

Introduced by \_\_\_\_\_

First Reading \_\_\_\_\_

Second Reading \_\_\_\_\_

Ordinance No. \_\_\_\_\_

Council Bill No. B 165-13

**AN ORDINANCE**

granting a variance from the Subdivision Regulations and a waiver from the requirements of the City Code regarding sidewalk construction on a portion of the west side of Brown Station Road, south of Waco Road; setting forth a condition for approval; and fixing the time when this ordinance shall become effective.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBIA, MISSOURI, AS FOLLOWS:

SECTION 1. The City Council grants a variance from the requirements of Section 25-48.1 of the Subdivision Regulations so that a sidewalk shall not be required along the northernmost 540 feet of the west side of Brown Station Road adjacent to Lots 202 and 203 within Dell Jones, Plat 2 Subdivision.

SECTION 2. The City Council grants a waiver from the requirements of Section 24-35 of the City Code so that sidewalk construction shall not be required along the northernmost 18 feet of the west side of Brown Station Road adjacent to Lot 201 within Dell Jones, Plat 2 Subdivision prior to the issuance of occupancy permits for new structures on the site.

SECTION 3. The variance and waiver from sidewalk construction described in Section 1 and Section 2 are subject to the condition that applicant shall construct an eight-foot wide sidewalk along the southernmost 287 feet of the west side of Brown Station Road adjacent to Lot 201 within Dell Jones, Plat 2 Subdivision to connect to the existing five-foot wide sidewalk.

SECTION 4. This ordinance shall be in full force and effect from and after its passage.

PASSED this \_\_\_\_\_ day of \_\_\_\_\_, 2013.

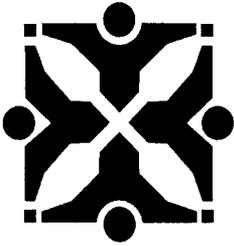
ATTEST:

\_\_\_\_\_  
City Clerk

\_\_\_\_\_  
Mayor and Presiding Officer

APPROVED AS TO FORM:

\_\_\_\_\_  
City Counselor



Source: Community Development - Planning

Agenda Item No:

To: City Council  
From: City Manager and Staff

Council Meeting Date: Jun 17, 2013

Re: Dell Jones - Sidewalk Variance (Case #13-66)

#### **EXECUTIVE 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:**

The applicant is requesting a variance from the requirement to build sidewalk along a portion of previously platted property along Brown Station Road, immediately south of Waco Road. The performance contract has expired since the property was platted in 2005, and the applicant must resolve this outstanding sidewalk obligation prior to receiving permits for planned improvements to the subject site.

The applicant is proposing to construct a permanent eight-foot wide sidewalk along his southern street frontage rather than constructing a five-foot wide sidewalk along the entire Brown Station frontage, which would need to be replaced in one to two years to accommodate planned improvements to the intersection of Waco and Brown Station Roads.

Variances from two overlapping sections of the City Code are requested:

1. Variance from Section 25-48.1, to provide relief from the requirement to construct the northernmost 540 feet of five-foot wide sidewalk, and instead obligate the applicant to construct an eight-foot wide sidewalk along the southernmost 287 feet of the subject site; and
2. Variance from Section 24-35 of the City Code, to provide relief from the requirement to construct sidewalk along the northernmost 18 feet of Lot 201's frontage on Brown Station Road prior to the issuance of occupancy permits for new structures on the site. This segment of lot frontage eclipses the southern portion of the above-mentioned 540-foot variance area. The remainder of required sidewalk on Lot 201 is already in place.

At its June 6, 2013 meeting, the Planning and Zoning Commission voted unanimously (9-0) to recommend approval of the request. There was limited discussion by Commissioners, and no members of the public spoke on this request.

#### **FISCAL IMPACT:**

The proposal would save the City approximately \$11,584, which is the estimated cost of additional grading and concrete to install a permanent eight-foot-wide pedway along the southern 287 feet of the site's Brown Station Road frontage.

#### **VISION IMPACT:**

<http://www.gocolumbiamo.com/Council/Meetings/visionimpact.php>

13.1 Goal: Columbia will enjoy a safe, interconnected, non motorized transportation network. It will be culturally supported by the citizens as it will encourage social interaction and healthy lifestyles. The roadway, sidewalk, public transit, and trail systems will all tie together into an effective integrated transportation network.

13.1.3 Strategy: Give proper funding, priority, and support to repairing, connecting, and expanding the city sidewalk system. Increase the pace of sidewalk improvements.

**SUGGESTED COUNCIL ACTIONS:**

The Planning and Zoning Commission recommends approval of the requested variances from Section 25-48.1 of the Subdivision Regulations, and Section 24-35 of the Streets, Sidewalks and Public Places Ordinance. This condition is subject to the applicant installing an eight-foot wide sidewalk along the southern 287 feet of Lot 201, Dell Jones Plat 2, to connect the existing five-foot wide sidewalk to the southern property line.

<b>FISCAL and VISION NOTES:</b>					
<b>City Fiscal Impact</b> Enter all that apply		<b>Program Impact</b>		<b>Mandates</b>	
City's current net FY cost	\$0.00	New Program/ Agency?	No	Federal or State mandated?	No
Amount of funds already appropriated	\$0.00	Duplicates/Expands an existing program?	No	<b>Vision Implementation impact</b>	
Amount of budget amendment needed	\$0.00	Fiscal Impact on any local political subdivision?	No	Enter all that apply: Refer to Web site	
Estimated 2 year net costs:		<b>Resources Required</b>		Vision Impact?	Yes
One Time	\$0.00	Requires add'l FTE Personnel?	No	Primary Vision, Strategy and/or Goal Item #	13.1
Operating/ Ongoing	\$0.00	Requires add'l facilities?	No	Secondary Vision, Strategy and/or Goal Item #	13.1.3.
		Requires add'l capital equipment?	No	Fiscal year implementation Task #	N/A

**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 until grading is completed for a planned improvement to the intersection of Waco Road and Brown Station Road. 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
- Letter from the applicant
- Dell Jones Plat 2
- Preliminary intersection plan sheets

Report prepared by Steve MacIntyre

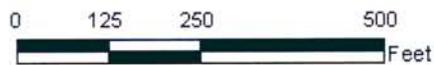
Approved by Pat Zenner



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

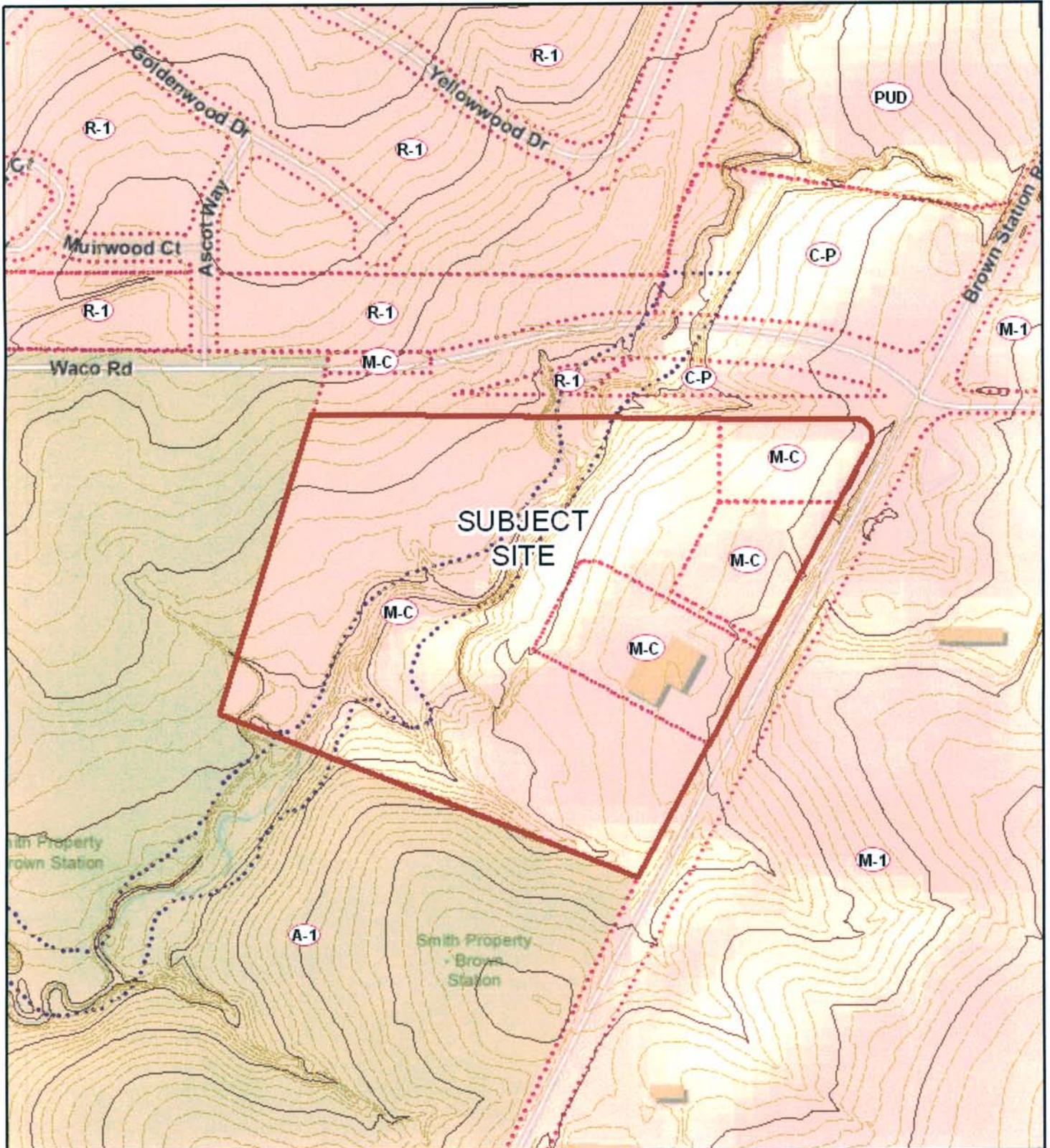


2011 Orthophoto  
Source: Boone County Assessor

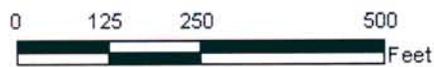


1 inch = 250 feet





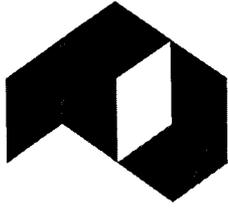
**Case 13-66: Sidewalk Variance  
Dell Jones Plat 2**



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

3401 Broadway Business Park Court, Suite 105  
Columbia, Missouri 65203  
PHONE: 573-817-5750 FAX: 573-817-1677

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

**EXCERPTS**  
**PLANNING AND ZONING COMMISSION**  
**JUNE 6, 2013**

**IV.) SUBDIVISIONS**

**13-66 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. The subject site is located on the southwest corner of Waco Road and Brown Station Road. (This item has been carried forward from the May 23, 2012 meeting, due to a lack of quorum.)**

MR. WHEELER: May we have a Staff report, please.

Staff report was given by Mr. Steven MacIntyre of the Planning and Development Department. 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

MR. WHEELER: Are there any questions of Staff?

MR. STRODTMAN: I have a question. The proposed sidewalk is going to be an eight-foot sidewalk. And then the existing sidewalk is four feet?

MR. MACINTYRE: There's an existing sidewalk; I believe it's five feet wide.

MR. STRODTMAN: Five feet?

MR. MACINTYRE: And that was done in an earlier platting phase. They actually had a plat one to -- Dell Jones Plat 1, which originally created that center lot, and then he came back and replatted the property or required more -- included more into that plat. And it was after that plat, which was, I believe, finalized in 2005, that the sidewalks were never constructed along Brown Station Road. So there was that existing sidewalk in place at the five-foot standard already. That would need to be widened as part of a future city road project. And, again, it's, if I recall correctly, a six-year project estimated timeline on that road project for the entire length of the property on Brown Station Road, and it goes down quite a ways.

MR. STRODTMAN: Thank you.

MR. WHEELER: Are there any additional questions of Staff? Seeing none, this is not a public hearing, but it has been our practice to open it up if you have any --

MR. MURPHY: Kevin Murphy with A Civil Group, offices at 3401 Broadway Business Park Court; I'm here representing Dell Jones, LLC. And, again, I think that this is something that -- we've had several issues out here and how to build this so it didn't have to get torn out with the upcoming road project, which would be intersection improvements at Waco and Brown Station, and then a

future project, which still isn't quite funded, which would be the remainder of Brown Station south to Stark Lane, where it's been improved previously, and then north to Route B. It's just really given our client heartburn that he would have to pay to put something in for the City to come back and tear out and -- pay to tear out and reconstruct again. So we've been doing our best to come up with a reasonable option here, and we've worked with Public Works to -- or are working with them to come up with an elevation for this pedway that we're proposing on the south half, to get it in so hopefully it won't have to -- anything would have to happen to it in the future. There may be some utility relocations, so I'm not guaranteeing that it's going to be there for -- all part of it are going to be there throughout the project, but -- yes. And the Public Works Department has a pedway planned on this north and west side of Brown School, so it ties in to the pedway on the south side of Waco that eventually goes west down across the park property and towards the school.

MR. WHEELER: Okay. Any questions of the speaker? Thank you, Mr. Murphy. All right. Commissioners, discussion? Who wants to lead off this evening? Mr. Strodtman?

MR. STRODTMAN: I think it seems to be pretty clear and common sense not to ask the applicant to install something and then the City come along later, six years, and tear it out, so I plan on supporting it.

MR. WHEELER: Mr. Tillotson?

MR. TILLOTSON: I just echo that sentiment. I think it's pretty cut and dried as far as I'm concerned. I'll support it.

MR. WHEELER: Was that a motion that I heard in there?

MR. TILLOTSON: Make a motion. Or Ann's finger was first. She can do it.

MR. WHEELER: Ms. Peters, do you have a comment you'd like to make? I'm sorry.

MS. PETERS: I'd be happy to make a motion unless Mr. Tillotson would like to.

MR. TILLOTSON: No. You go right ahead.

MS. PETERS: I would move for approval of 13-66, a request by Dell Jones, LLC for a variance from Section 25-48.1 and for a variance from Section 24-35 of the City Code, which requires sidewalks --

MR. STANTON: Second.

MS. PETERS: Let me --

MR. WHEELER: If I may --

MS. PETERS: Yeah. Go ahead.

MR. WHEELER: I'm assuming -- is that -- I'm asking, is that subject to Staff's recommendation, installing an eight-foot sidewalk for 287 feet on Lot 201?

MS. PETERS: I was getting there.

MR. WHEELER: Oh, sorry. I rushed you.

MS. PETERS: It's complicated. That would be with Staff's recommendation of approval of the following variances: Subject to the applicant's installation of an eight-foot sidewalk along the southern border, approximately 287 feet, of Lot 201 Dell Jones Plat 2, to connect to the existing five-foot sidewalk to the southern property line.

MR. WHEELER: All right.

MR. TILLOTSON: I'll second.

MR. WHEELER: Mr. Tillotson. Motion's been made and seconded. Discussion on the motion? Did you get all that, sir?

MR. VANDER TUIG: I think so.

MR. WHEELER: All right. When you're ready.

MR. VANDER TUIG: We have a motion and a second for approval of a variance on Case No. 13-66, approval for a variance to Sections 25-48.1 and 25-35, contingent upon the applicant installing an eight-foot wide sidewalk along the southern approximate 287 feet of Lot 201.

**Roll Call Vote (Voting "yes" is to recommend approval.) Voting Yes: Mr. Lee, Ms. Peters, Dr. Puri, Mr. Reichlin, Mr. Stanton, Mr. Strodtman, Mr. Tillotson, Mr. Vander Tuig, Mr. Wheeler. Motion carries 9-0.**

MR. WHEELER: Recommendation for approval will be forwarded to City Council.