

**AGENDA REPORT
PLANNING AND ZONING COMMISSION MEETING
May 23, 2013**

SUMMARY

A request by Dell Jones, LLC (owner) for a variance from Section 25-48.1 which requires sidewalks to be constructed on the abutting side of any street adjacent to plats approved after January 1, 2001; and for a variance from Section 24-35 of the City Code, which requires sidewalks to be installed upon construction of new buildings on property zoned for commercial uses, and abutting an arterial roadway. The subject site is located on the southwest corner of Waco Road and Brown Station Road. (Case # 13-66)

DISCUSSION

This request follows the 2005 approval of Dell Jones Plat 2, which created three M-C (Controlled Industrial) zoned lots. An industrial building and five-foot wide sidewalk was built on a previously platted portion of the property, near the mid-point of the site's Brown Station Road frontage. However, no sidewalk was constructed along the remainder of the subject site's Brown Station Road frontage, and the subdivision performance contract has since expired.

The applicant is proposing to defer sidewalk construction along the northernmost 540 feet of his Brown Station Road frontage, which includes the entire frontage of Lots 202 and 203 (522 linear feet), and the northernmost 18 feet of Lot 201 of Dell Jones Plat 2. Section 25-48.1 relates to the entire length of the 540-foot variance request, and overlaps with the proposed variance from Section 24-35, which only applies to the 18-foot long segment contained within Lot 201.

Existing topography and infrastructure within the right-of-way along this road segment make it impractical to construct a sidewalk that would not need to be replaced when the intersection is rebuilt. The Waco/Brown Station Road intersection improvement is tentatively scheduled in the Capital Improvement Program as a 1-2 year project.

Council Policy Resolution 48-06A provides guidance for determining the need for a sidewalk variance and whether the impact of the proposed development justifies the requirement that the sidewalk be constructed, based on the following factors:

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

The variance is being proposed to grant relief from the overdue obligation to construct sidewalks along the site's Brown Station Road frontage, which was required to be completed within three years of subdivision approval.

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

A low-lying ditch and storm water inlets are located within the right-of-way adjacent to the existing road. Significant fill would be needed to raise the elevation of the sidewalk to match the future road elevation, and existing storm water inlets would need to be replaced to accommodate placement of the sidewalk within the right-of-way.

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

Brown Station Road is a major collector street, and experienced approximately 1,500 average daily trips in this vicinity as of the 2009 traffic count. While current traffic volume is considered low,

ongoing residential development to the north and south of the site, and the future extension of Waco Road to US 63, will increase both automobile and pedestrian traffic along Brown Station Road.

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

Alpha Hart Lewis Elementary School is located approximately ½ mile northwest of the subject site. The 50-acre Norma Sutherland Smith Park is located immediately west of the site, and is slated for development in 2014.

The second part of the applicant's request relates to Section 24-35 of the City Code, which requires a sidewalk to be installed along the frontage of Lot 201 prior to the issuance of permits to occupy three new structures on the lot. The applicant is requesting a variance from this requirement along the northernmost 18 feet of lot frontage on Brown Station Road, which includes that frontage located to the north of the existing drive entrance.

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;

See above.

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

Sidewalks are in place along both sides of Waco Road, west of Brown Station Road, and connect to sidewalks along Arbor Pointe Parkway to reach Alpha Hart Lewis Elementary.

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

Residential development in the area is primarily single-family (R-1), with the exception of approximately 20 acres of undeveloped PUD-zoned land on the west side of Brown Station Road, north of Waco Road. Industrial zoning and land uses exist on the subject site and along the east side of Brown Station Road.

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

The new development consists of three storage structures to support the industrial use on the subject site, and will not generate additional pedestrian traffic.

5. The cost of constructing the sidewalk;

The cost of constructing 18 feet of sidewalk is approximately \$360.

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

The terrain does not present a significant challenge in this particular location.

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.

In lieu of constructing the sidewalk north of the existing driveway entrance, the applicant proposes to provide fill, grade, and install an eight-foot wide sidewalk from the southern terminus of the existing sidewalk to the southern property line – approximately 287 linear feet. This would ensure that the sidewalk meets anticipated elevation and width specifications needed to avoid replacement when Brown Station Road is improved as part of a 6-10 year CIP project.

The calculated value of the proposed sidewalk and related improvements (beyond the basic five-foot wide concrete cost) is estimated at \$11,584, which offsets the estimated \$10,800 value of the 540 linear feet of five-foot wide sidewalk for which the variances are being requested.

Granting these variances would allow the applicant to redirect his investment to the sidewalk on the southern part of his property in lieu of constructing a five-foot wide sidewalk between his existing driveway and Waco Road that would be removed and replaced when the intersection of Waco Road and Brown Station Road is improved in approximately 1-2 years.

STAFF RECOMMENDATION

Staff recommends approval of the following variances, subject to the applicant installing an eight-foot wide sidewalk along the southern approximately 287 feet of Lot 201, Dell Jones Plat 2, to connect the existing five-foot wide sidewalk to the southern property line:

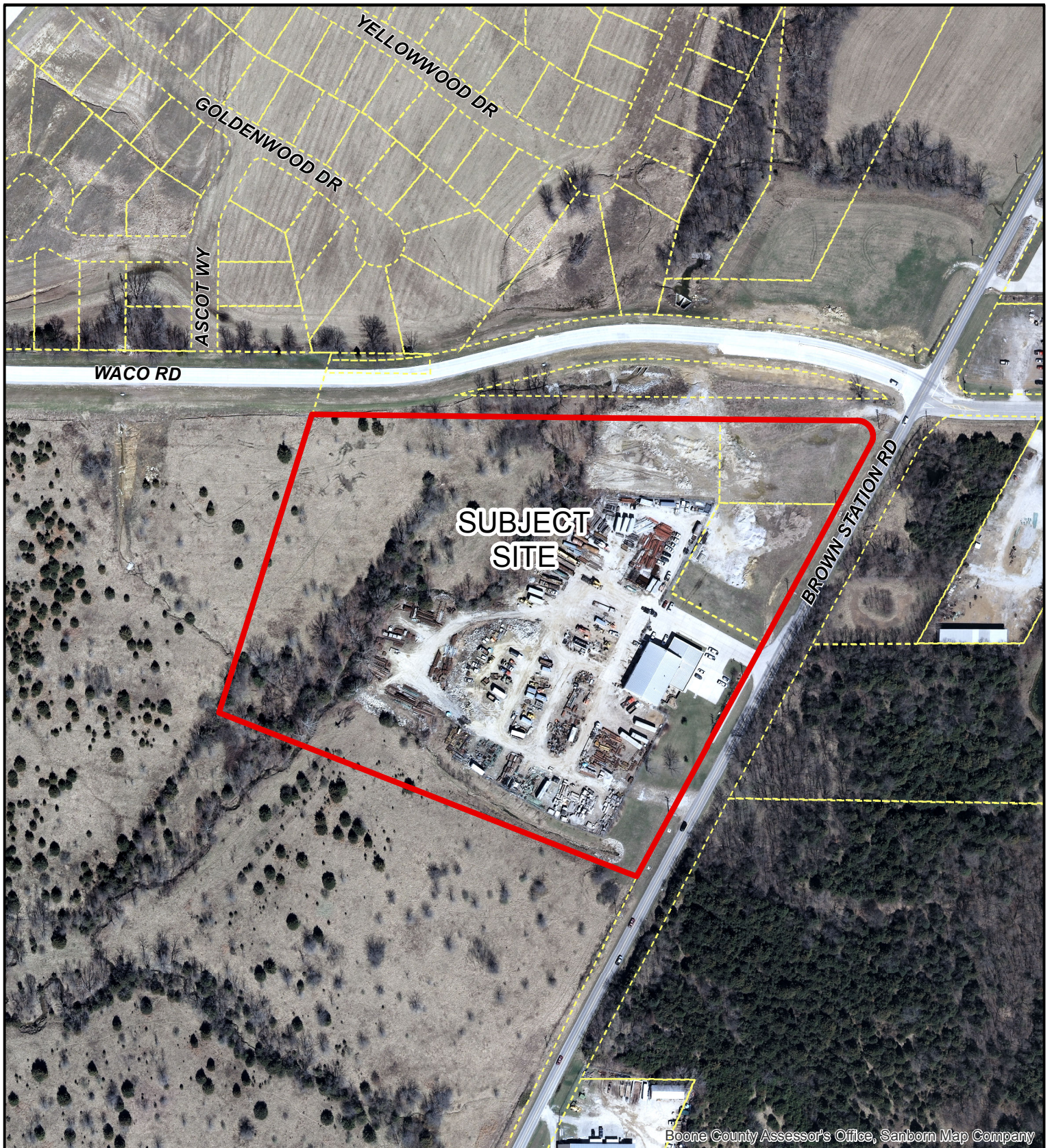
- (1) Variance from Section 25-48.1 of the Subdivision Regulations
- (2) Variance from Section 24-35 of the Streets, Sidewalks and Public Places Ordinance

ATTACHMENTS

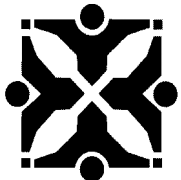
- Locator and topographic maps
- Dell Jones Plat 2
- Letter from the applicant

Report prepared by Steve MacIntyre

Approved by Pat Zenner

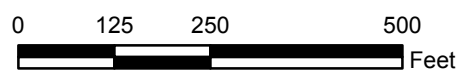


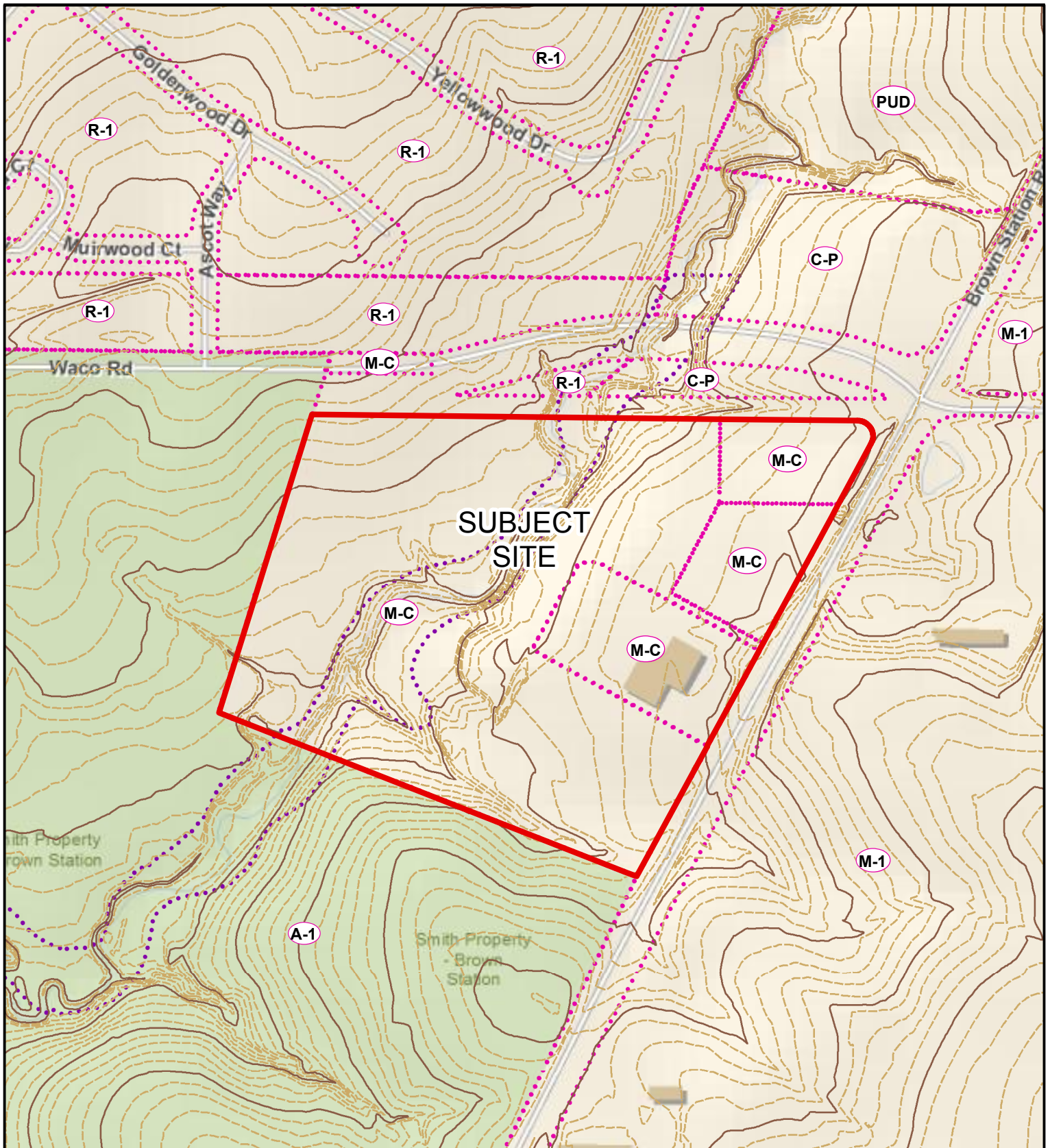
Boone County Assessor's Office, Sanborn Map Company



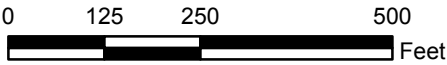
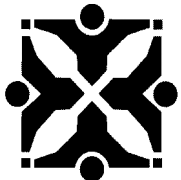
2011 Orthophoto
Source: Boone County Assessor

Case 13-66: Sidewalk Variance Dell Jones Plat 2





**Case 13-66: Sidewalk Variance
Dell Jones Plat 2**



1 inch = 250 feet





A CIVIL GROUP

CIVIL ENGINEERING • PLANNING • SURVEYING

May 16, 2013

Tim Teddy
Director of Planning and Development
City of Columbia
701 E. Broadway
Columbia, MO 65201

RE: Request for Variance to Sidewalk Construction – Dell Jones Plat 2

Dear Mr. Teddy:

In accordance with recent discussion with City staff, we are hereby requesting a variance of sidewalk construction along Brown Station Road for Lots 202 and 203 and the north 18' of Lot 201, Dell Jones Plat 2.

The owner, Dell Jones, LLC is wishing to erect three structures on Lot 201. Section 24-35(a) of the City Code of Ordinances requires sidewalk construction in conjunction with building construction along arterial or collector streets and therefore, sidewalks would have to be required to be built prior to occupancy of any new buildings.

Brown Station Road in this location is currently an unimproved road with minimal pavement width and no curb and gutter. There is approximately 162' of existing 5' sidewalk in front of the existing building on Lot 201. The issues we are facing with sidewalk construction along the remaining area include the topography adjacent to the existing roadway and the status of upcoming road reconstruction projects.

Unless a large amount of fill were to be placed in the right-of-way, a sidewalk in the location of the variance request would have the sidewalk at an elevation approximately 2' below the roadway and due to the upcoming planned construction of the Waco Road at Brown Station Road Intersection Project (Remainder of CIP Project #C00435), would require this sidewalk to be removed and replaced within 1-2 years. We have also been informed that the City would prefer an 8' pedway on this side of the road instead of the standard 5' sidewalk that Dell Jones, LLC is obligated to construct.

Therefore, we are requesting this sidewalk variance from the north edge of the driveway of the existing building at 5311 Brown Station Road, north to the Waco Road intersection. It is anticipated that the City will grade this right-of-way to the proper elevation and construct a pedway with the upcoming road reconstruction project. In-lieu of construction of this portion of sidewalk, we are willing to commit to construction of an 8' pedway along the southern portion of

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the roadway frontage from the existing sidewalk to the south property line of Lot 201. We will work with Public Works staff to obtain an appropriate elevation for the pedway so that it will not require removal and replacement with the future reconstruction of the remainder of Brown Station Road (CIP Project #C00409) which is projected to begin in 2020.

The current obligation of Dell Jones, LLC, being a 5' sidewalk from their existing drive to Waco Road, would cost approximately \$10,800.00. The cost of our proposal would be approximately \$11,584.00. The breakdown of these costs are as follows:

Approx. 540' of 5' sidewalk @ \$4.00 per square foot = \$10,800.00
Total = \$10,800.00

Approx. 287' of 3' additional pedway pavement (8' total) @ \$4.00 per square foot = \$3,444.00
Approx. 287' of fill/final grading for 8' pedway @ \$20.00 per linear foot = \$5,740.00
Approx. 24' of fencing at 2 inlet structures @ \$100.00 per linear foot = \$2,400.00
Total = \$11,584.00

Please feel free to contact me at the number below should you have any questions.

Thank you,
A Civil Group
Kevin P. Murphy