

City of Columbia

701 East Broadway, Columbia, Missouri 65201



Agenda Item Number: B 324-14

Department Source: Community Development - Planning

To: City Council

From: City Manager & Staff

Council Meeting Date: October 20, 2014

Re: JMJ Enterprises, LLC - sidewalk variance (Case #14-165)

Documents Included With This Agenda Item

Council memo, Resolution/Ordinance.

Supporting documentation includes: Commission report (including locator maps, plat, and sidewalk policy resolution), and meeting excerpts

Executive Summary

If approved, a variance would be granted from Section 25-48 of the Subdivision Regulations to waive the requirement that sidewalk be constructed along the subject site's Lake Valley Lane frontage. The subject site, which was platted in 1999, is located on the west side of Lake Valley Lane, and addressed 4805 Lake Valley Lane. (Case #14-165)

Discussion

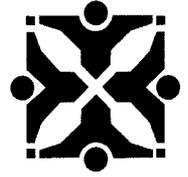
The property owner is requesting a variance from Section 25-48 of the Subdivision Regulations to waive the requirement that sidewalk be constructed along the subject site's Lake Valley Lane frontage. Sidewalks are in place along the west side of Lake Valley Lane, extending from Southampton Drive to the north side of the subject site. There is no sidewalk along either side of Lake Valley Lane to the south of the subject property or along Cedar Lake Drive, which extends eastward from Lake Valley Lane.

This request follows a 1999 Administrative Replat of Lots 1538, 1538A and 1541 of the Highlands, which resulted in the R-1 (One-Family Dwelling) zoned subject lot being reconfigured in its current form. A single-family home was subsequently built on the subject lot; however, a certificate of occupancy has not been issued, in part because the sidewalk has not been installed.

Council Policy Resolution PR 48-06A provides further guidance for weighing the merits of sidewalk variance requests along unimproved streets (i.e., streets without curbs and gutters) such as Lake Valley Lane. There are physical challenges associated with terrain, which are directly related to the drainage structures adjacent to the subject site. While the cost of altering existing drainage features to accommodate a sidewalk is unknown, staff believes that it would be substantially more expensive than the estimated \$3,300 cost of a standard sidewalk installation. Furthermore, the site is not on a major pedestrian route, and there are no parks, schools, or other major pedestrian generators for which the sidewalk would provide access.

City of Columbia

701 East Broadway, Columbia, Missouri 65201



At its meeting on October 9, 2014, the Planning and Zoning Commission voted 7-1 to recommend approval of the proposed variance. The dissenting commissioner expressed concern that the use of the subject site as a daycare increased the need for a sidewalk at this location. No members of the public spoke against this request.

A copy of the Planning and Zoning Commission staff report, including locator maps, plat, policy resolution, and meeting excerpts are attached.

Fiscal Impact

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

Long-Term Impact: If Lake Valley Lane is reconstructed and a sidewalk is constructed along the subject site's frontage, the City retains the option of tax-billing the property owner for the cost of the sidewalk improvement.

Vision & Strategic Plan Impact

Vision Impact: N/A

Strategic Plan: N/A

Comprehensive Plan Impact: N/A

Suggested Council Action

Approval of the proposed variance

Legislative History

An administrative replat of the property was approved in 1999.



Department Approved



City Manager Approved

Introduced by _____

First Reading _____

Second Reading _____

Ordinance No. _____

Council Bill No. B 324-14

AN ORDINANCE

granting a variance from the Subdivision Regulations regarding construction of a sidewalk along a portion of the west side of Lake Valley Lane (4805 Lake Valley Lane); 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 Section 25-48.1 of the Subdivision Regulations so that sidewalks shall not be required along a portion of the west side of Lake Valley Road, adjacent to Lot 1538B within the Administrative Replat of Lots 1538, 1538A and 1541 of The Highlands Plat 15-C (4805 Lake Valley Lane).

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

PASSED this _____ day of _____, 2014.

ATTEST:

City Clerk

Mayor and Presiding Officer

APPROVED AS TO FORM:

City Counselor



SUPPORTING DOCUMENTS INCLUDED WITH THIS AGENDA ITEM ARE AS FOLLOWS:

Commission report (including locator maps, plat, and policy resolution), and meeting excerpts

**AGENDA REPORT
PLANNING AND ZONING COMMISSION MEETING
October 9, 2014**

SUMMARY

A request by JMJ Enterprises, LLC (owner) for approval of a variance from Section 25-48 of the Subdivision Regulations, which requires a five-foot wide sidewalk to be constructed along the street frontage of all lots platted prior to January 1, 2001. The subject site, which was platted in 1999, is located on the west side of Lake Valley Lane, and addressed 4805 Lake Valley Lane. (Case #14-165)

DISCUSSION

The property owner is requesting a variance from Section 25-48 of the Subdivision Regulations to waive the requirement that sidewalk be constructed along the subject site's Lake Valley Lane frontage. Sidewalks are in place along the west side of Lake Valley Lane, extending from Southampton Drive to the north side of the subject site. There is no sidewalk along either side of Lake Valley Lane to the south of the subject property or along Cedar Lake Drive, which extends eastward from Lake Valley Lane.

This request follows a 1999 Administrative Replat of Lots 1538, 1538A and 1541 of the Highlands, which resulted in the R-1 (One-Family Dwelling) zoned subject lot being reconfigured in its current form. A single-family home was subsequently built on the subject lot; however, a certificate of occupancy has not been issued, in part because the sidewalk has not been installed.

Section 25-20 of the Subdivision Regulations provides criteria by which variances and exceptions to the Subdivision Regulations should be evaluated. Specifically, Section 25-20 states where undue hardships or practical difficulties may result from strict compliance with the Subdivision Regulations, the Commission may recommend and the City Council may approve variances provided that the following conditions have been 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.

Residential uses typically generate considerable levels of pedestrian traffic. While not existing at this time, the provision of sidewalks along Lake Valley Lane would increase public safety, health and welfare by accommodating separation of pedestrians and motor vehicles, thereby reducing the likelihood of injuries occurring from automobile-pedestrian conflicts.

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

There are unique topographical conditions related to drainage structures associated with the subject site.

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

The subject site is encumbered by drainage swales, berms, and inlets that are necessary to prevent flooding and property damage of nearby residential homes. The locations of these drainage structures prevent a standard street sidewalk from being installed within the right-of-way. While routing the sidewalk through the property's front yard would avoid these obstacles, this alternative option would displace private landscaping and result in a loss of privacy to the homeowner.

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

The sidewalk variance request does not appear to abrogate the provisions of the comprehensive plan.

Council Policy Resolution PR 48-06A provides further guidance for weighing the merits of sidewalk variance requests along unimproved streets (i.e., streets without curbs and gutters) such as Lake Valley Lane. The Resolution considers construction costs, terrain challenges, development density, and pedestrian generators.

As identified above, there are physical challenges associated with terrain, which are directly related to the drainage structures adjacent to the subject site. While the cost of altering existing drainage features to accommodate a sidewalk is unknown, staff believes that it would be substantially more expensive than the estimated \$3,300 cost of a standard sidewalk installation. Furthermore, the site is not on a major pedestrian route, and there are no parks, schools, or other major pedestrian generators for which the sidewalk would provide access.

Given the above factors it appears that the criteria of PR 48-06A necessary to support the requested variance have been achieved. It should be further noted that approval of the requested variance does not limit the City's ability to tax bill the applicant for sidewalk installation at a later date should the City determine that a sidewalk is necessary along the currently unimproved portions of Lake Valley Lane.

STAFF RECOMMENDATION

Approval of the proposed variance from Section 25-48 of the Subdivision Regulations

ATTACHMENTS

- Letter from the applicant
- Locator and topographic maps
- Administrative Replat of Lots 1538, 1538A and 1541 of the Highlands
- Council Policy Resolution PR 48-06A

Report prepared by Steve MacIntyre; Approved by Pat Zenner

Rod Satterlee
4805 Lake Valley Ln
Columbia, Mo. 65203

August 22, 2014

Steve MacIntyre
City Of Columbia
Planning Department

Dear Steve,

This letter is a formal request for a sidewalk variance for the residence located at 4805 Lake Valley Ln.

I totally agree with your assessment that there are several physical challenges to constructing a sidewalk along the frontage of the lot. My reasons for requesting a variance are presented below.

There are two major areas of concern; the first involves a drainage ditch and a storm water berm along the north property line that directs water flow between the lots. Removal of part of the berm to accommodate a sidewalk would compromise the waterway. Construction of a sidewalk over the berm could easily create a hazard for pedestrians. The second area is the confluence of two drainage ditches along Lake Valley Ln and an 18" culvert that drains part of Forum Blvd. These three waterways converge close to a culvert that goes under Lake Valley Ln that drains to Cedar Lake. As this large area of drainage is rip rapped with very large rocks to help stabilize the ground, a sidewalk running adjacent to this area would easily constitute a hazard for pedestrians and bicyclists. There is also the issue of the sidewalk abruptly ending at the south lot line since the lots further south do not require any further construction of walkways.

Last week I met with 5th Ward Council woman Laura Nauser at the lot site. After showing her the areas mentioned above, I believe she also thinks there are valid reasons for requesting a sidewalk variance.

I am including a site map of the subject lot. I have calculated the cost of construction of the sidewalk to be \$3389.00, (135.56'x\$25). Thank you for your consideration in this matter. Please keep me posted as to the progress of this request.

Sincerely,



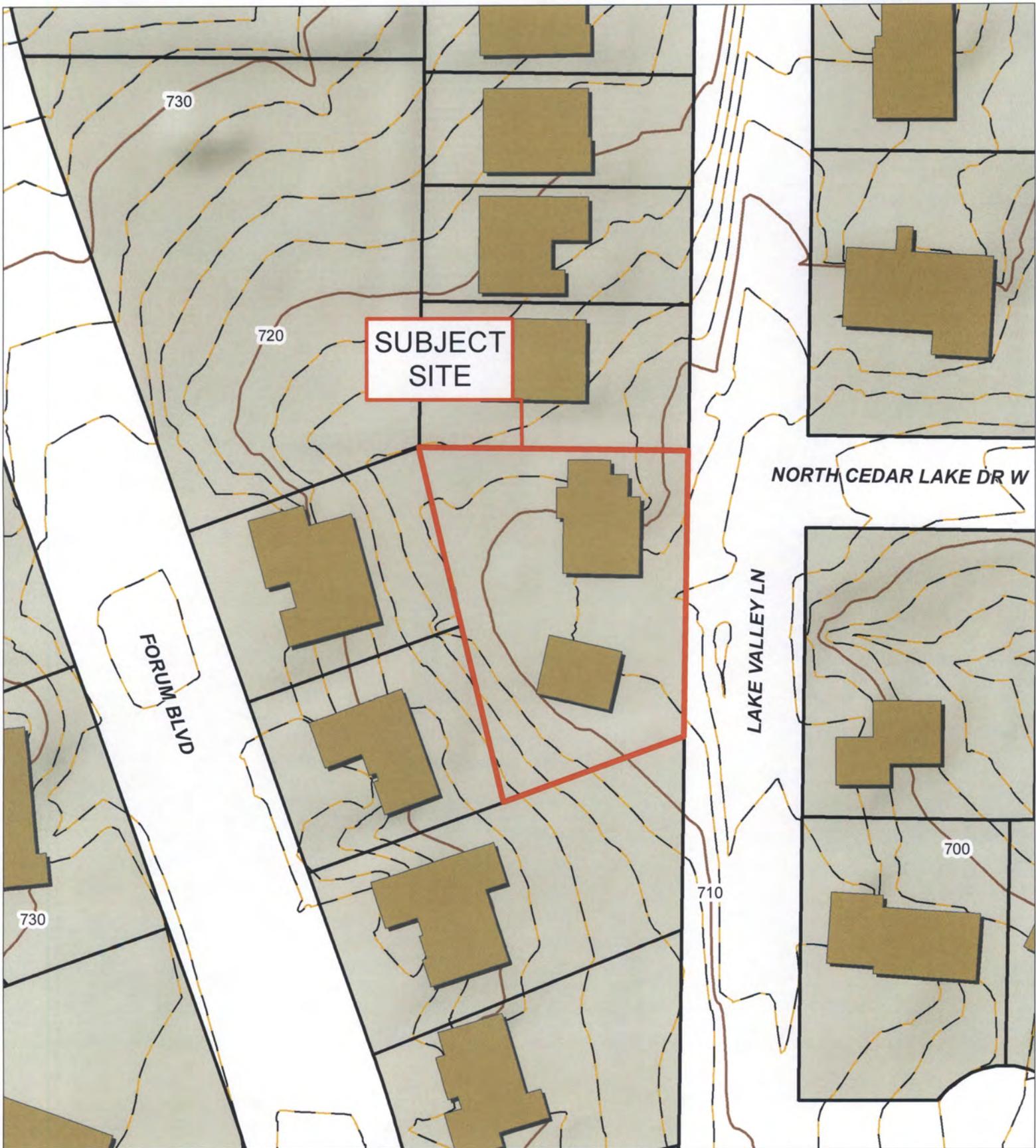


SUBJECT SITE

14-165: Lake Valley Lane Variance

- City of Columbia Zoning
- Parcels





14-165: Lake Valley Lane Variance



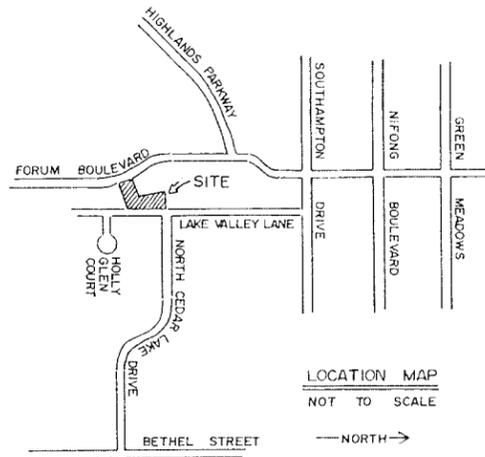
- 10 Foot Contour Lines
- 2 Foot Contour Lines
- ▭ Parcels
- Building Footprint



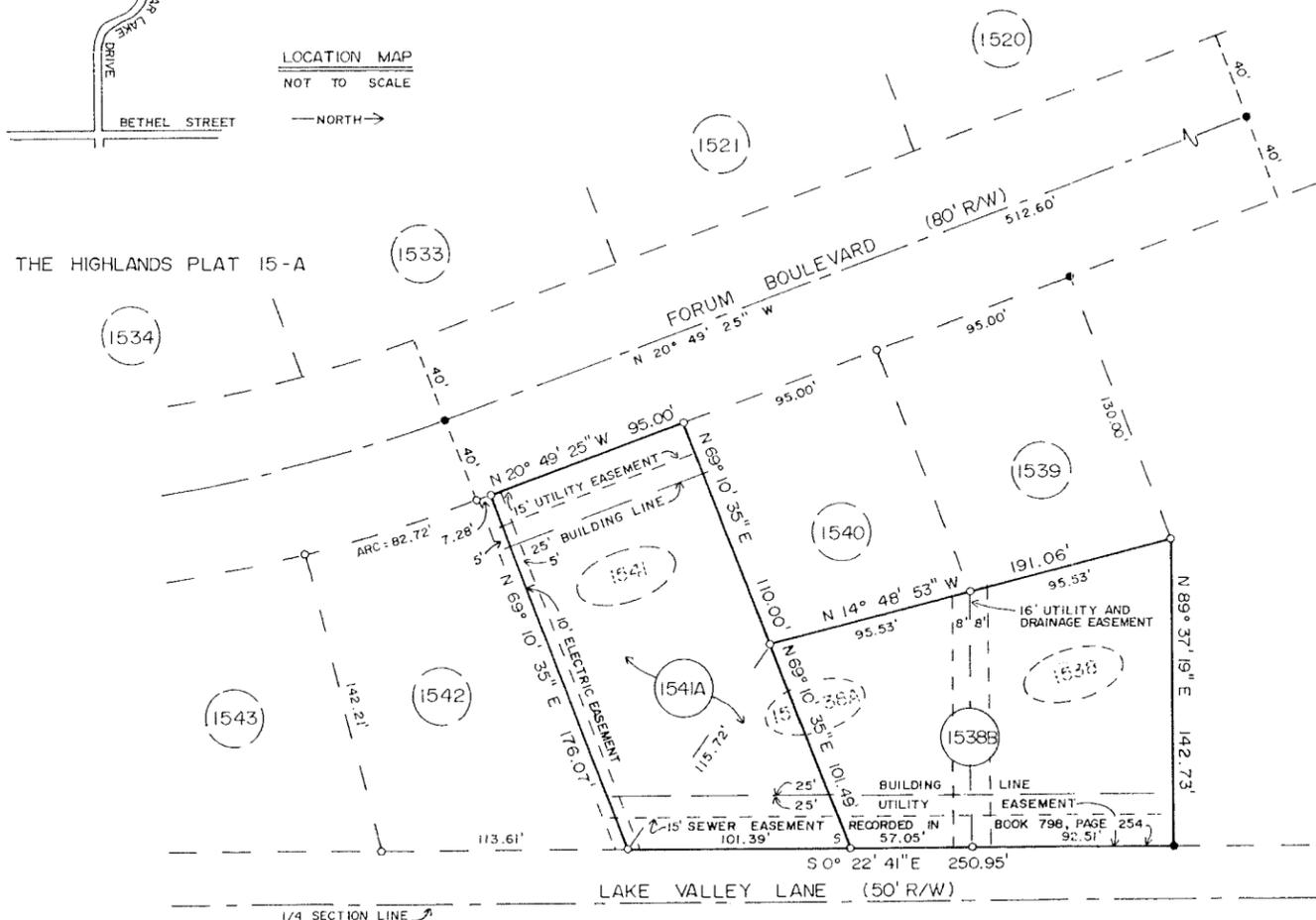
FILED FOR RECORD ON June 8, 1999, AT 1:25 O'CLOCK P.M IN BOONE COUNTY, MISSOURI
 DOCUMENT NO. 14469 RECORDED IN BOOK 1534, PAGE 561. BETTIE JOHNSON, RECORDER OF DEEDS

ADMINISTRATIVE REPLAT OF LOTS 1538, 1538A AND 1541 OF THE HIGHLANDS PLAT 15-C

561

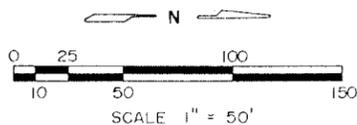


THE HIGHLANDS PLAT 15-B



LEGEND

- EXISTING IRON PIPE, UNLESS OTHERWISE SHOWN AS SET
- ⊙ SET
- EXISTING PERMANENT MONUMENT



A SUBDIVISION OF A TRACT OF LAND LOCATED IN THE SOUTHWEST QUARTER OF SECTION 35, TOWNSHIP 48 NORTH, RANGE 13 WEST, COLUMBIA, BOONE COUNTY, MISSOURI, BEING LOTS 1538, 1538A, AND 1541 OF THE HIGHLANDS PLAT 15-C AS SHOWN ON THE PLAT RECORDED IN PLAT BOOK 28, PAGE 80 OF THE BOONE COUNTY, MISSOURI RECORDS. SAID LOTS CONTAIN 0.89 ACRE.

BEARINGS ARE BASED ON THE LINES OF THE HIGHLANDS PLAT 15-C AS SHOWN IN PLAT BOOK 28, PAGE 80 OF THE BOONE COUNTY, MISSOURI RECORDS.

ON THIS DATE, THE FLOOD INSURANCE RATE MAP COMMUNITY-PANEL NUMBER 290036 0019 C, REVISED AUGUST 16, 1995, WAS REVIEWED. THE REVIEW SHOWED THAT THE HIGHLANDS PLAT 15-C, COLUMBIA, MISSOURI, WAS NOT IN ANY DESIGNATED FLOOD HAZARD AREA.

THE RESULTS OF THE SURVEY OF THIS URBAN PROPERTY, MADE FOR JOHN R. SATTERLEE AND GARY L. MEYERPEITER, AND EXECUTED IN ACCORDANCE WITH THE CURRENT MISSOURI MINIMUM STANDARDS FOR PROPERTY BOUNDARY SURVEYS, ARE SHOWN ON THIS PLAT.

SURVEY AND PLAT BY MARSHALL ENGINEERING & SURVEYING

Timothy D. Caphart
 TIMOTHY D. CAPHART
 REGISTERED LAND SURVEYOR
 L.S. #2502



SUBSCRIBED AND SWORN BEFORE ME, A NOTARY PUBLIC IN AND FOR BOONE COUNTY, MISSOURI, THIS 28th DAY OF MAY, 1999.

MY COMMISSION EXPIRES NOVEMBER 20, 2002.

William L. Marshall
 WILLIAM L. MARSHALL
 NOTARY PUBLIC



APPROVED TO BE RECORDED INTO LOTS 1538A AND 1541A, PER SECTIONS 26-31 AND 25-32 OF THE SUBDIVISION REGULATIONS OF THE CITY OF COLUMBIA, MISSOURI, THIS 8 DAY OF JUNE, 1999.

Lowell B. Patterson
 LOWELL B. PATTERSON
 DIRECTOR OF PUBLIC WORKS

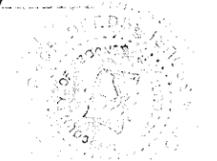
STATE OF MISSOURI }
 COUNTY OF BOONE } SS

Doc # 14469

I, THE UNDERSIGNED, DO HEREBY CERTIFY THAT THIS PLAT WAS FILED FOR RECORD IN THE OFFICE OF THE RECORDER OF DEEDS OF BOONE COUNTY, MISSOURI, THIS 8th DAY OF JUNE, 1999, AT 1:25 O'CLOCK P.M. AND RECORDED IN BOOK 1534, PAGE 561.

BETTIE JOHNSON - RECORDER OF DEEDS

Carol Green
 Carol Green
 DEPUTY RECORDER OF DEEDS



H-42

H-42

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.

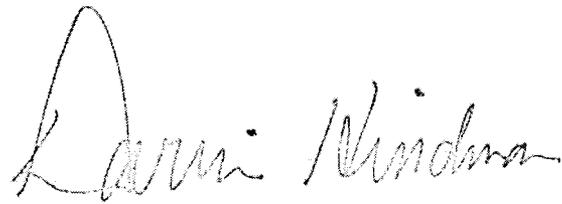
SECTION 10. This resolution replaces Policy Resolution 171-01A which is hereby repealed in its entirety.

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
OCTOBER 9, 2014

V) SUBDIVISION

Case No. 14-165

A request by JMJ Enterprises, LLC (owner) for approval of a variance from Section 25-48 of the Subdivision Regulations, which requires a five-foot-wide sidewalk to be constructed along the street frontage of all lots platted prior to January 1, 2001. The subject site, which was platted in 1999, is located on the west side of Lake Valley Lane, and addressed 4805 Lake Valley Lane.

Staff report was given by Mr. Steve MacIntyre of the Planning and Development Department. Staff recommends approval of the variance.

MR. REICHLIN: Are there any questions of Staff? Mr. Strodman?

MR. STRODTMAN: If we denied this request and required a sidewalk, and a sidewalk was installed, would the home to the south -- I believe that it is the rear of their property. If that house was to change in any way -- it would need permits or anything done to it -- would a sidewalk be required for that property in the rear?

MR. MacINTYRE: Yes, it would be, by the Section, the same --

MR. STRODTMAN: The same scenario. So even though there is not a sidewalk south of them now, in theory, there might -- there could be?

MR. MacINTYRE: Absolutely.

MR. STRODTMAN: Because there is no sidewalks on the Forum Boulevard side of those homes. Correct -- on the back?

MR. MacINTYRE: No, not on the back. And those are mostly double-fronting lots that front -- are oriented toward Forum. On the rear-yard side, there is a -- this photo captures a bit of it -- quite a bit of scrub brush, trees, et cetera, and that open ditch. So there would need to be some clearing, certainly, but, you know, a sidewalk could probably otherwise be installed.

MR. STRODTMAN: Thank you.

MR. REICHLIN: Any other questions of the staff? Seeing none, what is the -- I have a question of the staff regarding protocol here. Is this -- are we allowed to ask for public comment?

MR. ZENNER: Yes.

MR. REICHLIN: Okay. With subdivision items, it's not a public hearing, but we do take input from applicants, if there is anybody in the audience who represents this request cares to speak. Just so you know, we would appreciate your name and address. Thank you.

MR. SATTERLEE: Thank you. My name is John Satterlee, and I'm the owner of -- JMJ Enterprises is the owner, but through me. And I'm here basically to answer any questions that you all might have concerning this property here.

MR. TILLOTSON: I could take clarification on the property that -- north of there that has the sidewalks. What -- are those single homes?

MR. SATTERLEE: Yes.

MR. TILLOTSON: I noticed it looks like a long driveway that runs --

MR. SATTERLEE: Yeah.

MR. TILLOTSON: -- in front of them.

MR. SATTERLEE: I think they -- they elected rather than to pull down that hillside there, they just pushed the houses back far enough to where they could get that driveway in the front.

MR. TILLOTSON: Oh, I see.

MR. SATTERLEE: Yeah. That's what -- there's a lot of scrub -- actually, that is an old fence line that was there on the farm originally, and it's -- you can still see parts of it when you walk down through there.

MR. TILLOTSON: I noticed in one of the photos there was signs that said to slow down, kids playing -- kids at play.

MR. SATTERLEE: Uh-huh.

MR. TILLOTSON: Are there a lot of kids that play in the streets?

MR. SATTERLEE: The tenant there right now in the house has a small daycare center there.

MR. REICHLIN: Any other questions of this speaker? Mr. Strodtman?

MR. STRODTMAN: Would the use continue to be the same?

MR. SATTERLEE: Pardon me?

MR. STRODTMAN: Is the daycare going to be continued? You -- the person that lives in this home is doing a daycare service?

MR. SATTERLEE: Yes.

MR. STRODTMAN: And that --

MR. SATTERLEE: She's licensed.

MR. STRODTMAN: And that business would continue? I mean, going forward, there is no change in that?

MR. SATTERLEE: Yes. Yeah. Yeah. In fact, they plan on -- they want to buy it. That is the reason why we are going through this and making sure that we have all of our i's dotted and our t's crossed.

MR. REICHLIN: Thank you very much.

MR. SATTERLEE: Thank you.

MR. REICHLIN: Comments of Commissioners? Get the ball rolling here.

MR. STRODTMAN: I'll start it off, unless --

MR. REICHLIN: No. You can start it off.

MR. STRODTMAN: You know, typically, I look at the -- you know, the cost and how much work is required and, you know, is it going to be an easy sidewalk or is it going to be an extreme grading, construction, you know, et cetera, et cetera. And so I was initially going to approve the variance up until I

heard that maybe this is a daycare. And that maybe changes my beliefs a little bit if there is going to be children in this area more than your normal, you know, 2.5 children or whatever it is. Maybe there is more of a need for this sidewalk than I originally thought. So I'm kind of pondering that use of the business there.

MS. BURNS: I --

MR. REICHLIN: Ms. Burns?

MS. BURNS: -- also -- I mean, I didn't realize that was what was occurring on the property. When I drove out there though, I agree with the staff that it is tough to figure out where you're going to place the sidewalk. And so I'm in favor of supporting the variance just because I think it is going to be so difficult with those drainage ditches and how far it encroaches in on the property. I also -- you know, this is new information to us, but I think, technically, it would be very difficult to construct a sidewalk that would not impact the property in a negative manner.

MR. REICHLIN: Mr. Stanton?

MR. STANTON: I concur because we have a drainage system that seems to be working at this time, and if the sidewalk -- how it would have to be constructed would have -- it's really close to one of those houses. And I think even the sidewalk this close to that daycare kind of makes public access a little closer to the property. And if it is not really necessary and it's not really warranted by traffic, I tend to support the variance.

MR. REICHLIN: Anybody else? Mr. Lee?

MR. LEE: To Mr. Strodman's concern about kids in a daycare center, I would assume if they were out playing in the driveway, there will be adult supervision for them at all times. So that does not concern me as much, and I would be in favor of the variance.

MR. REICHLIN: Ms. Loe?

MS. LOE: I have a follow-up question for the staff. The report notes that the site is not a major pedestrian route -- that there is no parks, schools, or other major pedestrian generators for which the sidewalk would provide access. Just north of that four-plex property -- north of the property, we are looking at isn't there a pool, fitness center, waterpark-type space?

MR. MacINTYRE: Yes, there is.

MS. LOE: They are not neighborhood participation at that location?

MR. MacINTYRE: I believe there would be. The -- in my analysis of the access though, I don't know how many exact -- exactly how many homes there are to the south of this site on Lake Valley Lane, but on the west side, most of them are fronting on Forum Boulevard, so they would, you know, take that sidewalk to access the swim club. And so I think there are only a few homes to the south of the site. And to the east of the site, Cedar Lake Lane has no sidewalk along it. Let me pop out the view here so we can have a better look. So there are a handful of homes. It looks like about maybe 10 homes to the south of the site on Lake Valley Lane that might see some benefit from a sidewalk for that northbound -- for that northbound route up to access the swim club. As far as our consideration of neighborhood traffic flowing through this site that might utilize the sidewalk, I saw North Cedar Lake Drive is the -- perhaps a greater

pedestrian corridor in that there are more homes off of that might, you know, have pedestrians walking toward the swim club or other amenities which we assumed again to be north of this site. And they would really see no benefit -- or minimal benefit from -- from a sidewalk along this site's frontage since Cedar Lake Drive dumps out right on to -- right about to where that existing sidewalk picks up. So that is how we looked at it.

MS. LOE: So you're interpreting that pedestrians coming along North Cedar Lake walk up the driveway currently to catch the sidewalk heading north on the west side of Lake Valley Lane?

MR. MacINTYRE: That would be my estimation. If I were walking there, that is probably what I would do.

MS. LOE: So is there any benefit in connecting the truncated sidewalk to the street -- to Lake Valley Lane to eliminate the necessity to use the driveway?

MR. MacINTYRE: There certainly could be. That would be -- without disrupting the berm, which I believe straddles the property line or is on the subject property, there may be a challenge associated with that as well. However, since as you can see there's a, you know, berm which elevates upward before dropping down. I know it would be difficult to meet ADA standards unless there was a cut made into the berm, which may affect stormwater flow through there in heavy rains in a negative fashion. And then also there does appear to be a rip rap and further ditch here that is an established swale that directs the water to the larger swale along the ditch on Lake Valley Lane. So I see that as potentially being a challenge in itself.

MR. REICHLIN: I would just like to comment that one thing with regard to perspective about this -- this property and the whole of -- that part of Cedar Lake Subdivision, it was developed in the mid '70s, and it was probably a rural -- rural type of development given that there wasn't anything else around it at the time that it was put in place. There is -- and from my point of view, I think that if the sidewalk is going to happen on Lake Valley Lane, I think everybody would be better served if it happens in coordination with an improvement to Lake Valley Lane where the engineering aspect of it is done appropriately rather than taking and putting a piece of sidewalk in this spot and maybe or maybe not having to move it or change an elevation at a later date. So with that in mind, I'm comfortable with supporting this variance. Mr. Stanton?

MR. STANTON: I would like to make a motion for Case No. 14-165 to approve the sidewalk variance as recommended by Staff.

MS. RUSSELL: I'll second that.

MR. REICHLIN: Second by Ms. Russell. We'll take roll call, please.

MR. STRODTMAN: Yes, Mr. Chair.

Roll Call Vote (Voting "yes" is to recommend approval.) Voting Yes: Mr. Lee, Ms. Loe, Mr. Reichlin, Mr. Stanton, Mr. Tillotson, Ms. Russell, Ms. Burns. Voting No: Mr. Strodtman. Motion carries 7-1.

MR. REICHLIN: Thank you, Mr. Secretary.