

**AGENDA REPORT
PLANNING AND ZONING COMMISSION MEETING
JANUARY 24, 2013**

SUMMARY

A request by Columbia Community Development Corporation (CCDC) for approval of a sidewalk construction variance. The 0.14-acre site is located at 104 Lynn Street, on lot 1 of Lynn Street Subdivision, Plat 1. (Case #12-207)

DISCUSSION

The applicant requests relief from Section 25-48.1 of the Subdivision Regulations relating to the requirement to construct sidewalks on newly platted property. In January 2011, the Lynn Street Subdivision, Plat 1, which included the subject site as well as a lot immediately to the east on the corner of Lynn and Garth, was recorded.

The approval of the replat included a variance to allow a street and utility easement to accommodate future improvements, such as a sidewalk on the lot located on the corner of Lynn and Garth, rather than dedicating right-of-way along the west side of Garth Avenue. Requiring the platting of additional right-of-way would have shrunk lot widths to under 60 feet on each proposed lot. The purpose of the proposed subdivision was to permit the construction of affordable housing in this portion of Columbia.

In its attached letter providing justification for the requested variance, CCDC notes a significant grade change between the subject site and adjacent lots to the west. It also notes that there are no sidewalks on the south side of Lynn Street, and suggests that the north side of Lynn is better suited for a continuous sidewalk. The variance criteria for waiving sidewalk construction are found in Section 25-20 and Section 25-48.1 (e) of the Subdivision Regulations.

While staff understands the mission of CCDC and its aim to provide affordable housing its analysis of the variance criteria, notwithstanding the grade change, does not show sufficient evidence that this particular sidewalk segment should not be constructed. There are no site constraints so unique to this property that would limit the applicant from constructing the required sidewalk. No alternatives to the construction of the sidewalk have been offered (fee-in-lieu) as is the option in the variance provisions provided in Section 25-48.1

Due to the property's central city location and the probability of future improvements in the area as noted by multiple City departments (Planning, Police, and Public Works), staff does not believe the variance request would be beneficial for area residents' pedestrian mobility needs. There is a sidewalk along the west side of Garth Avenue to which this sidewalk would connect through lot 2 of Lynn Street Subdivision.

STAFF RECOMMENDATION

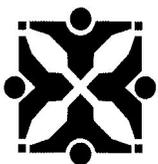
Staff recommends denial of the sidewalk waiver variance.

Report prepared by ML

Approved by PRZ



**Case 12-207: Sidewalk Waiver Variance
CCDC, 104 Lynn Street**



2011 Orthophoto
Source: Boone County Assessor



1 inch = 100 feet





4203 South Providence Road
Columbia, MO 65203-7199
573-214-3800 phone
573-214-3801 fax

January 4, 2013

In Care of: Matthew Lepke @ mjlepke@gocolumbiamo.com
Regarding: City comments on 12-207, CCDC sidewalk variance
request for 104 Lynn Street

To: All Departments represented

Having had a long history in redevelopment and restoration of neighborhoods in North St. Louis and recently here in Columbia I fully understand and agree with the current intent and fiscal necessity of the current sidewalk policies of the City of Columbia, especially in redevelopment areas.

But after review of the comments listed by Water & Light, Planning, Police, and Public Works as copied in Matthew Lepke's email of 12/21/12 regarding this request, I respectfully suggest that a more precise look as to application may be worthy of consideration.

- ❖ Regarding staff's comments on pedestrian traffic in the area. We worked on developing this site for a year and a half beginning before Central Latino's de Salud renovation across the street to the North. This is a high pedestrian traffic area and has increased substantially with Central Latino's completion especially on the North side of the street. There are currently no sidewalks on Lynn on either side.
- ❖ Regarding Use of Sidewalks:
It is my understanding that Central Latino has now purchase the corner lot at the corner immediately east of the 104 address (and across Lynn street to the south of their building) and are currently taking steps beginning this spring to use this lot long term for a large community garden to support the Center's activities. In my conversation with them, it appears they do not intend to develop this lot other than a community garden, and the future of use of sidewalks on the south side of the street west if the 104 address may be impractical because of current ownership and substantial grade variations.
- ❖ There are two primary reasons this variance has been requested at this late date. The first reason was as a new Instructor for the CACC Construction Tech. program at the beginning of this project, I was not aware of the city's policy on sidewalks until we requested occupancy after final inspection.
The second reason was threefold: first, by observation no other infill development houses on Lynn had sidewalks, second, the house immediately to the west of 104 is in very poor condition and may need to be removed in the future and third (but most importantly), the rise in grade from the two lots to the west of 104 Lynn (approx. 3 to 5 feet from 104's east property line

respectively) pose a current problem for a *safe* and proper grade transition for sidewalks across the front and between the property lines of these three lots.

This dramatic grade change and its relation to the current street elevations at the front of these lots pose a problem that is beyond the scope of just placing a sidewalk at the front of a level lot at 104. If we place a side walk alongside the existing curb line, it could not continue west along the existing curb line without substantial work to the two other lots to the west. If a sidewalk is installed now in front of 104, it will not only lead to nowhere on both sides, and not be used by pedestrians, but future redevelopment will most likely require a large portion of the north end of the new sidewalk now required having to be removed once transition grades are engineered and safely established on the lots to the west.

This is a project where every cent has been tweaked, and sifted. The community partnership between CCDC and the Columbia Public Schools has not only been a viable way to redevelop over 26 lots in the central area the last 25 years but has also raised the level of awareness of the need for partnerships between the neighborhoods, the school system, the city and the business community. Most people also do not realize that close to 600 hours of volunteer labor has been put into this project other than the labor donated by students.

The reason for the sidewalk policy is obvious and again we wholeheartedly support the intent. This is why a variance has not been requested before on other projects most recently on Oak. But unless a sidewalk plan and appropriate engineering can be established by the city to clarify the planned or future use on the south side of the Lynn Street, along with *safe* grade changes..... CCDC funds will most likely be ill spent on this sidewalk from a source that has sacrificed much and made every effort to work together in a strong community endeavor.

To further complicate the issue, CCDC currently has a contract on this property for the cost only of its completion with a scheduled closing at the end of the month. Without this variance approval CCDA runs the risk of losing a sale in a soft market.

I would suggest the following: The grade changes on the North side of the street are not near as dramatic, and because of the Central Latino's current use (and traffic), it would seem to me that sidewalk development on this side of the street is the place to start. This sidewalk can run level with the curb line and development of the vacant lots on the North side of the street will most surely come to pass before anymore lots on the occupied South side are of the street are ready.

I am available for further questions if necessary,

Sincerely,



Bill Mitchell
Instructor Construction Technology
Columbia Area Career Center

12-05-12 P01:23 IN

COLUMBIA COMMUNITY DEVELOPMENT CORPORATION

December 3, 2012

Mr. Jim Paneck
Protective Inspection
P.O. Box N
Columbia, MO 65205

Dear Mr. Paneck,

As you may be aware, Columbia Community Development Corporation has built a house at 104 Lynn Street. The current legal description is as follows:

Lynn Street Subdivision Plat 1, Lot 1, Boone County, Missouri.

It has come to our attention that with the replatting of that lot, there is a requirement for a new sidewalk to be built. As there are no other sidewalks currently on either side of the street, and as Lynn Street is not identified as a priority street on the City's Sidewalk Plan, the CCDC would like to ask for a variance from this requirement. This variance will result in 104 Lynn Street being consistent with the other houses on the street.

Please address your response to Columbia Development Corporation, c/o Enterprise Development Corporation, 910 E Broadway, Ste 201, Columbia, MO 65201.

If you have any questions, please contact us at 875-8117.

Sincerely,

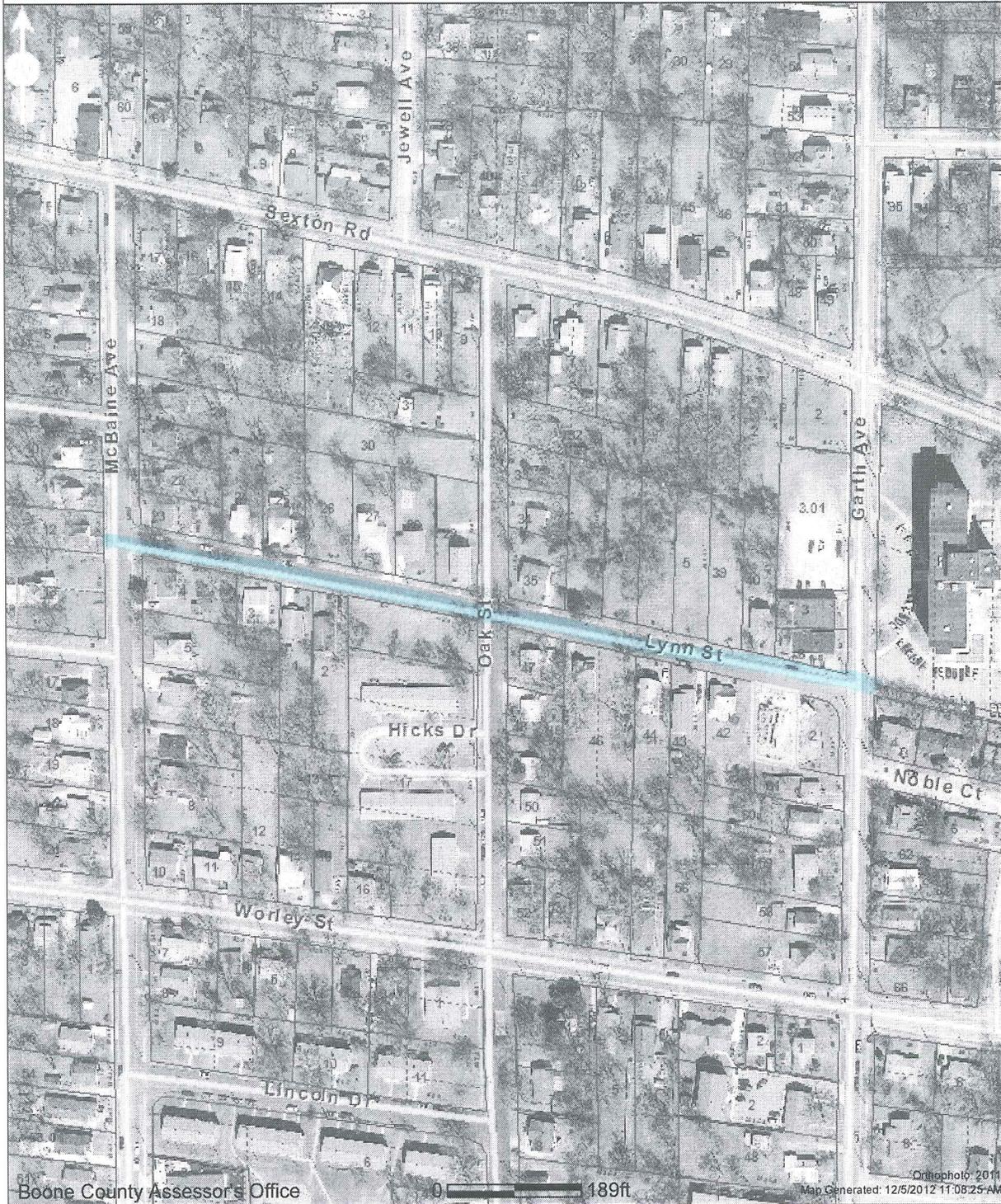


Donna DeLong Hamilton
Associate Administrator

910 E Broadway, Ste 201, Columbia, MO 65201
573/875-8117 FAX 573/443-2319

Boone County Internet Parcel Map

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



ATTENTION!!

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

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**City of Columbia
Planning Department**

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

Variance Worksheet

For office use:

Case #: 12-207	Submission Date: 12-5-12	Planner Assigned:
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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.

Lynn Street is a two block long street that runs between Garth Ave and McBaine Ave. At present, there are no sidewalks along either side of Lynn Street. Lynn Street is not a major thoroughfare for traffic. The addition of a sidewalk along 104 Lynn Street is unlikely to significantly increase the safety of pedestrians in the neighborhood.

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.

Currently, there are no sidewalks in existence on the south side of Lynn Street, in front of the property owned by Columbia Community Development Corporation, or any other residence along that side of the street. The requirement to install a sidewalk in front of 104 Lynn Street stemmed from the replatting of this lot by the CCDC to build a single family house, consistent with the other houses in that neighborhood. As the rest of the south side of Lynn street is already fully developed, it is not likely that there will be future development along the street that would require replatting and the subsequent requirement for sidewalk construction. CCDC asks that the requirement for a sidewalk be waived for 104 Lynn Street, so it may remain consistent with other houses on that street.

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

Columbia Community Development Corporation is a non profit organization, formed by eight local banks to improve single family housing in Central Columbia. Over the last 18 years, the CCDC has built over 30 houses in the central neighborhoods in Columbia. The houses built by CCDC are sold at cost and the CCDC strives to ensure that the cost for the houses are kept as low as possible, without compromising quality. The added cost of installing a sidewalk in front of 104 Lynn Street would increase the cost of the house to the end buyer, which have primarily been low- to moderate-income families.

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

The 2012 City Sidewalk Master Plan does not identify Lynn Street as a priority street on which to install sidewalks.

¹ Per Section 25-20: Variances and exceptions