIL ACTIONS:

The Planning and Zoning Commission recommends approval of the requested variances from Section 25-48.1 of the Subdivision Regulations, and Section 24-35 of the Streets, Sidewalks and Public Places Ordinance, subject to the applicant providing, at no cost to the City, a 55-foot wide half-width right-of-way, and up to a 20-foot wide temporary construction easement at such time as Richland Road is improved by the City.

| FISCAL and VISION NOTES: | | | | | |
|---|--------|---|----|---|---------|
| City Fiscal Impact Enter all that apply | | Program Impact | | Mandates | |
| City's current net FY cost | \$0.00 | New Program/ Agency? | No | Federal or State mandated? | No |
| Amount of funds already appropriated | \$0.00 | Duplicates/Expands an existing program? | No | Vision Implementation impact | |
| Amount of budget amendment needed | \$0.00 | Fiscal Impact on any local political subdivision? | No | Enter all that apply: Refer to Web site | |
| Estimated 2 year net costs: | | Resources Required | | Vision Impact? | Yes |
| One Time | \$0.00 | Requires add'l FTE Personnel? | No | Primary Vision, Strategy and/or Goal Item # | 13.1 |
| Operating/ Ongoing | \$0.00 | Requires add'l facilities? | No | Secondary Vision, Strategy and/or Goal Item # | 13.1.3. |
| | | Requires add'l capital equipment? | No | Fiscal year implementation Task # | N/A |

**AGENDA REPORT
PLANNING AND ZONING COMMISSION MEETING
September 5, 2013**

SUMMARY

A request by Alan Lynch (owner) for a variance from Section 25-48.1, which requires sidewalks to be constructed on the abutting side of any street adjacent to plats approved after January 1, 2001; and for a variance from Section 24-35 of the City Code, which requires sidewalks to be installed upon construction of new buildings on property zoned for commercial or multi-family uses that abut arterial or collector streets. The subject site is located on the south side of Richland Road, approximately 700 feet west of Bay Hills Drive, and is addressed 5000 E. Richland Road. (Case # 13-147)

DISCUSSION

The applicant is requesting a variance from the requirement to construct sidewalk along the site's entire Richland Road frontage. The lot was platted as Lot 201, Lake George Plat 2 in 2013, after being annexation into the city with PUD-4 zoning to create a legal lot for the development of an independent and assisted care housing facility for the elderly. At this time, the owner is converting an existing single-family home on the site to accommodate elderly clients, and has long-term plans to construct additional dwellings on the site, subject to approval of a PUD development plan.

Richland Road is an unimproved arterial street. The City's FY2014 Capital Improvements Program indicates that the road will be rebuilt to an arterial street standard in six to ten years, pending \$6.5 million in funding allocation. A field survey by Public Works revealed that the existing topography would make it impractical to construct a sidewalk along the existing street frontage at this time that would not need to be replaced upon reconstruction of Richland Road in the future.

Council Policy Resolution 48-06A provides specific guidance for determining the need for a sidewalk variance 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;

The variance is being proposed to grant relief from the obligation to construct a sidewalk along the site's Richland Road frontage, which is required to be completed within three years of subdivision plat approval.

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

A significant amount of fill would be required to install the sidewalk along the existing unimproved road frontage. The future roadway will be raised to accommodate a more substantial culvert at the eastern edge of the subject site. There is a steep drop at the eastern edge of the site where an unnamed stream crosses Richland Road into the lake to the southeast, which presents an obstacle to extending the sidewalk eastward beyond the subject site's frontage.

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

Richland Road is a major arterial street, and experienced approximately 2,066 average daily trips as of the most current (2009) traffic count report. Current traffic volume is considered low, and most of the land surrounding the subject site is undeveloped.

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

Eastport Park is located approximately ½ mile east of the subject site. There are no schools located in the vicinity which could be accessed by sidewalks.

The second part of the applicant's request relates to Section 24-35 of the City Code, which requires a sidewalk to be installed along the frontage of Lot 201 prior to the issuance of permits to occupy any new structures on the lot. While no new structures are being proposed at this time, the applicant is requesting a variance from this requirement so that the future addition of dwellings to the site would not trigger the need to construct sidewalk along Richland Road.

In determining the need for the sidewalk, Section 24-35(d) provides the following factors for consideration:

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

See above.

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

Sidewalks are in place along a portion of the north side of Richland Road, adjacent to Bay Hills subdivision, approximately 700 feet east of the subject site.

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

The area is mostly undeveloped, with the exception of multi-acre farm and estate tracts, and one- and two-family subdivisions to the northeast.

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

Given the distances between the site and nearest available amenities and services, it is unlikely to generate pedestrian traffic along Richland Road.

5. The cost of constructing the sidewalk;

The cost of constructing 400 feet of sidewalk is approximately \$8,000.

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

The terrain does not present a significant challenge in this particular location.

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

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

STAFF RECOMMENDATION

Staff recommends approval of the following variances, subject to the condition that the applicant provides, at no cost to the City, a 55-foot wide half-width right-of-way, and up to a 20-foot wide temporary construction easement at such time as Richland Road is improved by the City:

1. Variance from Section 25-48.1 of the Subdivision Regulations
2. Variance from Section 24-35 of the Streets, Sidewalks and Public Places Ordinance

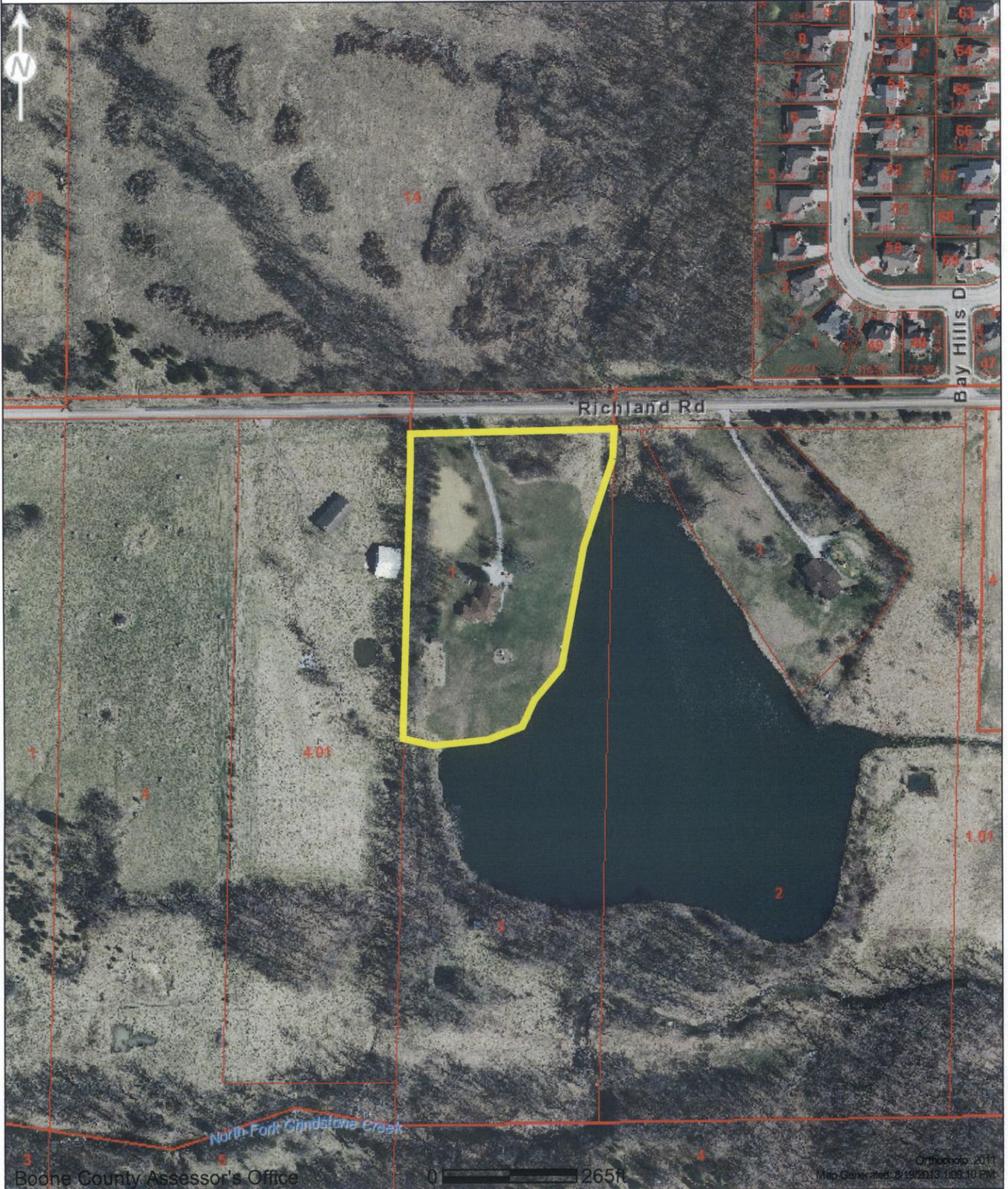
ATTACHMENTS

- Locator and topographic maps
- Lake George Plat 2

Report prepared by Steve MacIntyre; approved by Pat Zenner

Boone County Internet Parcel Map

Prepared by the Boone County Assessor's Office, (573) 886-4262



Boone County Assessor's Office

0 265ft

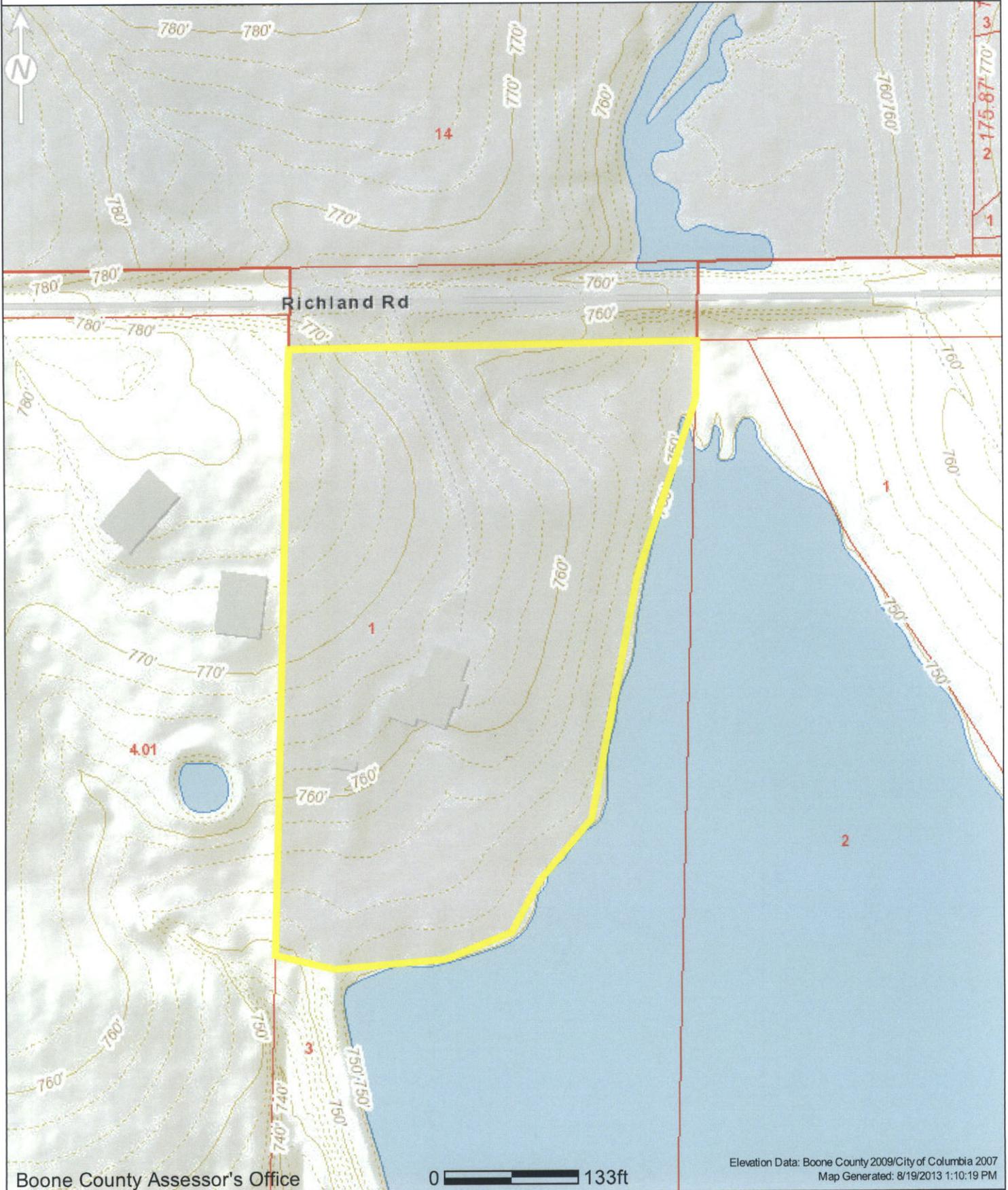
Orthophoto: 2011
Map Generated: 8/19/2013 1:09:10 PM

ATTENTION!!

DISCLAIMER; READ CAREFULLY: These maps were prepared for the inventory of real property based on the utilization of deeds, plans, and/or supportive data. In addition, map files are frequently changed to reflect changes in boundaries, lot lines and other geographic features resulting from changes in ownership, development and other causes. The existence, dimension, and location of features, as well as other information, should not be relied upon for any purpose without actual field verification. The County of Boone makes no warranty of any kind concerning the completeness or accuracy of information contained on these

Boone County Internet Parcel Map

Prepared by the Boone County Assessor's Office, (573) 886-4262



ATTENTION!!

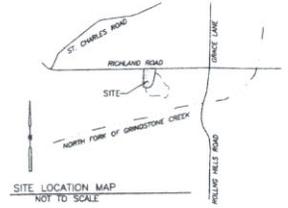
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FILED FOR RECORD, BOONE COUNTY, MISSOURI
BETHE JOHNSON, RECORDER OF DEEDS.

FINAL PLAT

LAKE GEORGE PLAT 2

OCTOBER 1, 2012
REVISED: DECEMBER 12, 2012



FILED FOR RECORD
BOONE COUNTY, MISSOURI
BETHE JOHNSON, RECORDER OF DEEDS



BEARINGS ARE REFERENCED TO GRID
NORTH FROM THE MISSOURI STATE PLANE
COORDINATE SYSTEM (CENTRAL ZONE)
FROM GPS OBSERVATIONS.

LEGEND

- IRON PIPE (UNLESS NOTED OTHERWISE)
- EXISTING 1/2" IRON PIPE (UNLESS OTHERWISE NOTED)
- S SET 1/2" IRON PIPE (UNLESS OTHERWISE NOTED)
- PERMANENT MONUMENT (5/8" REBAR W/ALUM. CAP)
- IRON PIPE
- PERMANENT MONUMENT (REC.) RECORDED MEASUREMENT
- CENTERLINE
- EXISTING OVERHEAD ELECTRIC LINE

NOTES

- THIS PLAT CONFORMS TO THE ACCURACY STANDARDS FOR URBAN PROPERTY AS DEFINED BY MISSOURI BOARD RULE 20 CSR 2030-18.04(2)(A).
- RECORD TITLE INFORMATION FOR THIS PLAT WAS PROVIDED BY BOONE-CENTRAL TITLE COMPANY, COMMITMENT NO. 0513851, DATED JULY 6, 2005.
- THESE TRACTS MAY BE SUBJECT TO THE FOLLOWING EASEMENTS: GAS LINE EASEMENTS IN BOOK 184, PAGES 621 & 632; ELECTRIC EASEMENTS IN BOOK 218, PAGES 148 & 149 AND BOOK 437, PAGE 758; 10' WATERLINE EASEMENT IN BOOK 356, PAGE 661; WATERLINE EASEMENT IN BOOK 356, PAGE 26; 20' WATERLINE EASEMENTS IN BOOK 309, PAGE 679, BOOK 641, PAGE 476 AND BOOK 1459, PAGE 879. THE EASEMENTS ARE EITHER BLANKET OR "AS INSTALLED" EASEMENTS AND CANNOT BE LOCATED.

STREAM BUFFER STATEMENT

THIS PLAT IS NOT REGULATED BY THE CITY OF COLUMBIA STREAM BUFFER REQUIREMENTS OF ARTICLE X AFFORDING TO CHAPTER 12A-232 OF THE CITY OF COLUMBIA'S CODE OF ORDINANCES.

FLOOD PLAN STATEMENT

THIS TRACT IS NOT LOCATED WITHIN A SPECIAL FLOOD HAZARD AREA (SFHA) AS SHOWN BY THE FLOOD INSURANCE RATE MAP, COMMUNITY PANEL NUMBER 29019C02850, DATED MARCH 17, 2011.

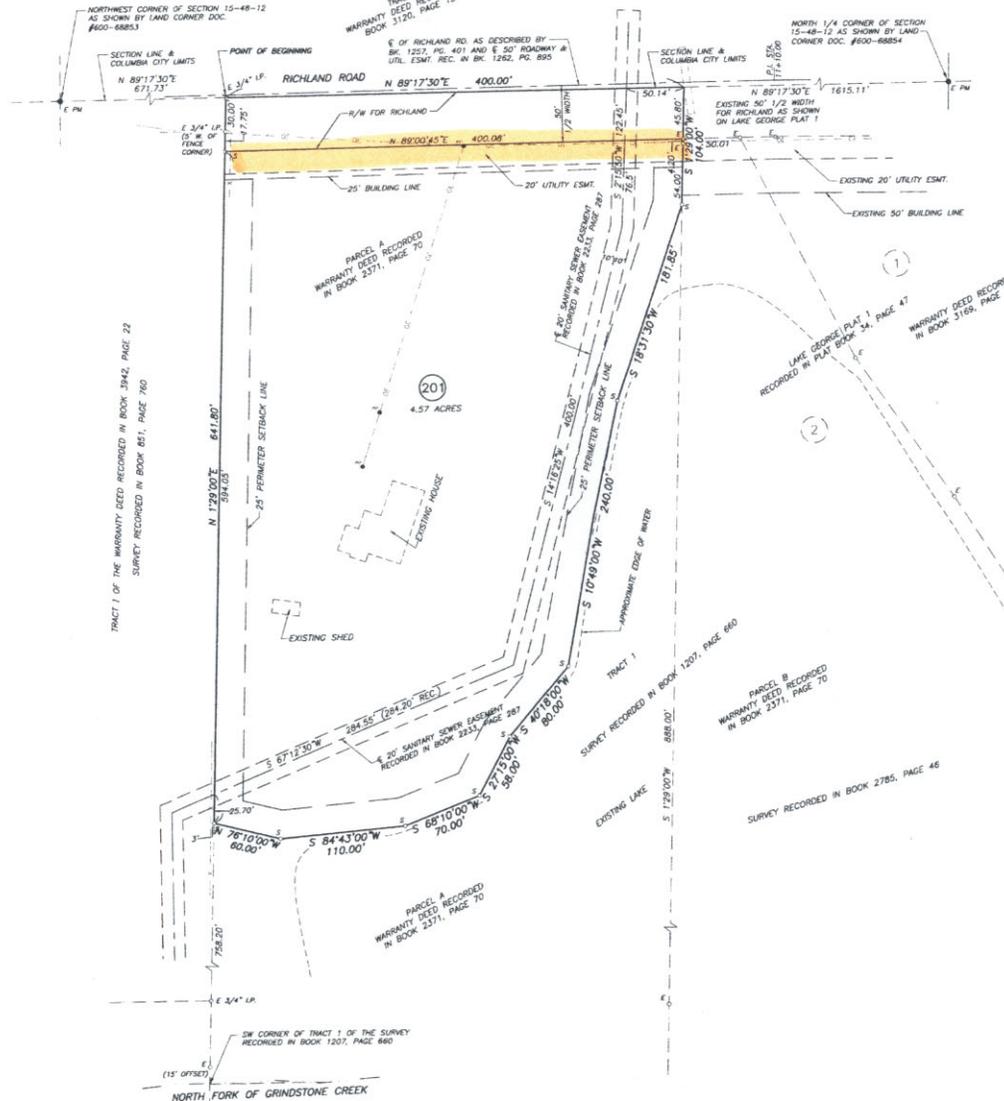
APPROVED BY THE CITY OF COLUMBIA PLANNING AND ZONING THIS 14TH DAY OF January, 2013.

Doug Wheeler
DOUG WHEELER, CHAIRPERSON

APPROVED BY THE COLUMBIA CITY COUNCIL THIS 10TH DAY OF January, 2013.

Robert McDavid
ROBERT MCDAVID, MAYOR

Sheela Amin
SHEELA AMIN, CITY CLERK



KNOW ALL MEN BY THESE PRESENTS

THE DALE-JEANNE POWELL TRUST, BEING SOLE OWNER OF THE BELOW DESCRIBED TRACT, HAS CAUSED THE SAME TO BE SUBDIVIDED AS SHOWN ON THIS PLAT.

IN WITNESS WHEREOF, L. JEANNE POWELL, TRUSTEE OF THE DALE-JEANNE POWELL TRUST HAS CAUSED THESE PRESENTS TO BE SIGNED.

EASEMENTS, OF THE TYPES AND AT THE LOCATIONS AS SHOWN, ARE HEREBY DEDICATED TO THE CITY OF COLUMBIA FOR PUBLIC USE FOREVER.

RIGHT-OF-WAY FOR RICHLAND ROAD IS HEREBY DEDICATED TO THE CITY OF COLUMBIA FOR PUBLIC USE FOREVER.

DALE-JEANNE POWELL TRUST

L. Jeanne Powell, Trustee
L. JEANNE POWELL, TRUSTEE

STATE OF MISSOURI } SS
COUNTY OF BOONE }

ON THIS 14TH DAY OF January, IN THE YEAR 2013, BEFORE ME, MARLA E. OGLESBY, A NOTARY PUBLIC IN AND FOR SAID STATE, PERSONALLY APPEARED: L. JEANNE POWELL, TRUSTEE OF THE DALE-JEANNE POWELL TRUST, KNOWN TO ME TO BE THE PERSON WHO EXECUTED THE WITHIN FINAL PLAT AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME FOR THE PURPOSES THEREIN STATED.

Marla E. Oglesby
MARLA E. OGLESBY, NOTARY PUBLIC
MY COMMISSION #12490596
EXPIRES FEBRUARY 28, 2016

MARLA E. OGLESBY
Notary Public - Notary Seal
State of Missouri
County of Boone
Commission # 12490596

CERTIFICATION

A TRACT OF LAND LOCATED IN THE NORTHWEST QUARTER OF SECTION 15, TOWNSHIP 43 NORTH, RANGE 12 WEST, BOONE COUNTY, MISSOURI, BEING THE NORTH PART OF TRACT 2 OF THE SURVEY RECORDED IN BOOK 1207, PAGE 660 AND BEING PART OF PARCEL A OF THE WARRANTY DEED RECORDED IN BOOK 2371, PAGE 70 AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION 15-48-12; THENCE WITH THE NORTH SECTION LINE, N89°17'30"E, 671.73 FEET TO THE NORTHWEST CORNER OF SAID TRACT 1 AND THE POINT OF BEGINNING;

THENCE FROM THE POINT OF BEGINNING, CONTAINING N89°17'30"E, 400.00 FEET TO THE NORTHEAST CORNER OF SAID TRACT 1; THENCE LEAVING SAID SECTION LINE AND WITH THE EAST LINE OF TRACT 1, S1°29'00"W, 104.00 FEET; THENCE LEAVING SAID EAST LINE, S18°31'30"W, 181.85 FEET; THENCE S10°49'00"W, 240.00 FEET; THENCE S40°18'00"W, 80.00 FEET; THENCE S27°15'00"W, 58.00 FEET; THENCE S88°10'00"W, 70.00 FEET; THENCE S84°43'00"W, 110.00 FEET; THENCE N76°10'00"W, 80.00 FEET TO THE WEST LINE OF SAID TRACT 1; THENCE WITH SAID WEST LINE, N1°29'00"E, 641.80 FEET TO THE POINT OF BEGINNING AND CONTAINING 5.00 ACRES.

I HEREBY CERTIFY THAT I SURVEYED THE DESCRIBED PROPERTY AND SUBDIVIDED IT AS SHOWN ON THIS PLAT IN ACCORDANCE WITH THE CURRENT MISSOURI MINIMUM STANDARDS FOR PROPERTY BOUNDARY SURVEYS.

SURVEY AND PLAT BY
James R. Jeffries
JAMES R. JEFFRIES
JAN 15 2013
DATE

STATE OF MISSOURI } SS
COUNTY OF BOONE }

SUBSCRIBED AND AFFIRMED BEFORE ME THIS 15TH DAY OF January, 2013.
Marla E. Oglesby
MARLA E. OGLESBY, NOTARY PUBLIC
MY COMMISSION #12490596
EXPIRES FEBRUARY 28, 2016

Recorded in Boone County, Missouri
Date and Time 02/19/2013 - 03:08:49 PM
Instrument # 2013004090 Book 47 Page 9
Grantor POWELL, DALE-JEANNE TRUST THE
Grantee LAKE GEORGE PLAT 2

Instrument Type PLAT
Recording Fee \$88.00
No. of Pages 1
Bethe Johnson, Recorder of Deeds

FILED FOR RECORD
BOONE COUNTY, MISSOURI
BETHE JOHNSON, RECORDER OF DEEDS

JAN 15 2013
DATE

**EXCERPTS
PLANNING AND ZONING COMMISSION
SEPTEMBER 5, 2013**

IV.) SUBDIVISIONS

13-147 A request by Alan Lynch (owner) for a variance from Section 25-48.1, which requires sidewalks to be constructed on the abutting side of any street adjacent to plats approved after January 1, 2001; and for a variance from Section 24-35 of the City Code, which requires sidewalks to be installed upon construction of new buildings on property zoned for commercial or multi-family uses that abut arterial or collector streets. The subject site is located on the south side of Richland Road, approximately 700 feet west of Bay Hills Drive, and is addressed 5000 E. Richland Road.

MR. WHEELER: May we have a Staff report, please.

Staff report was given by Mr. Steven MacIntyre of the Planning and Development Department. Staff recommends approval of the following variances, subject to the condition that the applicant provides, at no cost to the City, a 55-foot wide half-width right-of-way, and up to a 20-foot wide temporary construction easement at such time as Richland Road is improved by the City:

1. Variance from Section 25-48.1 of the Subdivision Regulations
2. Variance from Section 24-35 of the Streets, Sidewalks and Public Places Ordinance.

MR. WHEELER: Are there any questions of Staff?

MR. STRODTMAN: I have just a quick one. Did you do the -- what's the difference between the cost of the right-of-way versus the sidewalk, what the cost of the applicant would be?

MR. MACINTYRE: The cost is roughly calculated at \$20 per lineal foot for sidewalk. That's probably a gross underestimation of the value.

UNIDENTIFIED SPEAKER: Especially here.

MR. MACINTYRE: Correct. In this case we did not do a direct comparison, and it's difficult to parse out what exactly the cost would be when they do a full road construction.

MR. STRODTMAN: But the assumption would be that the right-of-way is probably more expensive than the sidewalk.

MR. MACINTYRE: I would say that there is a good chunk of value in that additional right-of-way and certainly it's very likely worth more than the sidewalk, as well as the temporary construction easements to accommodate that. That's something usually the City would be -- would require and pay for.

MR. STRODTMAN: Right. I assumed that it would be a better deal for the City to acquire the right-of-way versus requiring the applicant to put the money -- you know, the fund to future sidewalk.

MR. MACINTYRE: I certainly agree.

MR. STRODTMAN: Thank you.

MR. WHEELER: Are there any other questions of Staff? Do you have your agreement worked out with the developer or do we need to make that a portion of our recommendation?

MR. MACINTYRE: It should be as part of your recommendation, if you don't mind.

MR. WHEELER: Very good. This is not a public hearing, but it has been our practice if you have any tidbits of -- or information that would be valuable for us in our consideration. Seeing none. All right. Commissioners, discussion?

MR. VANDER TUIG: It seems pretty straightforward. I don't think we'd ever go against Staff's recommendation for a sidewalk variance approval, and their conditions seem reasonable as well, so I'll support both. Want to make a motion? I will make a motion for the approval of Case 13-147, for the variances from Section 25-48.1 and 24-35, located at 5000 E. Richland Road, with the condition that at no cost to the City, a 55-foot width right-of-way -- half-width right-of-way and up to a 20-foot wide temporary construction easement is granted to the City -- and the 20-foot width construction easement at the time of the improvements to Richland Road.

MR. WHEELER: Motion's been made. Mr. Strodman?

MR. STRODTMAN: I'll second it.

MR. WHEELER: Motion has been made and seconded. Any discussion on the motion? When you're ready. You might not want to repeat all that.

MR. VANDER TUIG: As stated --

Roll Call Vote (Voting "yes" is to recommend approval.) Voting Yes: Mr. Lee, Mr. Reichlin, Mr. Stanton, Mr. Strodman, Mr. Vander Tuig, Mr. Wheeler. Motion carries 6-0.

MR. WHEELER: All right. Recommendation for approval will be forwarded to City Council.