



Department Source: Community Development - Planning

To: City Council

From: City Manager & Staff

Council Meeting Date: August 21, 2017

Re: 2301 Primrose Sidewalk Waiver (Case #17-157)

Executive Summary

Approval of this request would waive the requirement to construct sidewalks along the public right of way.

Discussion

The applicant, A Civil Group (agent) on behalf of Maddox and Robinson Investments, LLC (owner), is requesting approval of a waiver from Section 24-35 and a design adjustment from Section 29-5.1 (d.2.i) which would, if approved, waive the requirement to construct approximately 60 feet of sidewalk located on the north side of Primrose Drive, approximately 500 feet east of Gardner Drive that is required due to proposed multi-family construction on the site.

The applicant is requesting the waiver due to the presence of a significantly large Sycamore tree that may need to be removed to accommodate the sidewalk. Staff did not find adequate evidence to support the applicant's rationale for the sidewalk waiver. Waiving the sidewalk in this location would result in greater threats to public safety due to topographic conditions. It may be possible to save the tree and accommodate the sidewalk by removing a very large limb that attaches near the base of the trunk. Furthermore, waiver of the sidewalk would increase costs to the City as sidewalk construction along Primrose Drive is currently identified as a 6-10 year CIP project.

At its July 6, 2017 meeting, the Planning and Zoning Commission considered this request. Staff presented its report and a representative for the applicant gave an overview of the request. The applicant provided a history of the tree and reiterated the desire to preserve it with the sidewalk waiver. No one from the public spoke concerning the request.

The Commission commented on the condition of the tree and the levels of traffic on Primrose, and inquired if additional infrastructure improvements to the storm sewer would also require the removal of the tree. The applicant stated that the tree should not be affected by any storm sewer infrastructure that would be installed. Following additional discussion, the Commission voted 5-3 to recommend denial of the requested waiver.

It should be noted that the applicant has included a request that the City consider a fee-in-lieu payment for the cost of the sidewalk installation as a condition of waiving the applicant's responsibility to build the sidewalk. Staff has not offered a recommendation on whether to accept the fee-in-lieu in this case, as there is no specific provision in the applicable sections of the Municipal Code. However, City Council may consider accepting



City of Columbia

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the fee-in-lieu option, along with the approval of the waiver. Included in the packet is a cost estimate for sidewalk construction provided by the applicant and reviewed by staff, which can be used as a reference for a fee if so desired.

A copy of the staff report, locator maps, worksheet with photo attachments, cost estimate, CIP page B-39, Columbia Imagined pages 144 and 148, and meeting excerpts are attached.

Fiscal Impact

Short-Term Impact: None; CIP project timeline is 6-10 years.

Long-Term Impact: If waiver is approved, City may be responsible for cost of sidewalk construction in the future.

Strategic & Comprehensive Plan Impacts

Strategic Plan Impacts:

Primary Impact: Infrastructure, Secondary Impact: Not Applicable, Tertiary Impact: Not Applicable

Comprehensive Plan Impacts:

Primary Impact: Infrastructure, Secondary Impact: Mobility, Connectivity, and Accessibility, Tertiary Impact: Livable & Sustainable Communities

Legislative History

Date	Action
NA	NA

Suggested Council Action

Denial of the requested waiver as recommended by the Planning and Zoning Commission.