

**AGENDA REPORT
PLANNING AND ZONING COMMISSION MEETING
APRIL 18, 2013**

SUMMARY

A request by C. Stephen Heying (surveyor), on behalf of Bear Creek Properties, LLC (owner), for a three-lot replat to be known as "Landmark Subdivision, Plat 2," sidewalk variance, and easement vacation and dedication. The 5.46-acre site is located north of Country Club Drive and south of McAlester Street. (Case #13-52)

DISCUSSION

The applicant requests approval of a three-lot replat as well as an easement vacation and dedication. The plat reapportions lot 2 of Landmark Subdivision into parcels of approximately 1.4, 3.3, and 0.7 acres. The proposed lot 2-B would be the only lot to have frontage on both Country Club Drive and McAlester Street. The plat meets the specifications of the Subdivision Ordinance and has been reviewed by pertinent City and external departments and agencies.

The easement vacation removes a utility easement that cuts north-south through the middle of lot 2-B. A new easement would be added at the northeast corner of lot 2-B to serve lot 2-A. The vacation and dedication have been reviewed and approved by utility providers. The easement vacation was given first reading at Council on Monday, May 6.

The sidewalk variance request to Section 25-48.1 of the Subdivision Regulations is for the portion of the site fronting on Country Club Drive. The nearest sidewalk on this stretch of road is in front of Landmark Hospital, to the west. There is an intervening residential parcel between it and the subject site on Alfred Street, creating a gap, and there is no sidewalk along Country Club Drive. The applicant commits to building the sidewalk along McAlester Street on the north side of the site. As the regulations call for sidewalks when a plat is processed, staff cannot recommend approval of the sidewalk variance.

A performance contract had been authorized when the property was previously platted; however, it stipulated that only lots for which construction plans were submitted required sidewalks to be installed. As Landmark Hospital was the only structure built on the originally platted site since that plat was approved, the remaining area--the subject of this replat--was not subject to sidewalk construction. The site will now be subject to such improvement. Variance worksheet materials are attached, stating the applicant's justification for the request.

STAFF RECOMMENDATION

Staff recommends approval of the replat (including the easement dedication).
Staff recommends denial of the sidewalk variance.

SITE CHARACTERISTICS

Area (acres)	5.46
Topography	Sloping downward to west, southwest
Vegetation	Grass and trees
Watershed	Hinkson Creek
Existing zoning	R-1

UTILITIES & SERVICES

Sanitary Sewer	All City of Columbia Services
Water	
Electric	
Fire Protection	

ACCESS

Country Club Drive	South of site
Major Roadway Plan classification	Local
Capital Improvement Program projects	Description: N/A Cost: Timeline:
Right-of-way	50'

McAlester Street	North of site
Major Roadway Plan classification	Local
Capital Improvement Program projects	Description: N/A Cost: Timeline:
Right-of-way	50'

Pedestrian Access Needs	
Sidewalks	None; needed with replat
CATSO Bicycle/Pedestrian Network Plan	N/A

PARKS & RECREATION

Neighborhood Parks Plan	N/A
Trails Plan	N/A
Trail easement(s)	None

Report prepared by ML

Approved by PRZ



**City of Columbia
Planning Department**

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

Variance Worksheet

For office use:

Case #: <i>13-52</i>	Submission Date:	Planner Assigned: <i>Lejke</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.

Applicant Bear Creek Properties, LLC has filed a request to replat Lot 2 of Landmark Subdivision Plat 1 into 3 lots (Lots 2A, 2B and 2C). Applicant seeks a variance eliminating the requirement for sidewalk construction along Country Club Drive. Lot 2 has approximately 608.2 feet of frontage on McAlester Street. It additionally has approximately 173.36 feet of frontage on Country Club Drive. Country Club Drive is an unimproved street. There are no sidewalks along any portion of Country Club Drive. Most of Country Club Drive is bounded along one side by a golf course. Applicant only requests a sidewalk variance as to Country Club Drive. Such a variance would not be detrimental to public safety, health or welfare, or injurious to other property or improvements in the neighborhood. To the contrary, Applicant understands that the owners and residents of other properties along Country Club Drive prefer no sidewalk so as to retain landscaping and green areas and the rural atmosphere. If the replatting of Lot 2 into 3 Lots is approved, Applicant will transfer the easternmost lot (Lot 2A) to Martha John and James Downey, owners of the adjacent property to the east. The John/Downey property does not have a sidewalk and such owners do not plan to install a sidewalk. They are opposed to having a sidewalk constructed upon Lot 2A. Addition of sidewalk along 173.36 feet of Country Club Drive will serve no useful purpose where the other properties along such street are occupied and fully improved such that no sidewalks will be added in the foreseeable future. Applicant plans to construct a sidewalk along McAlester Street, and in fact, intends to investigate the possibility of construction of a sidewalk across the property immediately to the west of the subject tract so that there will be continuous sidewalk from Lot 2 to Old Highway 63.

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.

Landmark Subdivision was platted by the Virginia Dyas McAlester Trust. Such Trust signed a performance contract requiring sidewalk installation on Lot 1 but not on Lot 2. Lot 1 now has sidewalks. The street frontages of Lots 1 and 2 do not, however, abut. There are properties in between Lots 1 and 2 without sidewalks. Lot 1 does not front on Country Club Drive but fronts along Old Highway 63, McAlester Street and Alfred Street. Lot 2 fronts on Country Club Drive which has no sidewalks along its entire length, however, Applicant may be required to install sidewalk along such street. Such condition is unique to this property, not applicable generally to other properties and is not self-imposed. The other properties along Country Club Drive are already improved and will not be required to have sidewalks. Applicant is not responsible for the lack of sidewalks on the other properties along Country Club Drive.

¹ Per Section 25-20: Variances and exceptions

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

Construction of a sidewalk along Country Club Drive would be cost-prohibitive without apparent benefit to anyone. Construction of such a sidewalk is not desired by neighbors and, in fact, is opposed. Applicant faces a particular hardship as the sidewalk requirement only affects the Applicant where other properties along Country Club Drive do not have, and will not be required to install, sidewalks.

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

There is no current evidence of future reasons to install a sidewalk along Country Club Drive.



**City of Columbia
Planning Department**

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

Sidewalk Variance Worksheet
(for sidewalks along unimproved streets)

For office use:

Case #: <i>13-52</i>	Submission Date:	Planner Assigned: <i>Lepke</i>
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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?

Applicant Bear Creek Properties, LLC has filed a request to replat Lot 2 of Landmark Subdivision Plat 1 into 3 lots (Lots 2A, 2B and 2C). Applicant seeks a variance eliminating the requirement for sidewalk construction along Country Club Drive. Lot 2 has approximately 608.2 feet of frontage on McAlester Street. It additionally has approximately 173.36 feet of frontage on Country Club Drive. Country Club Drive is an unimproved street. There are no sidewalks along any portion of Country Club Drive. Most of Country Club Drive is bounded along one side by a golf course. Applicant only requests a sidewalk variance as to Country Club Drive. The lowest quote received for the sidewalks is \$4.00 per square foot for a 5' wide sidewalk. Thus, the sidewalk along McAlester Street at 608.2' is estimated to cost at least \$12,000, however, it may run as high as \$20,000 because there is a culvert in the way. The sidewalk along Country Club Drive at 173.36' will cost at least an additional \$3,467.20. Once Lot 2 is replatted into 3 lots, only Lots 2A and 2B will have frontage along Country Club Drive. Lot 2A will be conveyed to Martha John and James Downey who have no plans for any development on such Lot. The Lot 2A frontage along Country Club Drive will be approximately 60' and, therefore, the cost for sidewalk along Lot 2A will be at least \$1,200. A home is planned for Lot 2B at an approximate cost of \$500,000. The sidewalk cost for the Lot 2B frontage on Country Club Drive (approximately 113.6') will be at least \$2,272. Lot 2C does not have frontage on Country Club Drive.

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

Yes.

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

Yes. There are no sidewalks along any portion of Country Club Drive. Most of Country Club Drive is bounded along one side by a golf course.

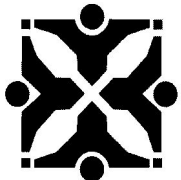
4. Are there any current or future parks, schools or other pedestrian generators near the development for which a sidewalk or walkway would provide access?

No.

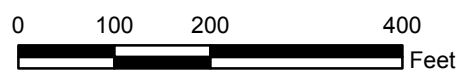
If an alternative walkway is being proposed, please describe how the alternative would deviate from standard sidewalk requirements.

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

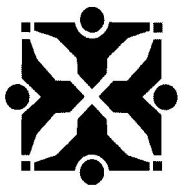
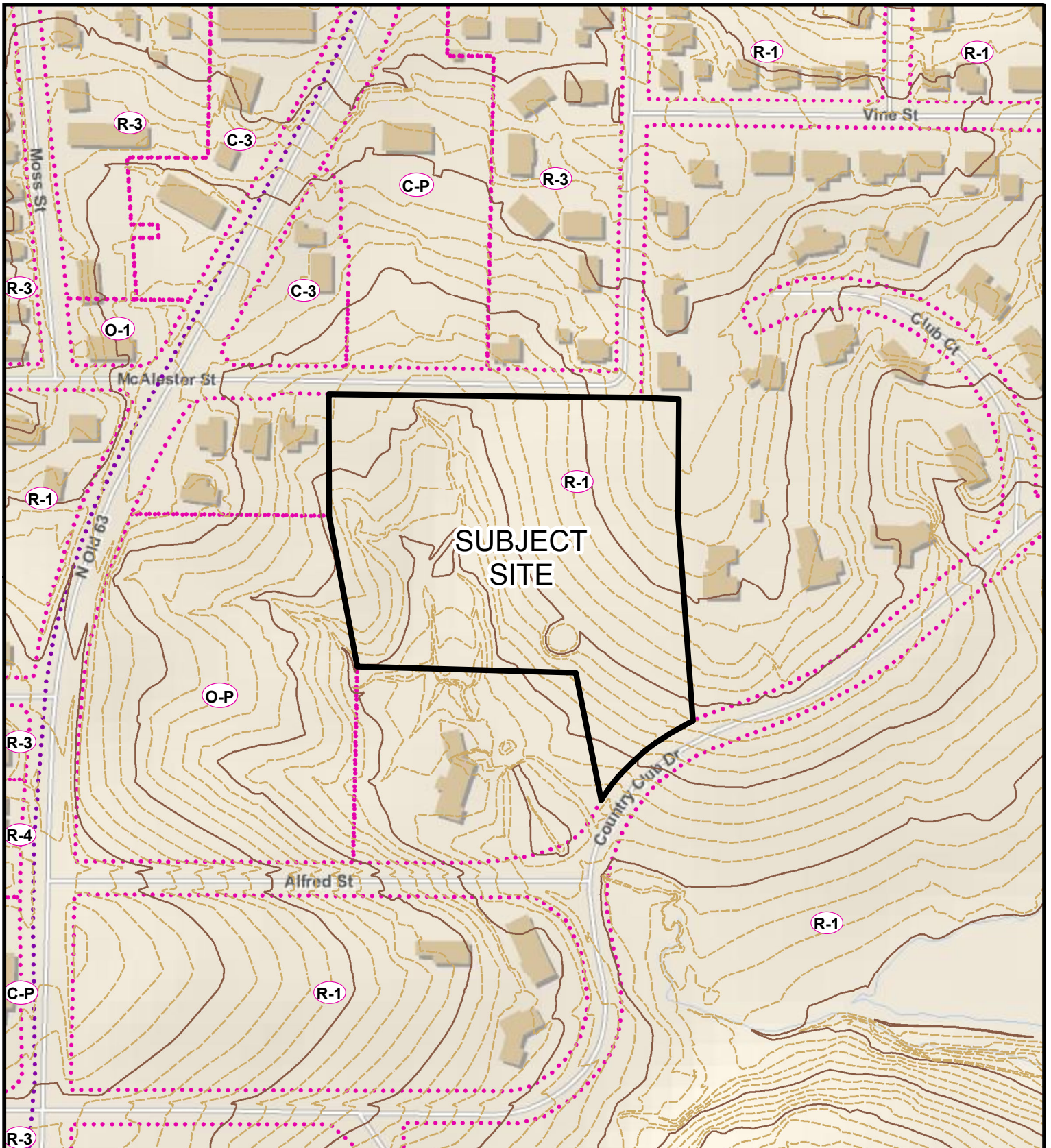


Case 13-52: Landmark Subdivision, Plat 2 Replat and easement vacation/dedication

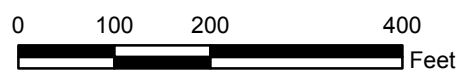


1 inch = 200 feet





**Case 13-52: Landmark Subdivision, Plat 2
Replat and easement vacation/dedication**



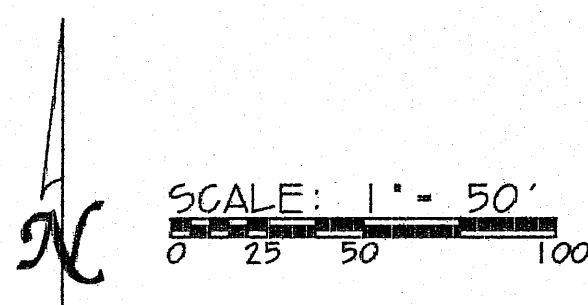
1 inch = 200 feet



LANDMARK SUBDIVISION - PLAT 2

COLUMBIA, BOONE COUNTY, MISSOURI

MARCH 11, 2013

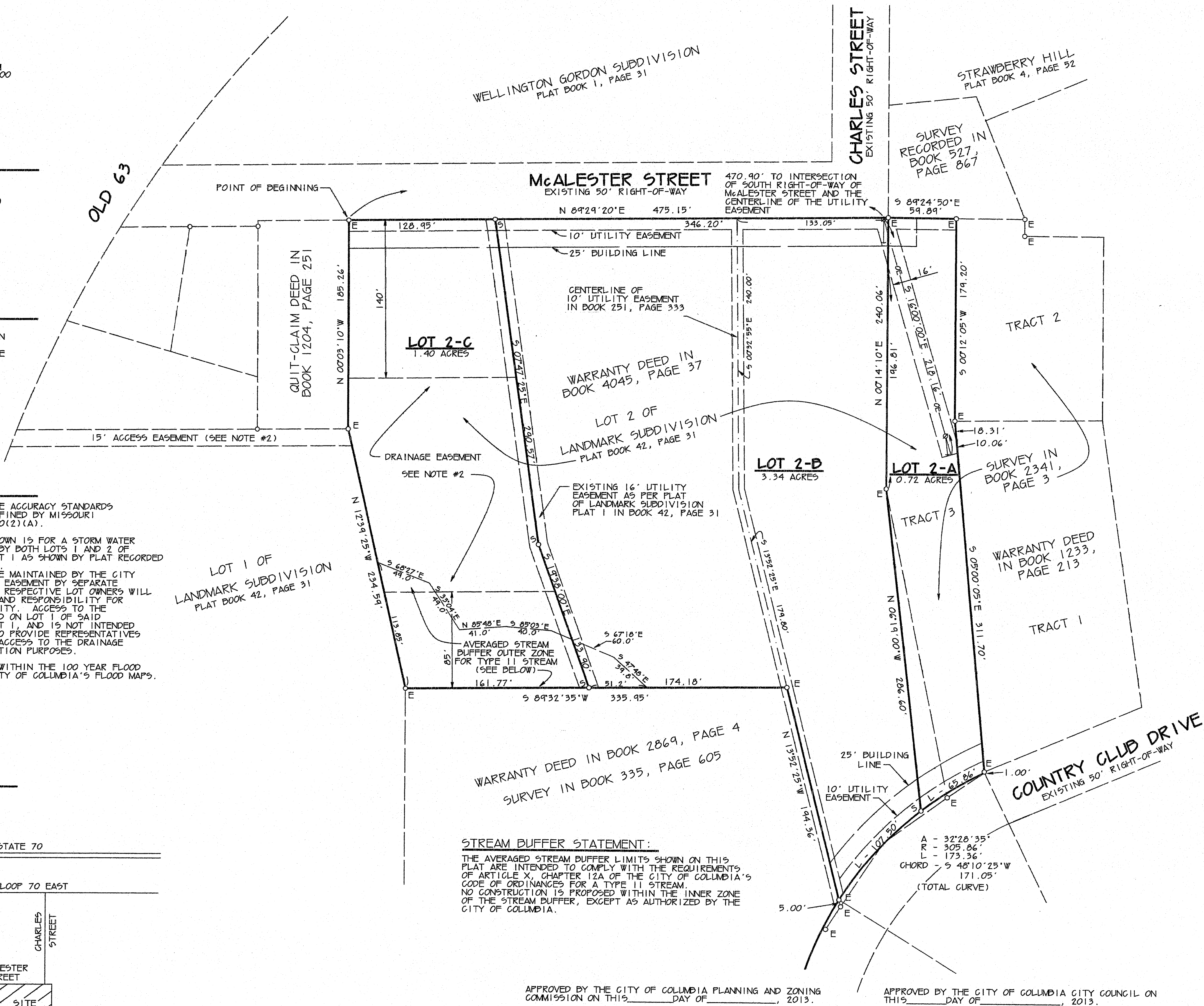
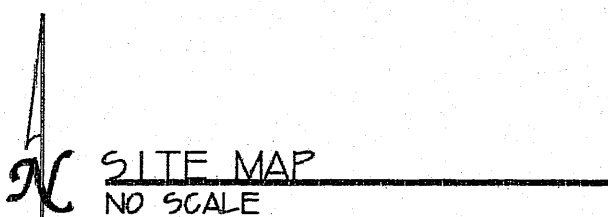


LEGEND:
IRON PIPE OR RE-BAR
EXISTING
SET
POWER POLE (EXISTING)
(60.00') RECORDED DIMENSION
GUIDE WIRE

BASIS OF BEARING:
THE NORTH LINE OF LOT 2 OF
LANDMARK SUBDIVISION AS SHOWN
BY THE PLAT RECORDED IN PLAT
BOOK 42, PAGE 31 OF THE BOONE
COUNTY RECORDS.

NOTES:

- 1.) THIS PLAT CONFORMS TO THE ACCURACY STANDARDS
FOR URBAN PROPERTY AS DEFINED BY MISSOURI
STATUTE 4 CSR 2030-16.040(2)(A).
- 2.) THE DRAINAGE EASEMENT SHOWN IS FOR A STORM WATER
FACILITY TO BE UTILIZED BY BOTH LOTS 1 AND 2 OF
LANDMARK SUBDIVISION PLAT 1 AS SHOWN BY PLAT RECORDED
IN PLAT BOOK 42, PAGE 31.
THIS FACILITY WILL NOT BE MAINTAINED BY THE CITY OF
COLUMBIA. A DRAINAGE EASEMENT BY SEPARATE
DOCUMENT EXECUTED BY THE RESPECTIVE LOT OWNERS WILL
DESCRIBE THE CONDITIONS AND RESPONSIBILITY FOR
MAINTENANCE OF THE FACILITY. ACCESS TO THE
EASEMENT AREA IS PROVIDED ON LOT 1 OF SAID
LANDMARK SUBDIVISION PLAT 1, AND IS NOT INTENDED
FOR PUBLIC USE, BUT IS TO PROVIDE REPRESENTATIVES
OF THE CITY OF COLUMBIA ACCESS TO THE DRAINAGE
EASEMENT AREA FOR INSPECTION PURPOSES.
- 3.) THIS TRACT DOES NOT LIE WITHIN THE 100 YEAR FLOOD
PLAIN AS SHOWN BY THE CITY OF COLUMBIA'S FLOOD MAPS.



STREAM BUFFER STATEMENT:
THE AVERAGED STREAM BUFFER LIMITS SHOWN ON THIS
PLAT ARE INTENDED TO COMPLY WITH THE REQUIREMENTS
OF ARTICLE X, CHAPTER 12A OF THE CITY OF COLUMBIA'S
CODE OF ORDINANCES FOR A TYPE II STREAM.
NO CONSTRUCTION IS PROPOSED WITHIN THE INNER ZONE
OF THE STREAM BUFFER, EXCEPT AS AUTHORIZED BY THE
CITY OF COLUMBIA.

APPROVED BY THE CITY OF COLUMBIA PLANNING AND ZONING
COMMISSION ON THIS _____ DAY OF _____, 2013.

DOUG WHEELER - CHAIRPERSON

APPROVED BY THE CITY OF COLUMBIA CITY COUNCIL ON
THIS _____ DAY OF _____, 2013.

ROBERT McDAVID - MAYOR

SHEELA AMIN - CITY CLERK

SURVEY AND PLAT BY:
C. STEPHEN HEYING SURVEYING
1202 MADISON STREET
COLUMBIA, MISSOURI 65203
(573) 442-3455

DESCRIPTION:

A TRACT OF LAND IN THE SOUTH HALF OF THE NORTHEAST QUARTER OF SECTION 7, TOWNSHIP
48 NORTH, RANGE 12 WEST, IN COLUMBIA, BOONE COUNTY, MISSOURI, BEING LOT 2 OF
LANDMARK SUBDIVISION AS SHOWN BY THE PLAT RECORDED IN PLAT BOOK 42, PAGE 31 OF
THE BOONE COUNTY RECORDS AND BEING FURTHER DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF SAID LOT 2 OF LANDMARK SUBDIVISION, THENCE
ALONG THE LINES OF SAID LOT 2, N 89°29'20"E, 475.15 FEET; THENCE S 89°24'50"E,
59.89 FEET; THENCE S 00°12'05"W, 174.20 FEET; THENCE S 05°00'05"E, 311.70 FEET;
THENCE 173.36 FEET ALONG A CURVE TO THE LEFT THAT IS NON TANGENT TO THE PRECEDING
COURSE HAVING A RADIUS OF 305.86 FEET THE CHORD OF SAID CURVE BEING S 48°10'25"W,
171.05 FEET; THENCE N 13°52'25"W, 194.36 FEET; THENCE S 89°32'35"W, 335.95 FEET;
THENCE N 12°39'25"W, 234.59 FEET; THENCE N 00°03'10"W, 185.26 FEET TO THE POINT OF
BEGINNING AND CONTAINING 5.46 ACRES.

SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD.

I HEREBY CERTIFY THAT I MADE A SURVEY OF THE ABOVE DESCRIBED TRACT OF LAND AND
SUBDIVIDED IT AS SHOWN ON THE ATTACHED DRAWING IN ACCORDANCE WITH THE CURRENT
MISSOURI MINIMUM STANDARDS FOR PROPERTY BOUNDARY SURVEYS.

C. STEPHEN HEYING, PL 1991

STATE OF MISSOURI)
COUNTY OF BOONE) ss

SUBSCRIBED AND SWORN TO BEFORE ME, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND
STATE ON THIS _____ DAY OF _____, 2013.

- NOTARY PUBLIC
MY COMMISSION EXPIRES - _____

KNOW ALL MEN BY THESE PRESENTS:

THAT BEAR CREEK PROPERTIES, A MISSOURI LIMITED LIABILITY COMPANY, IS THE SOLE
OWNER OF THE ABOVE DESCRIBED TRACT OF LAND AND HAS CAUSED THE SAME TO BE
SURVEYED, SUBDIVIDED AND PLATTED AS SHOWN ON THE ATTACHED DRAWING.

EASEMENTS OF THE TYPES AND WIDTHS SHOWN ARE HEREBY DEDICATED TO THE
CITY OF COLUMBIA, MISSOURI, FOR PUBLIC USE.

BEAR CREEK PROPERTIES, LLC

JOHN A. DUPUY - MEMBER

STATE OF MISSOURI)
COUNTY OF BOONE) ss

ON THIS _____ DAY OF _____, 2013 BEFORE ME, A NOTARY PUBLIC IN AND FOR
SAID COUNTY AND STATE, APPEARED JOHN A. DUPUY, MEMBER OF BEAR CREEK PROPERTIES
A MISSOURI LIMITED LIABILITY COMPANY, TO ME PERSONALLY KNOWN TO BE THE PERSON
WHO EXECUTED THE FOREGOING INSTRUMENT OF WRITING AND ACKNOWLEDGED THAT HE DID
THE SAME AS THE FREE ACT AND DEED OF SAID LIMITED LIABILITY COMPANY.

- NOTARY PUBLIC
MY COMMISSION EXPIRES - _____