

City of Columbia

701 East Broadway, Columbia, Missouri 65201



Agenda Item Number: B 325-14

Department Source: Community Development - Planning

To: City Council

From: City Manager & Staff

Council Meeting Date: October 20, 2014

Re: 500 Greenwood Avenue - Sidewalk variance (Case #14-175)

Documents Included With This Agenda Item

Council memo, Resolution/Ordinance

Supporting documentation includes: Summary of Board/Commission Reports (includes maps, letter from the applicant, Variance Worksheet, and previously approved final plat of the property), Excerpts from Minutes

Executive Summary

If approved, the applicant Welek Construction (agent), on behalf of James & Mary Beck (owners), would be granted a variance from Section 25-48.1 of the Subdivision Regulations and not be required to install approximately 100-feet of 5-foot sidewalk. The subject site of the variance is addressed as 500 Greenwood Avenue, which was created by a plat approved in 2013. (Case #14-175)

Discussion

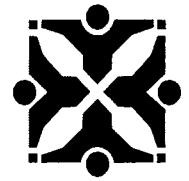
Per *Section 25-48.1 - Sidewalks Generally (plats approved after January 1, 2001)*, sidewalks shall be constructed in conjunction with any final plat approved after January 1, 2001. The applicant is seeking a variance from this requirement along the property's approximately 100-foot Greenwood Avenue frontage. Greenwood Avenue is an improved street with curb and gutter; therefore, the variance has been reviewed using the standard variance criteria of Section 25-20 of the Subdivision Regulations. Policy Resolution PR 48-06A, applicable to *unimproved* roadways only, does not apply to this request and was not considered in arriving at a recommendation.

Section 25-20 states that 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 conditions listed within that section have been met. Based upon review of the applicant's responses to the required criteria and staff's evaluation of the request, it was concluded that the request does not rise to the level of a hardship or a practical difficulty as defined by the standards for granting a variance. Staff finds that the installation of sidewalk will be beneficial to public safety, there exists no physical constraint that would prevent the installation, and that the conditions that exist are not unique to the property, as there are numerous existing lots within the City that are large enough to be subdivided to create additional lots.

At its meeting on October 9, 2014, the Planning and Zoning Commission voted (7-1) to approve the variance to Section 25-48.1. The applicant, Brad Welek, Welek Construction, was present and gave an overview of the request. Commissioners inquired about the existence of other lots in the area that

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could subdivide and be required to install sidewalks as well as the likelihood that the City would construct sidewalks on Greenwood in the near future. Commissioners commented that the street was almost entirely built out and there are few other opportunities to create new lots that would require sidewalks, sidewalks were not in character with the immediate neighborhood, and did not add to public safety because pedestrians were unlikely to utilize such a short section of sidewalk. No one else from the public spoke regarding the request.

A copy of the Planning and Zoning Commission staff report (including maps, letter from the applicant, Variance Worksheet, and previously approved final plat of the property) and meeting excerpts are attached.

Fiscal Impact

Short-Term Impact: None.

Long-Term Impact: If a variance is granted, and the City chooses to construct sidewalks along Greenwood Avenue in the future, the City would be required to tax bill the property owner to recoup costs associated with the sidewalk installation.

Vision, Strategic & Comprehensive Plan Impact

Vision Impact: Transportation

Strategic Plan Impact: Infrastructure

Comprehensive Plan Impact: Mobility, Connectivity, and Accessibility

Suggested Council Action

Approve the variance as recommended by the Planning and Zoning Commission.

Legislative History

2/18/2013 (Ord. #21611): Approved final plat of "Westover Subdivision Plat 3"


Department Approved


City Manager Approved

Introduced by _____

First Reading _____

Second Reading _____

Ordinance No. _____

Council Bill No. B 325-14

AN ORDINANCE

granting a variance from the Subdivision Regulations regarding construction of a sidewalk along a portion of the east side of Greenwood Avenue (500 S. Greenwood Avenue); 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 east side of Greenwood Avenue, adjacent to Lot 2B within Westover Subdivision Plat 3 (500 S. Greenwood Avenue).

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:

Summary of Board/Commission Reports (includes maps, letter from the applicant, Variance Worksheet, and previously approved final plat of the property), Excerpts from Minutes

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

SUMMARY

A request by Welek Construction (agent) on behalf of James & Mary Beck (owners) for approval of a variance from Section 25-48.1 of the Subdivision Regulations, which requires a five-foot wide sidewalk to be constructed along the residential street frontage of lots platted after January 1, 2001. The subject site, which was platted in 2013, is located on the east side of South Greenwood Avenue, approximately 300 feet south of West Stewart Road, and addressed 500 South Greenwood Avenue. (Case #14-175)

DISCUSSION

Per *Section 25-48.1-Sidewalks Generally (plats approved after January 1, 2001)*, sidewalks shall be constructed in conjunction with any final plat approved after January 1, 2001. The applicant is seeking a variance from this requirement along the property's approximately 100-foot Greenwood Avenue frontage.

The subject property is located within the Westover Subdivision Plat 3 that was approved by City Council on February 18, 2013. The plat created two residential lots from a portion of three existing lots that had been previously platted. The subject property (shown as Lot 2B on the attached plat) was unimproved at the time of platting except for a driveway accessing current Lot 2A. The applicant is currently in the process of constructing a single-family residence on Lot 2B. Lot 2A is improved with a home addressed off Stewart Road and has sidewalk in place along that frontage.

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.**

The installation of sidewalks addresses public safety by providing a separated pathway for pedestrian traffic. While not existing at this time, the installation of sidewalks along Greenwood Avenue would increase public safety, health and welfare by accommodating this separation, thereby reducing the likelihood of injuries occurring from automobile-pedestrian conflicts.

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

There are no unique conditions or circumstances 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.

There are no topographical or other physical conditions that would make it particularly difficult to install sidewalk along the site's street frontage. No significant grading appears to be necessary to accommodate the sidewalk, and any minimal grading that was required could have been completed concurrently with the recent construction of the dwelling and driveway and grading of the front yard. Furthermore, no trees or other landscaping, nor any utilities would be adversely affected by sidewalk construction.

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.

The applicant is requesting no alternative sidewalk or payment in lieu of sidewalk construction, which is listed in 25-48.1(c) as an optional condition of approval for the variance. Furthermore, the same section provides that granting a variance "shall not affect the power of the City to later install a sidewalk adjacent to the property and levy a special assessment against the property for construction of a sidewalk."

For informational purposes, staff is including information on the presence of sidewalks in the general area, as well as any City planned infrastructure improvements. The nearest existing sidewalk to the subject property is located along the south side of Stewart Road, approximately 250 feet to the north. Greenwood Avenue has no existing sidewalks along its length, stretching close to one mile from Ash Street south to Westwoods Drive. When reviewing the area bounded by Broadway to the north, S. West Boulevard to the west, Rollins to the south and Garth to the east, the majority of the roads have sidewalks built over at least a portion of the street frontage. The City has not identified Greenwood Avenue in its 2012 Sidewalk Master Plan Update, and the current Capital Improvement Program (CIP) does not include any roadway improvements on Greenwood that would include the installation of sidewalks.

Staff does not support the requested variance based on the responses submitted by the applicant to the listed standards for granting a variance and based on staff's own review of the standards as discussed above. Staff finds that the request does not rise to the level of a hardship or a practical difficulty as defined by the standards for granting a variance.

STAFF RECOMMENDATION

Denial of the proposed variance from Section 25-48.1 of the Subdivision Regulations

ATTACHMENTS

- Locator Maps
- Letter from the applicant
- Variance Worksheet
- Westover Subdivision Plat 3 (*previously approved*)

Report prepared by Clint Smith; Approved by Patrick Zenner



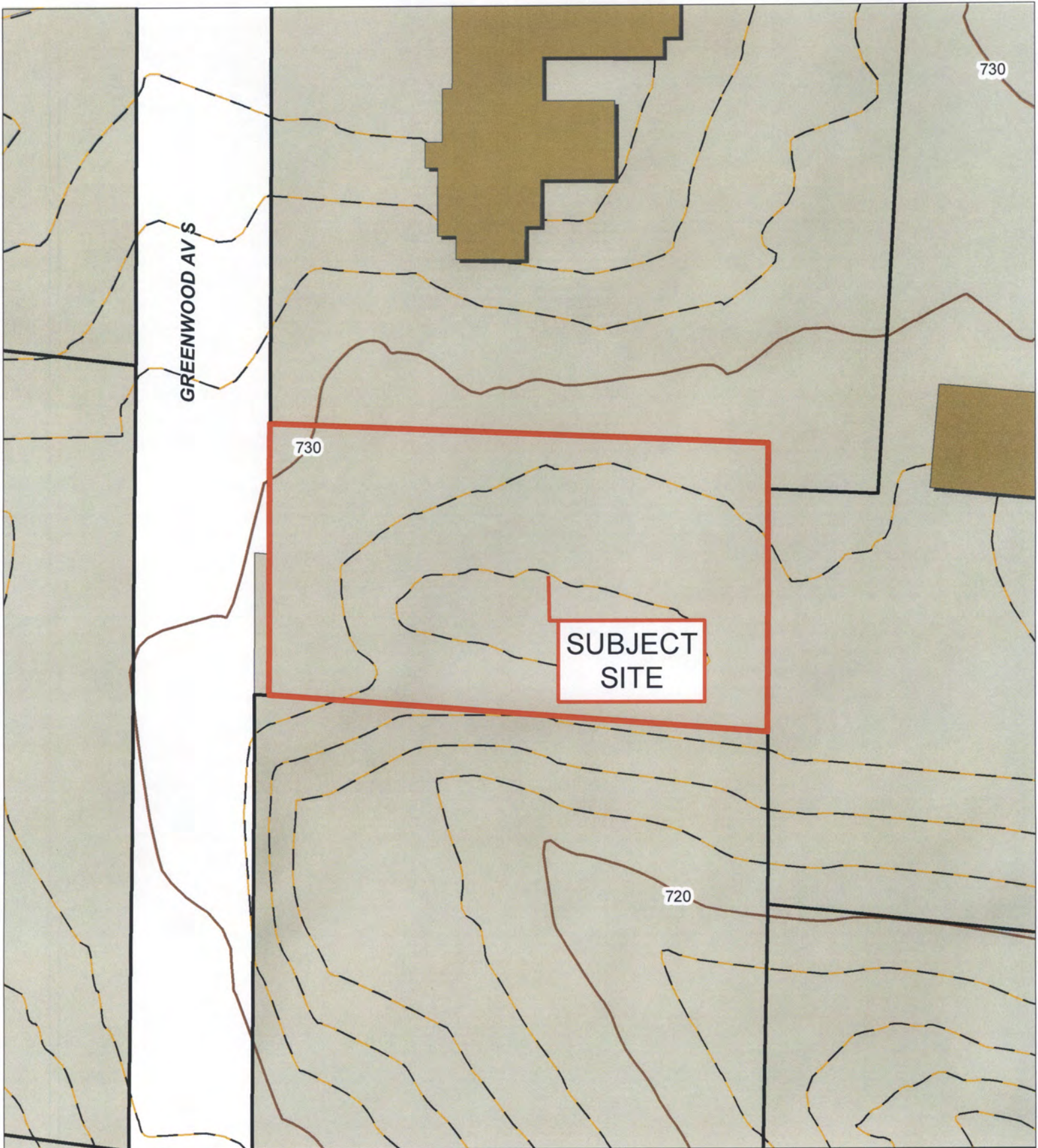
14-175: 500 Greenwood Subdivision Variance



City of Columbia Zoning



Parcels



14-175: 500 Greenwood Subdivision Variance

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



August 26, 2014

City of Columbia
Planning Department
701 E. Broadway,
Columbia, MO

RE: City Council review of sidewalk
variance at 500 South Greenwood

Dear Planning Director,

Please accept this correspondence as our request for a sidewalk variance located at 500 South Greenwood. There are presently no sidewalks located in the South Greenwood area and it has always been our intent, to blend our new home with the surrounding existing homes, We feel to best preserve the feel of this older established neighborhood you grant our request for this variance.

Thank you for your careful consideration in this matter.

Sincerely yours,

A handwritten signature in black ink, appearing to be 'W. James Beck', with a stylized, cursive script.

W. James Beck



**City of Columbia
Planning Department**

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

Variance Worksheet

For office use:

Case #: <i>14-175</i>	Submission Date: <i>9/18/14</i>	Planner Assigned: <i>CE S</i>
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Where the Planning and Zoning Commission finds that undue hardships or practical difficulties may result from strict compliance with the City's Subdivision Regulations, it may recommend and the Council may approve variances so that substantial justice may be done and the public interest secured, provided that any such variance shall not have the effect of nullifying the intent and purpose of the Subdivision Regulations.

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

1. The granting of the variance will not be detrimental to the public safety, health or welfare or injurious to other property or improvements in the neighborhood in which the property is located.

THERE ARE PRESENTLY NO SIDEWALKS LOCATED ON EITHER SIDE OF GREENWOOD AVENUE. THE LOT AT 500 SOUTH GREENWOOD WILL BE THE LAST NEW HOME IN THIS WELL ESTABLISHED AREA.

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.

ONLY NEW LOT ON GREENWOOD AVENUE THAT WILL SUPPORT NEW RESIDENCE. NO SIDEWALKS ON EITHER SIDE OF GREENWOOD AVENUE IN THIS WELL ESTABLISHED NEIGHBORHOOD

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

NO OTHER SIDEWALKS LOCATED ON GREENWOOD AVENUE.

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

No.

¹ Per Section 25-20: Variances and exceptions

EXCERPTS
PLANNING AND ZONING COMMISSION MEETING
OCTOBER 9, 2014

Case No. 14-175

A request by Welek Construction (agent) on behalf of James & Mary Beck (owners) for approval of a variance from Section 25-48.1 of the Subdivision Regulations, which requires a five-foot-wide sidewalk to be constructed along the residential street frontage of lots platted after January 1, 2001. The subject site, which was platted in 2013, is located on the east side of South Greenwood Avenue, approximately 300 feet south of West Stewart Road, and addressed 500 South Greenwood Avenue.

Staff report was given by Mr. Clint Smith of the Planning and Development Department. Staff recommends denial of the variance.

MR. REICHLIN: Are there any questions of Staff? Ms. Loe?

MS. LOE: You mentioned that several of the additional -- other lots along Greenwood can be subdivided. Can you tell me how many lots between Stewart and Rollins can be subdivided?

MR. SMITH: I could not. Generally, any lot that has enough lot width to meet the minimum lot width standard could be subdivided. And, of course, the location of the house on the lot would also come into play as far as how you could split the lot off. But generally, the lot directly to the south would be one, which is a good example that could be subdivided in the future.

MS. LOE: And maybe the one across the street. So perhaps two? One on each side of the street? Does that sound about right?

MR. SMITH: I couldn't give --

MS. LOE: Right. It's a pretty --

MR. SMITH: -- you an exact number.

MS. LOE: -- built-up street --

MR. SMITH: Uh-huh.

MS. LOE: -- which is my question.

MR. SMITH: No, that's correct. I wouldn't say there are any currently vacant lots per se, but large enough lots that could be subdivided in the future.

MR. REICHLIN: What's the potential for this to become a sidewalk infill project?

MR. SMITH: From -- speaking actually with Ms. Bacon earlier, I think right now the priorities in the sidewalk plan generally revolve around areas that have, I think, major -- more collector and arterial streets, and also areas I think -- I believe they said like with the CDBG funds would be low income areas, I believe. So I don't think this as being a general residential street would be a high priority area. And it's not within the sidewalk master plan as of yet.

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

MR. LEE: And the City could come back at some point and put a sidewalk in and tax bill the owner, as they could with any other lots that are subdivided and built upon?

MR. SMITH: Absolutely. Yes.

MR. LEE: Thank you.

MR. REICHLIN: Anybody else with anything for Staff? Okay. Well, then, once again, we'll entertain any input from Mr. Welek.

MR. WELEK: It's not the expense issue here, it's --

MR. REICHLIN: Can you give us your name --

MR. WELEK: Oh.

MR. REICHLIN: -- and address, please?

MR. WELEK: John Welek, Welek Construction, Columbia Missouri. It's not an expense issue. It is just trying to keep the charm of the old -- of the older neighborhood. And we're just trying to fit in with everything around us. It just seems like if we would put a sidewalk here, it's going to stick out like a sore thumb. And so that was my thought originally, so I contacted the people at Planning, and they -- I have an email here where they said they would support the variance. And so I was going to -- I'm to give that to you guys so you can see it. So based on that email, I just went -- I went ahead and I filed the application for the variance. And then I was told that because it is an improved street that I was denied. And I just wanted to take it one more step because really we're just trying to maintain the integrity and the charm of the neighborhood. It is as simple as that.

MR. REICHLIN: Are there any questions of this speaker?

MR. STRODTMAN: I have a question.

MR. REICHLIN: Mr. Strodman?

MR. STRODTMAN: Would you be willing to put the monetary of that sidewalk into an account so the money is there for future?

MR. WELEK: I would -- I would rather be charged like everybody else when they do the whole walk. Otherwise, I would rather just put the sidewalk in.

MR. STRODTMAN: Thank you.

MR. REICHLIN: Anybody else?

MR. WELEK: Thank you.

MR. REICHLIN: Comments of Commissioners? Ms. Russell?

MS. RUSSELL: I drove down that street and I agree. If you put a sidewalk in there, it's going to stand out like a sore thumb. I think the sidewalk planning ought to decide that they all have to do a sidewalk or leave this one alone. I tend to agree.

MS. BURNS: But as a point of information, if there was a sidewalk plan, that wouldn't encompass existing homeowners. It would only be people who are building a new home or having some -- a new plat being created. And could the City go in and say we're going to put sidewalks everywhere?

MR. SMITH: Yes. They could do that.

MS. BURNS: But not likely because of where this neighborhood is and where it would fall on the

CIP?

MR. SMITH: Correct. And they kind of have the sidewalk master plan to really give them, you know, some specific areas to allocate the monies that we do have. I think the long-range plan would be to have access at least on one side of the roadway in most locations. But again, I think there are enough projects currently in the plan that will keep the City busy for many, many years.

MS. BURNS: Thank you. I guess my additional thought is that I don't see pedestrians leaving the roadway, getting up on the sidewalk, and then coming back on the roadway for their walk. I think this sidewalk will go unused. Someone in our work session mentioned a sidewalk to nowhere, and I think that is what this is.

MR. REICHLIN: Mr. Tillotson?

MR. TILLOTSON: I'll weigh in a little bit on that as well. They talk about Section 25-48.1. I think really that was -- had to have been put in place more for subdivisions that are being built and that maybe a lot of thought wasn't given into situations like this. And if you look at the map and you see when they have a sidewalk and it would be like having a work of art, and then you just drew a line through it, I find it -- to me, the case we just seen prior to this had more need of a sidewalk than this one does. So with that said and done, I can't see how we could personally deny his request for a variance, so I'm going to support it.

MR. LEE: It just seems to me that it is entirely unfair to require one house on one lot to put in a sidewalk just because -- just because. If there were wholesale subdividing of these lots and all new houses were being built on these things, I can understand that. That said, the City can always come back and make all of the home owners put sidewalks in if they so choose, but to do it to this one homeowner is -- to me, is completely unfair and I intend to support the variance.

MR. REICHLIN: Anybody else? Ms. Loe?

MS. LOE: Just a point of clarification, for properties that were platted before the 2001, can the City charge those owners for sidewalks or is it just owners that were platted after that ordinance went in?

MR. SMITH: Yeah. I think the tax bill option is open for any property within the City. I think it is each individual property's responsibility for sidewalks, if I'm not mistaken.

MR. MacINTYRE: I'll just add to that a little bit. We've been told by Public Works that they do not want to track payment in lieu of sidewalks, which used to be a common alternative to constructing sidewalks in situations like these, so it becomes more of a chore of accounting for all of these monies that are supposed to be, you know, properly dedicated back to that particular site. And they had numerous accounts that they have -- I think they are probably still missing a few of them, I don't know. They are trying to keep track of this money and it is difficult. So the preference would be to, you know, either waive it and do the tax billing option if there is a full-on sidewalk installed by the City at some point or streets reconstructed -- have it all done as a larger project or part of a larger project at that time.

MR. LEE: Seems to me that that is more of an accounting problem than it is an actual problem.

MR. REICHLIN: Anybody else have anything to say? We'll entertain a motion.

MR. TILLOTSON: I'll take a stab at it.

MR. REICHLIN: Mr. Tillotson?

MR. TILLOTSON: In regards to Case 14-175, a request by Welek Construction on behalf of James & Mary Beck for approval of a variance from Section 25-48.1, I make a motion to approve the variance.

MR. LEE: Second.

MR. REICHLIN: By Mr. Lee. May we have a roll call, please, Mr. Secretary?

MR. STRODTMAN: Yes, Mr. Chairman.

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. STRODTMAN: A recommendation for approval of this variance will be forwarded to City Council.