

City of Columbia

701 East Broadway, Columbia, Missouri 65201



Agenda Item Number: B 163-15

Department Source: Community Development - Planning

To: City Council

From: City Manager & Staff

Council Meeting Date: 6/15/2015

Re: Broad Building Supply - final minor plat (Case #15-111)

Documents Included With This Agenda Item

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

Supporting documentation includes: Summary of Board/Commission Reports (includes maps and plats), Excerpts from Minutes

Executive Summary

Approval of this request will result in the creation of a one-lot plat of M-1 (General Industrial District) zoned land, to be known as "Broad Building Supply", grant a variance from the requirement that sidewalk be constructed along the site's Brown Station Road frontage and authorize the execution of an associated performance contract.

Discussion

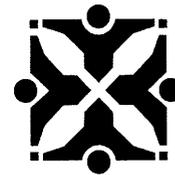
The applicant is requesting a one-lot final minor plat of M-1 (General Industrial District) zoned land that is developed with an 88,000 square foot wholesale distribution facility. The parcel is being platted to create a legal lot per the City's Subdivision Regulations so that building permits may be issued for additional improvements to the site.

The application includes a proposed variance from the requirement to construct a sidewalk along the property's approximately 490-foot Brown Station Road frontage. Sidewalks are typically required to be constructed within three years of plat approval, per Section 25-48.1 of the City's Subdivision Regulations. Construction of a new building addition on the site also triggers an overlapping requirement to build sidewalks along the property's Brown Station Road frontage per sidewalk construction standards and criteria outlined in Chapter 24 (Streets, Sidewalks, and Public Places).

At its June 4th meeting, the Planning and Zoning Commission voted 8-1 to recommend approval of the requested plat and associated sidewalk variances from Sections 24-35 and 25-48.1. Several Commissioners expressed a desire for sidewalk to be built at this location since portions of sidewalk are in place on nearby streets, including an existing sidewalk along the site's Paris Road frontage. However, most of the Commission agreed that a sidewalk at this location would provide little benefit since few pedestrian trips are anticipated. Commissioners also indicated support for the variances based on the substantial costs that would be incurred by the applicant to meet MoDOT design standards relative to the total project cost since the sidewalk would end at the intersection of Brown Station and Paris Roads. The applicant's representative pointed out that some grading would be needed to facilitate sidewalk installation, and that a sidewalk at this location might be unsafe due to

City of Columbia

701 East Broadway, Columbia, Missouri 65201



high traffic speeds. No members of the public commented on this request.

The Commission report (including maps, and a copy of the plat), 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: The development/redevelopment of this site may increase demands upon the adjacent streets, sanitary sewers, storm sewers, water and electric supply lines. The costs associated with meeting these demands may be offset by increased property and/or sales tax revenues and user fees.

Vision, Strategic & Comprehensive Plan Impact

Vision Impact: N/A

Strategic Plan Impact: N/A

Comprehensive Plan Impact: N/A

Suggested Council Action

Approval of the final minor plat of Broad Building Supply, and approval of variances from sidewalk installation requirements of Sections 24-35 and 25-48.1, as recommended by the Planning Commission.

Legislative History

N/A


Department Approved


City Manager Approved

Introduced by _____

First Reading _____

Second Reading _____

Ordinance No. _____

Council Bill No. B 163-15

AN ORDINANCE

approving the Final Minor Plat of Broad Building Supply; accepting the dedication of rights-of-way and easements; authorizing a performance contract; granting a variance from the Subdivision Regulations, and a waiver from the requirements of the City Code, 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 Minor Plat of Broad Building Supply, as certified and signed by the surveyor on May 29, 2015, a minor subdivision located on the southeast corner of Brown Station Road and Paris Road, containing approximately 6.25 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 Millman Lumber Company in connection with the approval of the Final Minor Plat of Broad Building Supply. The form and content of the contract shall be substantially as set forth in "Exhibit A" attached hereto.

SECTION 4. 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 a sidewalk shall not be required along a portion of the south side of Brown Station Road, adjacent to Lot 1 within Broad Building Supply Subdivision.

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 6 day of May, 2015 between the City of Columbia, MO ("City") and Millman Lumber Company ("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 Broad Building Supply, 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:

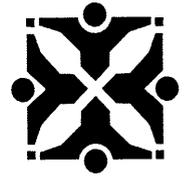
Nancy Thompson, City Counselor

Subdivider

BY: 
Richard G. Millman

City of Columbia

701 East Broadway, Columbia, Missouri 65201



SUPPORTING DOCUMENTS INCLUDED WITH THIS AGENDA ITEM ARE AS FOLLOWS:

Summary of Board/Commission Reports (includes maps and plat), Excerpts from
Minutes

**AGENDA REPORT
PLANNING AND ZONING COMMISSION MEETING
June 4, 2015**

SUMMARY

A request by Millman Lumber Company (owner) for a one-lot final minor plat of M-1 (General Industrial District) zoned land; and for variance from the requirement to construct sidewalks along the property's public street frontage. The 6.25-acre subject site is located east of the intersection of Paris Road and Brown Station Road, and is addressed 6100 Paris Road. (Case #15-111)

DISCUSSION

The applicant is requesting a one-lot final minor plat of M-1 (General Industrial District) zoned land that is developed with an 88,000 square foot wholesale distribution facility. The parcel is being platted to create a legal lot per the City's Subdivision Regulations so that building permits may be issued for additional improvements to the site.

The application includes a proposed variance from the requirement to construct a sidewalk along the property's approximately 490-foot Brown Station Road frontage. Sidewalks are typically required to be constructed within three years of plat approval, per Section 25-48.1 of the City's Subdivision Regulations. Construction of a new building addition on the site also triggers an overlapping requirement to build sidewalks along the property's Brown Station Road frontage per sidewalk construction standards and criteria outlined in Chapter 24 (Streets, Sidewalks, and Public Places).

Variance from Section 25-48.1 of the Subdivision Regulations

The Subdivision Regulations provide criteria by which all variances and exceptions should be evaluated. Specifically, Section 25-20 (Variances and exceptions) allows for variances from undue hardships or practical difficulties that might result from strict compliance with these Regulations, subject to the following conditions being met (staff responses to criteria appear in *italics*):

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.

Industrial uses typically generate low levels of pedestrian traffic. While little pedestrian traffic exists along this stretch of Brown Station Road at this time, the provision of sidewalks along this roadway frontage would increase public safety, health and welfare by accommodating separation of pedestrians and motor vehicles on this busy major roadway, thereby reducing the likelihood of injuries occurring from automobile-pedestrian conflicts.

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 topographical conditions associated with the subject site. It is relatively flat.

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 does not appear to be encumbered by topographical conditions, utility structures or other physical obstacles that might prevent the installation of a sidewalk within the street right-of-way.

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

Sidewalk variances contradict the City's comprehensive plan policy of supporting the creation of walkable neighborhoods.

Variance from Section 24-35 of the Streets, Sidewalks, and Public Places Regulations

Section 24-35 of the City Code requires sidewalks to be installed along adjacent street frontages prior to a certificate of occupancy being issued for new building additions on the subject site.

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

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

There are no nearby parks or schools in the area. However, commercial and residential land uses and zoning exist to the west of the Brown Station & Paris Road intersection, across from the subject site.

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

A sidewalk is in place along the site's Paris Road (Route B) frontage. Sidewalks have been installed along both Paris Road and Brown Station Road in association with several recent development projects, resulting in a partially constructed network.

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

The area is mostly developed with low density industrial uses. Future development includes zoning and plans for commercial/office uses and both medium- and low-density residential uses.

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

Given the industrial use of the subject site, and distances between the site and available amenities and services, it is unlikely that the site will generate much pedestrian traffic at this time. However, it is likely that additional services will develop near this major intersection.

5. The cost of constructing the sidewalk;

The applicant estimates a cost of \$9,000 to construct the sidewalk. However, since the sidewalk would extend to the intersection of Brown Station Road and Paris Road, and include ADA accessible ramps that direct pedestrians into the intersection, MoDOT standards will require pedestrian signalization to accommodate safe crossing. These related improvements to the intersection are estimated to increase the total sidewalk project cost to roughly \$30,000.

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

The terrain is flat, and would not present a physical obstacle to sidewalk installation.

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.

Council Policy Resolution 48-06A

Council Policy Resolution 48-06A uses the following factors to provide additional guidance in weighing the cost versus benefit of sidewalk construction along unimproved streets (i.e., streets without curbs and gutters):

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

The estimated cost of the sidewalk is \$30,000 (including pedestrian signalization improvements at the intersection), which is approximately 37% of the total new development cost of \$80,000.

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

The terrain is flat, and would not present a physical obstacle to sidewalk installation.

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

Brown Station Road is classified as a major collector with traffic counts measured at 12,966 vehicles daily in 2012.

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

Commercial and residential zoning and land uses exist to the west of the Brown Station & Paris Road intersection, across from the subject site.

STAFF RECOMMENDATION

Staff recommends approval of the final minor plat, subject to remaining minor technical corrections being addressed prior to the plat being forwarded to the City Council for consideration.

After considering the various decision-making criteria provided in the above-referenced ordinances and policy resolution, staff recommends the following action be taken:

1. Denial of the request for variance from Section 25-48.1 (Subdivision Regulations)

After reviewing the variance criteria of Section 25-20, there does not appear to be an unnecessary hardship or practical difficulty which would prevent the sidewalk from being installed as required.

2. Denial of the request for variance from Section 24-35 (Streets, Sidewalks and Public Places Ordinance)

If we consider all factors equally, staff cannot support this request based on their assessment that only three of the seven factors (#1, pertaining to the presence of pedestrian traffic generators such as parks and schools in the area; #4, relating to the anticipated amount of pedestrian traffic originating from the subject site; and #5, relating to the cost of the project) under Section 24-35(d) support the requested variance.

3. After reviewing the guidance in Council Policy Resolution 48-06A, staff believes that the estimated costs related to the sidewalk relative to the cost of the proposed development (#1) is grounds for supporting a variance. However, the other three criteria do not support a variance in this case.

ATTACHMENTS

- Letter from the applicant
- Location maps
- Proposed final plat
- Council Policy Resolution PR 48-06A

SITE HISTORY

Annexation Date	1969
Existing Zoning District(s)	M-1 (General Industrial District)
Land Use Plan Designation	Employment District
Subdivision/Legal Lot Status	Land in Limits

SITE CHARACTERISTICS

Area (acres)	6.25 acres
Topography	Flat to slightly rolling
Vegetation/Landscaping	Primarily turf covered with interspersed trees
Watershed/Drainage	Bear Creek
Existing structures	Distribution facility

UTILITIES & SERVICES

All City services are available to the site.

ACCESS

Brown Station Road	Northwest side of site
Major Roadway Plan	Major Collector (Unimproved & City-maintained)
CIP Projects	None
Sidewalk	Needed

Paris Road	Southwest side of site
Major Roadway Plan	Minor Arterial (Improved & MoDOT-maintained)
CIP Projects	None
Sidewalk	Installed

PARKS & RECREATION

Neighborhood Parks	Smith Park (approx. 4,000 ft southeast)
Trails Plan	No trails planned adjacent to site
Bicycle/Pedestrian Plan	N/A

Report prepared by Steve MacIntyre; Approved by Pat Zenner

CEDC

CIVIL ENGINEERING
DESIGN CONSULTANTS

April 10, 2015

Mr. Tim Teddy
Community Development Director
City of Columbia
701 E. Broadway
Columbia, MO 65201

Re: Broad Building Supply – Letter of Request for Variance
6100 Paris Road
CEDC Project 1398

Dear Mr. Teddy:

We are respectfully requesting a sidewalk variance along Brown Station Road associated with the project located at 6100 Paris Road. The proposed development consists of a 3,000 square foot building addition to the existing 88,000 square foot building. Pursuant to the owners application for permits to construct the building addition, it was determined that the property is not a 'lot' as defined by the City's municipal code and is required to correct this condition. In connection with the application for a Final Minor Plat, the City's code requires the construction of a sidewalk along Brown Station Road. Please find attached the required materials to request a sidewalk variance.

Thank you in advance for your consideration of our request and please don't hesitate to contact this office should you have any questions or require any additional information.

Sincerely,
Civil Engineering Design Consultants, Inc.



Michael F. Vorwerk, P.E.
Civil Engineer

cc: Mr. Richard G. Millman
Brandon A. Harp, P.E.



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?

Development cost estimated to be \$80,000, sidewalk cost estimated to be \$9,000

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

The topography slopes down to an existing roadside swale.

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

The area is lightly developed with industrial users and does not provide a connection point to tr



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 current pedestrian generators.

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

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



Google earth

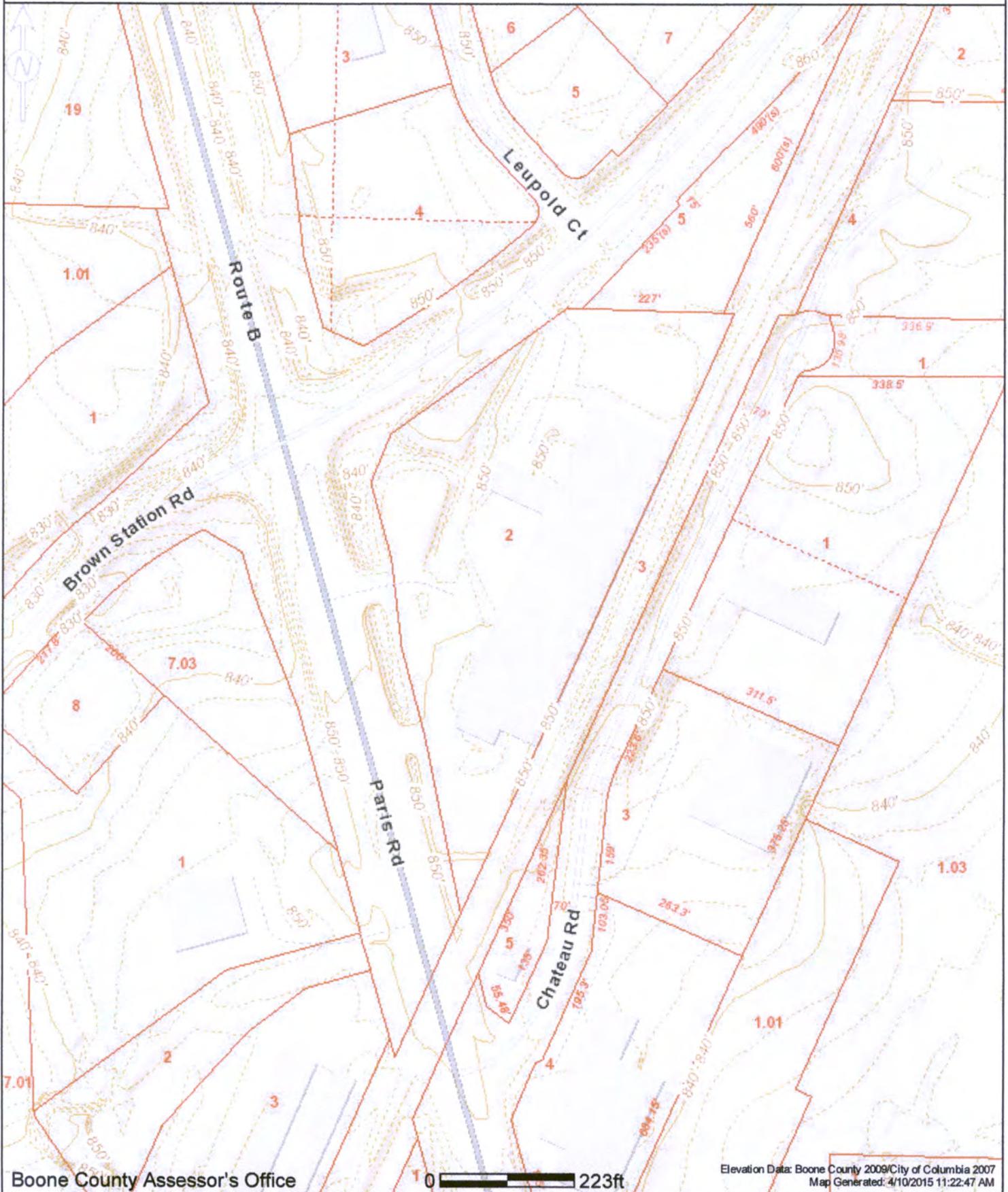
Google earth

feet
meters



Boone County Internet Parcel Map

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

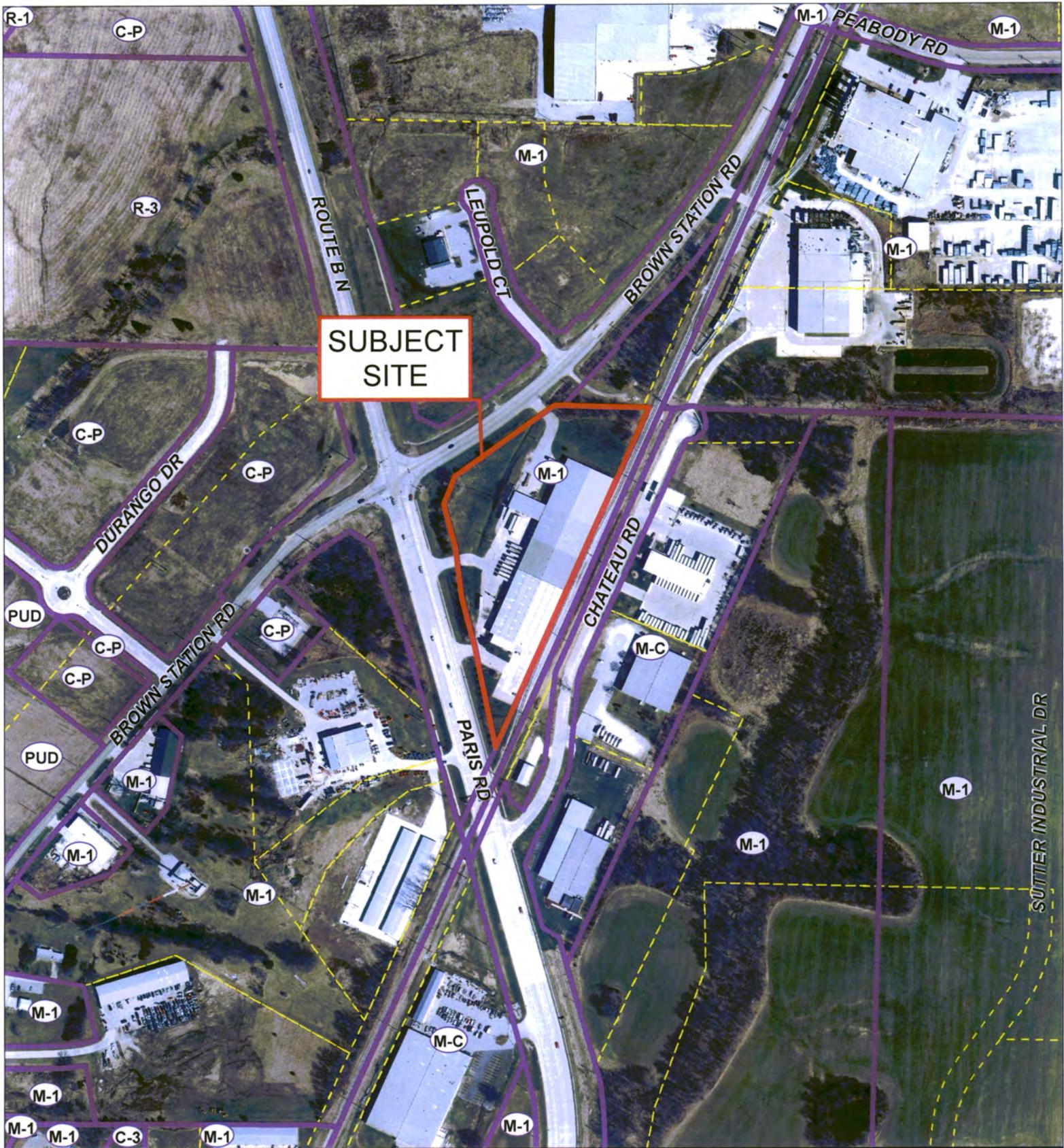


Boone County Assessor's Office

0 223ft

Elevation Data: Boone County 2009/City of Columbia 2007
Map Generated: 4/10/2015 11:22:47 AM

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

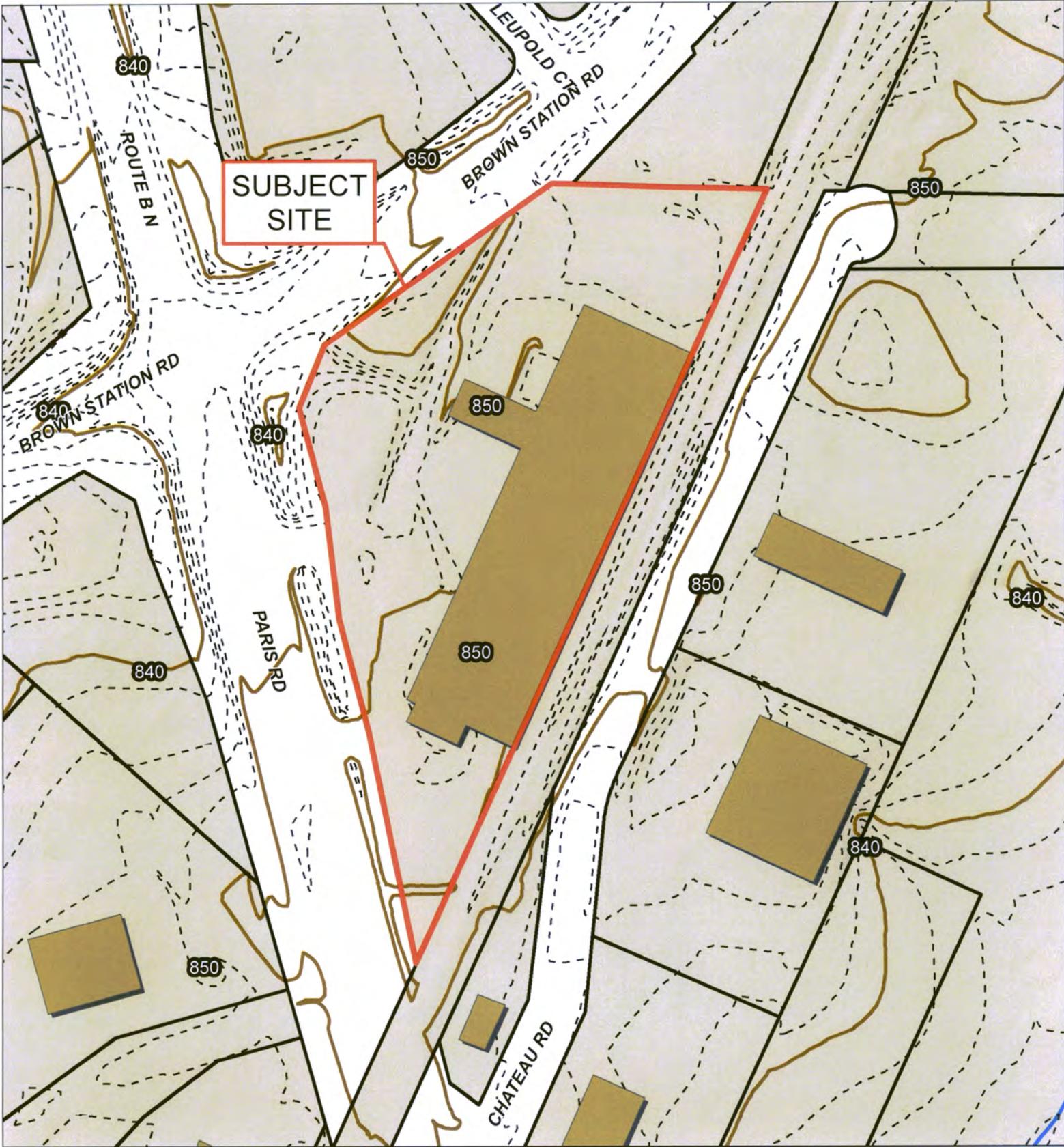


15-111: Broad Building Supply Final Minor Plat



City of Columbia Zoning
 Parcels



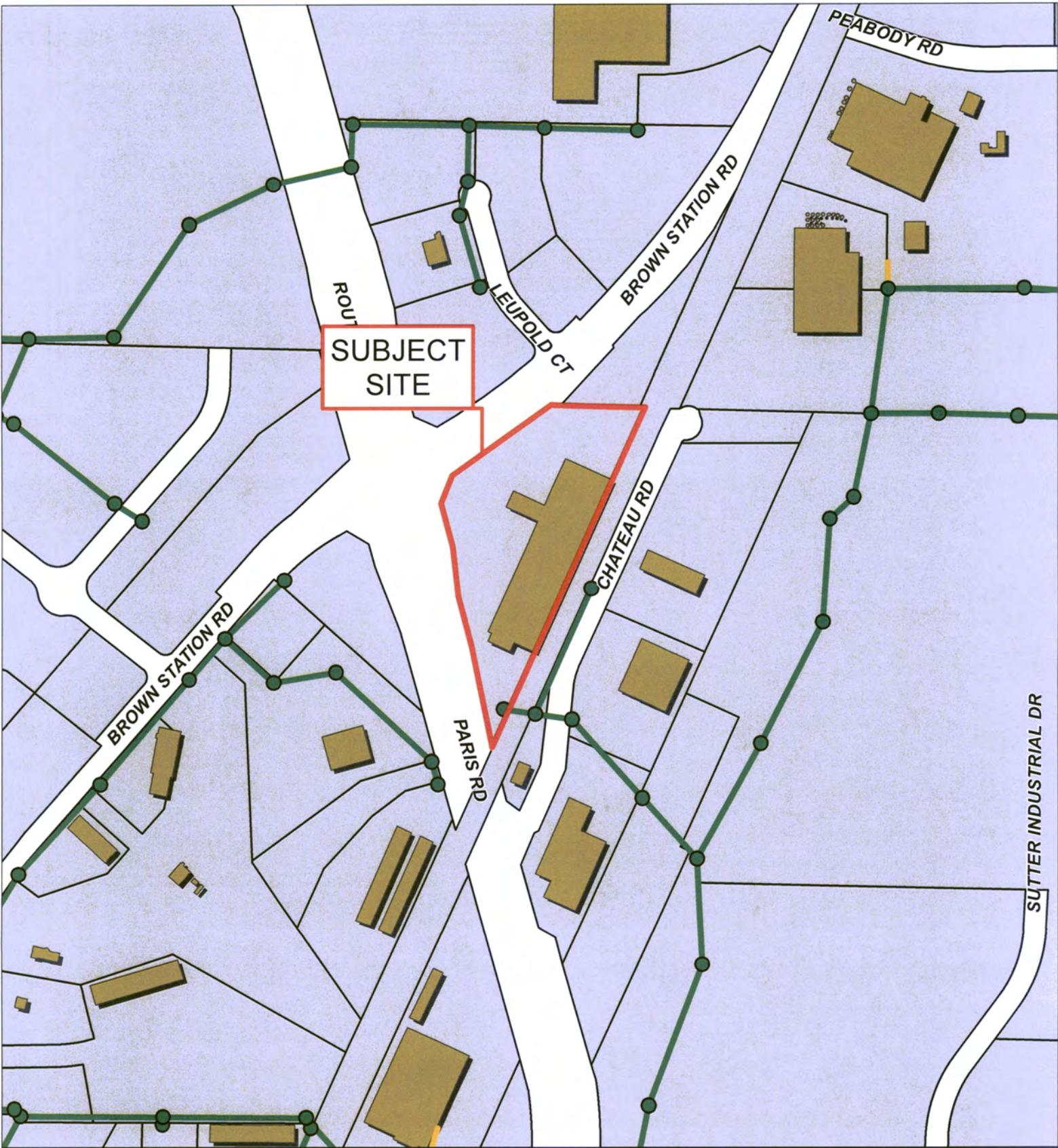


15-111: Broad Building Supply Final Minor Plat



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





SUBJECT SITE

15-111: Broad Building Supply Final Minor Plat



- City Sanitary Structure
- City Sanitary Line
- Building Footprint
- Private Sanitary Line
- Parcels



Introduced by Hirdman Council Bill No. PR 48-06 A

Permanent Record
Filed in Clerk's Office

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.

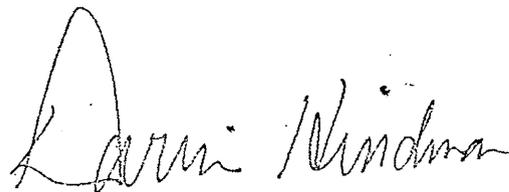
SECTION 10. This resolution replaces Policy Resolution 171-01A which is hereby repealed in its entirety.

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

JUNE 4, 2015

Case No. 15-111

A request by Millman Lumber Company (owner) for a one-lot final minor plat of M-1 (General Industrial District) zoned land and for a variance from the requirement to construct sidewalks along the property's public street frontage. The 6.25-acre subject site is located east of the intersection of Paris Road and Brown Station Road, and is addressed 6100 Paris Road.

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

Staff Report was given by Mr. Steve MacIntyre of the Planning and Development Department.

Staff recommends:

1. Approval of the final minor plat, subject to remaining minor technical corrections being addressed prior to the plat being forwarded to the City Council;
2. Denial of the request for variance from Section 25-48.1; and
3. Denial of the request for variance from Section 24-35.

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

MS. LOE: Can you explain why there are sidewalks along the Paris Road side and not along the Brown Station Road side?

MR. MACINTYRE: You know, I honestly cannot. I -- they do appear to be relatively recent, and I don't know if -- actually, no, it's come to me. There was a -- there was a street improvement project along that section of Paris Road and within the last few years, which actually you can almost make out the lighter gray pavement on this section. So there was a total rebuild and there is curb and gutter along that section of Paris as well now. But it came just short of the intersection and the sidewalk, of course, was installed with that as part of our complete streets standards.

MS. LOE: So did the City pay for the installation of those sidewalks or did the property owner?

MR. MACINTYRE: In that case, I believe the City would have paid for it as part of a major roadway overhaul.

MR. REICHLIN: Mr. Lee?

MR. LEE: Mr. MacIntyre, are there mechanisms in place that the City or MoDOT could come back at a later date and require the sidewalks to be put in should conditions change, and by that I mean pedestrian traffic and so on and so forth?

MR. MACINTYRE: Yes. In fact, a variance from a sidewalk -- from a sidewalk requirements, certainly under 25-48.1, there are several opportunities and disclaimers that indicate that certainly by granting a variance at this time, the City is no -- in no way tying its hands in terms of being able to come back and require the property owner to participate in that installation. So there -- there would be various opportunities or methods of -- of having the owner participate in the future.

MR. LEE: Thank you.

MR. REICHLIN: Anybody else? Ms. Loe, again? Thank you.

MS. LOE: There appear to be quite a few sections of sidewalk along the Brown Station Road, so have those plats been developed recently in that those sidewalks have been installed recently?

MR. MACINTYRE: Yes, I believe so.

MR. REICHLIN: Mr. Stanton?

MR. STANTON: Yes. Can you go back to the Google picture. Well, this gives me a better look on what's there and what's not.

MR. REICHLIN: Are there any other questions? Mr. Strodtman?

MR. STRODTMAN: On the Chateau Road, which would be the southeast corner, it looks to me that sidewalks have been added to that development also that has the circle at the top if that -- is it truly a sidewalk that I'm seeing -- right -- in the Google picture? Right there?

MR. MACINTYRE: Yeah.

MR. STRODTMAN: Would that be sidewalk that I'm seeing?

MR. MACINTYRE: That appears to be sidewalk, yes.

MR. STRODTMAN: Thank you.

MR. REICHLIN: Mr. Harder?

MR. HARDER: I -- yeah. I understand that you had indicated that there would be some pedestrian crossings at the intersection, as well. And I was wanting to understand who would be paying for those.

MR. MACINTYRE: Well, without there being any money allocated in the City's budget at this point, the applicant may be on the hook for that. It's unclear to me, though, that there couldn't be some type of negotiation or funding allocated to help cost share. I think the issue that we're faced with is it's uncertain. We can't guarantee that there would be public funds available.

MR. ZENNER: Mr. Harder, part of what we have here also is Brown Station, as well as Paris, are both State roads. It's our City regulations that are requiring that a sidewalk be constructed, however, it is MoDOT's responsibility to issue the permit for work within their right-of-way, which would then, as Mr. MacIntyre pointed out, the applicant would have to comply with MoDOT's standards in addition to our general requirements, which is why it is possible that MoDOT could potentially require the crosswalk to be constructed to cross Paris, but given the fact that the sidewalk will be ending at that intersection. Obviously, as you can tell from this aerial, there is no sidewalk on what would be in this graphic the east side of Paris Road opposite of where this building is, which would seem to make absolutely no sense to install a sidewalk or a walk -- a crosswalk to nowhere. However, you're ending traffic at a major roadway.

MR. REICHLIN: Ms. Loe?

MS. LOE: There appears to be a crosswalk that, according to Mr. MacIntyre, was just installed by the City at that intersection. Agreed, there's no crosswalks on the other side of the street. If you zoom it on Google, there do appear to be accessible ramp or curb ramps at that location, at the end of your yellow section. So, yes. Wouldn't the City share some of the responsibility since they carried their sidewalk out

to that intersection?

MR. MACINTYRE: So we actually thought that that segment ended with a dead end. Does it –

MS. LOE: Which would bring up my second question.

MR. MACINTYRE: Right.

MS. LOE: Could the owner not carry the sidewalk to the intersection to not trip that requirement?

MR. MACINTYRE: That idea was –

MS. LOE: If the City avoided it in the same way?

MR. MACINTYRE: That idea was discussed and I believe that would probably satisfy MoDOT's standards. The problem I ran into with discussing this with MoDOT in terms of options was I could not get a definitive answer about what might be required. So it's perhaps the fear of the unknown here and that might sway a decision. But, I mean, I certainly think that, you know, it may be reasonable to attempt some type of a compromise that would do that to try to not burden the applicant with a full upgrade to the intersection and crossing and signalization features, because my understanding is the intersection, the lights here don't have the capacity to handle pedestrian crossings, and so there would be a need for an upgrade or an addition to, you know, the –

MS. LOE: There don't appear to be lights.

MR. MACINTYRE: Yeah. Well -- yeah, you may be right there. Anyway, so there is nothing in place. I thought there was something, but -- but there would be a need for an upgrade anyway to the existing boxes or whatever they call those mechanical -- a control box. I think that's it, the technical term finally. So that would be a -- you know, potentially a greater issue, but, yeah. That may not be reflected on the aerial as -- as it currently exists. Certainly you're welcome to put forward motions that maybe try to accommodate certain unknowns or potentialities.

MR. REICHLIN: Well, I have a couple questions. One is that it appears as though part of Brown Station Road has been improved, at least up into the extent of this platted area. I'm curious about who did those improvements. And with regard to framing motions, I wonder whether -- what kind of latitude do we have in terms of time frame, participation? I mean, is it an open -- are we treading on –

MR. MACINTYRE: Yeah. I think it's difficult to know what might be possible, so you may wish to frame a motion that accounts for, you know, one or two potentialities should they occur, or you may wish to frame a motion that addresses the issue of if you wanted to have the sidewalk installed; however, you don't believe that the applicant should be burdened with an above and beyond the normal -- the normal improvements associated with that, perhaps a motion to recommend denial of the request or -- yes -- so that they would be required to construct the sidewalk with the condition that any additional cost beyond the cost of pouring the concrete for the sidewalk be waived or shared by the City perhaps. The problem is the third party, MoDOT, that we don't know if they would be amenable to going along with that and we also don't know that the City has funds available at this time to –

MR. REICHLIN: What about the first part of the question regarding who -- who did the improvement of -- on Brown Station?

MR. MACINTYRE: I think it was a City project, but I –

MR. REICHLIN: But it wasn't -- was there not complete streets part of that --

MR. MACINTYRE: Oh, I'm sorry.

MR. REICHLIN: at the time it was done --

MR. MACINTYRE: Pardon me. I was --

MR. REICHLIN: -- or was it done by somebody else?

MR. MACINTYRE: Pardon me. I was thinking of Paris Road. The -- on Brown Station, it does not appear that it has been improved.

MR. REICHLIN: If -- it doesn't look like it on the Google map, but if you go back to the -- one of the others, it looks like -- you can see a difference, unless it -- it just appears to me that by the time you get to the B, it looks like -- it looks like it's -- there's a change in there --

MR. MACINTYRE: It may be a wider pavement cross-section there and perhaps fresh overlay or maintenance that was done to --

MR. REICHLIN: I see. So the -- so the City's -- the staff's position is that there have been no improvements on Brown Station Road in that segment at this time?

MR. MACINTYRE: That's correct.

MR. REICHLIN: Okay. I just wanted to make sure it was clear. Any other questions of staff? Seeing none. Here again, if anybody has something they would care to share with us, we would be happy to have you come to podium, put you on a three-minute timer, and have at it.

MR. VORICH: Good evening, Mr. Chairman, members of the commission. My name is Mike Vorich (ph.); I'm with the Civil Engineering Design Consultants here this evening on behalf of Millman Lumber. Thank you for your consideration. I would just like to offer a couple more points to support our request for the variance to the sidewalk requirement. Mr. Reichlin, as you had mentioned, I did speak with MoDOT, and that portion of Brown Station Road has been improved by MoDOT, as you picked up on. It is wider; it is concrete. I asked the MoDOT representative why wasn't the sidewalk carried forward at that time, and his response was as you travel north along Brown Station, it doesn't go anywhere. Brown Station actually converges upon the railroad and if any of you are familiar as you go north, there's limited space between the back of the edge of pavement and the railroad right-of-way. And actually the right-of-ways become one and the same just about 800 feet north of this intersection. So -- because I asked him -- because I noticed in the Google imagery, as you went back, there was only probably a matter of three to four years where you could see the pavement was widened and the sidewalk was already present. A couple of other things, if I could, just to respectfully disagree. With regards to the public safety, I'm not sure how safe it is or desirous it is to have a sidewalk a few feet from a 55-mile-per-hour travel lane, especially one that is without a curb. Not that a curb is going to prevent a car from hitting a pedestrian, but it certainly offers less protection. The other thing I would disagree with after having been at the site this evening is the topography. On the west -- the east side of Brown Station Road, right at the back of the edge of the pavement, the slope -- the grade does fall away from the road. It's not -- I wouldn't characterize it as level topography. So in speaking with MoDOT, their preference would be if a sidewalk were installed that it be installed as far away from the travel path as is permitted or reasonable. Having

said that, if you were to visit the site, you would see that as we get ten feet away, the grade probably falls two to three feet from the paved surface. The third item I would like to mention is at the intersection, there is a -- as you all mentioned, there are traffic signals, and as Mr. MacIntyre pointed out, there is a traffic-control cabinet there. That traffic-control cabinet is relatively close to the pavement, but it sits probably two to three feet below the grade there. So topography is a challenge in that area such that if we were to try to pull the sidewalk away from that intersection so that we didn't have to make the connection and then incur the crosswalk, pedestrian push-button signals, et cetera. And I guess --

MR. REICHLIN: If you could wrap it up because --

MR. VORICH: Yes, sir. I guess the last thing I would just mention is with regards to the density and the sidewalk network in the area, we're at the north end of all of those facilities. They're south and west of us. So extending the sidewalk to the north really would not enhance or be a value add to any of those networks. If you have any questions that I can answer, I'd be more than happy to.

MR. REICHLIN: Thank you. Are there any questions of this speaker? Seeing none, thank you very much.

MR. VORICH: Thank you.

MR. REICHLIN: Have a good evening. Okay. With that, comments of commissioners?

Mr. Stanton?

MR. STANTON: This is a tough one because he's surrounded by sidewalks. Got sidewalks across the street, sidewalks behind him, sidewalks alongside of his property. The biggest -- the biggest thing I'm debating with is the cost. If there's a way we can make a win-win with MoDOT on dealing with the pedestrian crossing at that intersection. That would be the only thing that's holding me up from denying the variance, but the costs are pretty significant.

MR. REICHLIN: Thank you. Ms. Russell?

MS. RUSSELL: I think it's rare that you get a win-win with MoDOT, and this cost -- this cost just is -- is exorbitant for an addition to this building. I totally agree and I would support just an absolute variance for the sidewalk in this case.

MR. REICHLIN: Anybody else? Thank you, Ms. Russell. Mr. Harder?

MR. HARDER: So would the crosswalk, would you have one that would basically go north or -- or the walkway at the intersection north, and then also one to the west, or would you just do one across Paris?

MR. REICHLIN: Is that for staff?

MR. STANTON: Yeah. Are you addressing the speaker?

MR. HARDER: Yeah. I'm just -- I was just trying to figure out the extent of the crosswalks at the intersection, if it would be -- if it would go over just one road or if it would go over both roads, Brown Station and Paris?

MR. REICHLIN: Mr. MacIntyre, can you help us with that?

MR. MACINTYRE: I -- I don't know. I think it would be both ways, but, you know, I don't know that I got into that level of detail actually with -- with Jacob Ray at MoDOT. Yeah.

MR. HARDER: So, I guess -- yeah. Just to kind of finish up my comment, it just -- it makes me nervous to have a crosswalk across the road that would go to nothing, to the end the sidewalk or anything like that. I just -- that kind of seems like it would be a little dangerous.

MR. REICHLIN: How about Mr. Lee? Go ahead, Mr. Lee.

MR. LEE: Well, I was just going to say that Mr. MacIntyre assured us that there are mechanisms in place that the sidewalk could be put be in later. And given the prohibitive costs or potentially prohibitive costs of the sidewalks now and the fact that there is virtually no pedestrian traffic there, I would be in favor of going ahead and granting the variance.

MR. REICHLIN: Ms. Loe?

MS. LOE: Because of the network that's getting built up in this area, I would have a difficult time waiving the requirement for the sidewalk. All the other property owners seem -- are pitching in, as well as the City, to get that network established. So it doesn't really make sense to me to have a break in the network at this location. However, I do think it's unfair to ask us to approve something when there is a huge unknown, when you're telling us that the cost is an issue and that cost could be 300 times higher, and that 300 times higher could be validation for not approving it, and we don't know those conditions. I feel as if we don't really have the facts on which to make a decision, so it puts us in a quandary. So I don't know if it's better to approve or disapprove not knowing -- I don't want to bind the owner to paying that cost. And since you can't commit for MoDOT, or we don't have that information, even though I feel the sidewalk should go in, I'm not sure I can approve it.

MR. REICHLIN: Okay. Thank you. Is there anybody else? Seeing no one, I'll chime in for just a minute. I'm not -- I'm not a proponent of building sidewalks that aren't part of an engineered plan for road improvement. Given that, in this situation that kind of sways me towards approving the variance. I could possibly be mistaken, but it strikes me that going forward, this -- there's potential for road improvement there, whether it be by the City or MoDOT, could result in sidewalk in the area that would result in tax billings, and so some of that cost could be recovered and the appropriate entities would end up taking care of the crosswalk and pedestrian requirements at that time. Additionally, I don't want to throw MoDOT under the bus, but why not. They improved the road and they didn't build the sidewalk.

MR. STANTON: Yeah.

MR. REICHLIN: And so now it's getting -- now it's getting thrown back on the property owner to have the feet to the fire to construct the sidewalk in order to legally plat and make the improvements they care to make. So all those three items together leaves me leaning towards support of the variance. Mr. Stanton?

MR. STANTON: Mr. Chair, I agree with you 90 percent. I don't have to pay for this sidewalk later. I don't have a share in this lumberyard and end up paying for your profits. Cut me in or something, I mean, we've got to -- we've got to share this cost somewhere. So I'm even -- is there even a way to either table this issue until we get more information from MoDOT or Staff, can you enlighten me on how this can come back -- how this cost sharing could -- comes back in the future. If we say, okay, we'll give you a variance now, but there's a mechanism that you're going to have to pay for this later if a sidewalk is

required. Can you enlighten on how that works?

MR. MACINTYRE: I mean, tax billing is one option that's been done.

MR. ZENNER: The project -- while MoDOT has made the initial improvements, MoDOT is also typically not in the business of building sidewalks, so that is one reason why a sidewalk was not built. They were building an intersection improvement and a widening of pavement to deal with the industrial nature of the intersection. While that's the explanation, it should not be an excuse, especially if we're building complete streets within the City of Columbia and its jurisdiction. The way that this project comes back is if, in fact, there is further improvements to Brown Station Road to where MoDOT has not made investments at this point as a result of our general capital budget, and at that point, as is typically the case, if we're reconstructing streets or if we're expanding as part of that construction program, the budget incorporates the installation of sidewalks and other bicycle facilities -- multimodal facilities, and that would be incorporated in. It is an option of the City to tax bill. It is not a given. And any motion that would include that as a potential mandate as part of approval of this plat may not be well received, although it is your opinion, and that could be taken as such. So, I mean, it comes back as a capital project if we improve any more of Brown Station. And, obviously, as you move further to the -- what would be to the west of this property on the opposite side of Paris Road along Brown Station, it's substandard right now. Redevelopment of any of that property is going to require that individual developers, when they develop or pull a building permit, they're going to have to upgrade that portion of the roadway. This is a developed parcel. It is a small, if correct, about a \$50,000 building addition that's being made for a drying room for their product that has triggered this. So I think Mr. MacIntyre's information that he has received from MoDOT is the best available information they can give us until they have an actual permitable plan in front of them. As has been concluded to us, a minimum of \$20,000 is what was estimated. A requirement to complete the pedestrian improvement is a given. So we know that there will be an expense, we just don't know what the full level of that expense may be. And given on the information from our plan reviewer and one of the engineers, it's a roughly \$20,000 investment on top of \$9,000 to \$10,000 in concrete. That does not include, as the applicant pointed out, any type of grading or any other expenses that they may have in order to make this a legitimately accessible sidewalk. So, I mean, those are the facts that we have that we brought to you. And in respect to the tabling of this project, as Mr. Stanton suggested, this project is -- was permitted based on the fact that we had the plat in house and we were processing it for the Planning Commission. Millman Lumber would like to move into the addition that they have made, so delaying approval of the plat would ultimately delay the issuance of the CO to allow them to gain entry into a building that they have invested in and built in good faith that we would move through this process, the outcome of it which we did not guarantee them. So depending on what the Commission's desire is and the Council's, they may have to build a sidewalk, they may not.

MR. REICHLIN: Anybody else with anything they care to share? Mr. Lee?

MR. LEE: Yes. I would make a motion for approval of Case 15-111, the request by Millman Lumber Company for a one-lot final plat -- minor plat of M-1 zoned land and for a variance from the requirement to construct sidewalks along the property's public street frontage.

MS. RUSSELL: I'll second that.

MR. REICHLIN: We have a motion and a second. We'll have a roll call, please.

MR. STRODTMAN: Yes, sir.

Roll Call Vote (Voting "yes" is to recommend approval.) Voting Yes: Mr. Strodman, Ms. Russell, Ms. Burns, Mr. Lee, Ms. Loe, Mr. Harder, Mr. Reichlin, Mr. Stanton. Voting No: Ms. Rushing. Motion carries 8-1.

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