

**AGENDA REPORT
PLANNING AND ZONING COMMISSION MEETING
May 9, 2024**

SUMMARY

A request by Luebbert Engineering (agent), on behalf of Garrett Bever (owner), for approval of a 1-lot Final Minor Plat of A (Agricultural) zoned property to be known as Bever Estate, and a design adjustment from Sec. 29-5.1(d) in regards to sidewalk construction. The 6.36-acre subject site is located at 3307 Barberry Avenue. **(Case # 134-2024)**

DISCUSSION

The applicant is seeking approval of a 1-lot final plat of their 6.36-acre parcel located on the north side of Barberry Avenue, just west of Grayson Drive, in order to establish legal lot status on the parcel in preparation of developing a home on the lot. In addition to the requested replat, the applicant seeks approval of a design adjustment from the provisions of Section 29-5.1(d) of the UDC requiring construction of a sidewalk along the platted property's street frontage.

The property fronts Barberry Avenue for roughly 310 feet, starting at the southwest corner of the subject tract. However, the applicant intends to take driveway access from Barberry within a 20-foot access and utility easement at the southeast corner of the parcel. This easement was dedicated by the neighboring property owner in July of 2023. This access point permits greater sight distances for the driveway, and is already an established vehicular entrance into the property. Additional right-of-way is dedicated on the plat for Barberry, accommodating a larger radius for the roadway curvature along the subject tract's frontage. The standard 10-foot utility easement is also dedicated along the same frontage. Sewer, water, and electric are all present along Barberry Avenue at or near the southeast corner of the subject parcel, where connections are planned.

A 20-foot electric easement contains overhead power lines that cross the property at an angle roughly parallel to Barberry Avenue, until the street curves to the west and the power lines continue across the road to the southwest. This easement was not located during title research on the property, therefore it is rededicated on the plat. The required Type II stream buffer is also denoted on the plat for an unnamed tributary to Perche Creek that lies across the northern end of the parcel. Chapter 12A requires a 50-foot buffer on either side of the channel, but the applicant has provided an additional 25 feet to address concerns about steep slopes in this region of the parcel, which is in accordance with the chapter. All appropriate easements and right-of-way are accounted for, and the plat is generally in compliance with the provisions of the UDC.

With respect to the requested design adjustment, the applicant has supplied the attached Design Adjustment Worksheet detailing their analysis of the requested waiver. Barberry Avenue is narrow roadway with just 18 feet of pavement, and was not constructed to City street standards. Therefore, the provisions of Policy Resolution 48-06A (policy for variances for construction of sidewalks along unimproved streets) do apply. PR 48-06A provides for alternative locations for sidewalks in cases where topography or obstacles interfere, and also permits the property owner to instead submit a payment equivalent to the cost of sidewalk construction to the City. The Commission may recommend that City Council utilize the fee-in-lieu provisions of the resolution as a condition of the design adjustment approval. The resulting lot would have a total street frontage of 310 feet, multiplied by the standard sidewalk fee of \$70.85 per linear foot; an appropriate fee would be \$21,963.50.

Section 3 of the resolution provides 4 factors that Council may consider when assessing a request for a waiver of 29-5.1(d), which are outlined below with staff's evaluation.

a) The cost of the sidewalk relative to the proposed development

The estimated \$21,963.50 cost of constructing the sidewalk is a substantial sum when considering the applicant wishes to construct just one single-family home on the site. Given the state of the Barberrry Avenue corridor and significant residential development on nearby acreage, improving the roadway, including installation of sidewalks, may become a priority moving forward.

b) Feasibility to construct sidewalk in regards to the terrain.

The frontage of the property is densely wooded, and contains significant topographical variations between the edge of pavement and the property line. There are no future plans to improve Barberrry Avenue in this location, so sidewalk construction would require significant engineering, increasing the cost of construction.

c) Whether the site is in a developed area, on a low-traffic street without sidewalks.

The subject parcel is situated in a greenfield environment; however, areas southeast of Barberrry are developed and are served by sidewalks. Barberrry Park lies immediately south of the site, but in order to enter the park, pedestrian traffic from the site would have to cross the roadway in an area with short sight distances. Barberrry Avenue is classified as a neighborhood collector on the CATSO Major Roadway Plan, and acts to collect westward traffic from Stadium Boulevard as it funnels through the residential neighborhood on Primrose Drive, and to the south on Sunflower Street. Barberrry also provides indirect connectivity to I-70 Drive Northwest south of the site via Grayson and Hibiscus Drives. A recent traffic study performed in conjunction with the Amberton Place Preliminary Plat noted a maximum traffic load of 28 trips in the AM peak hour, and 19 trips in the PM peak hour adjacent to the subject site. Those peaks are traveling to the east in the morning and westward in evening, which is consistent with residents commuting into town for work. With the buildout of Amberton Place (123 homes), those volumes are anticipated to increase to 60 trips in the AM peak, and 40 in the PM. However; the traffic impact analysis did not find that the increase in Barberrry traffic warranted any significant roadway improvements, and the applicant will add only a few daily trips to those counts.

d) And, current or future pedestrian generators in the vicinity that would be accessed by the subject sidewalk.

Given the land use pattern north of Barberrry, the required sidewalk would not offer significant benefit for pedestrians trying to reach Barberrry Park or any properties east of the subject parcel. The Barberrry Park property includes a strip along the south side of Barberrry Avenue in anticipation of a pedway being installed connecting the park to the west to the city limits, to Zinnia Drive to the south, and to Grayson Drive to the west along a stubbed realignment of Barberrry. No plans currently exist for constructing the pedway or the realignment of Barberrry, but added development pressure in the vicinity are anticipated to generate a greater need for these improvements.

Section 29-5.2(b)(9) of the UDC also provides five criteria to be considered in evaluation of any request of a design adjustment. This section states that the Commission may recommend approval the request only if it determines that the following criteria have been met.

1. The design adjustment is consistent with the City’s adopted comprehensive plan and with any policy guidance issued to the Department by Council;

Staff believes the design adjustment does, in fact, conflict with the objectives of the Comprehensive Plan which seeks to promote and facilitate non-motorized transportation options by prioritizing interconnectivity between neighborhoods and enforcing the existing sidewalk ordinance. The Comp Plan rates this policy as a high public priority. Given the clarity of this component of the Comp Plan, Staff typically cannot support requests for sidewalk waivers. **[NOT SUPPORTED]**

2. The design adjustment will not create significant adverse impacts on any lands abutting the proposed plat, or to the owners or occupants of those lands;

Given the lack of sidewalk on either side of Barberry Avenue, Staff does not anticipate any additional negative impacts to adjacent property owners or creation of more dangerous conditions for pedestrian or motorized traffic than presently exists. Granting the waiver for this singular lot would not create any adverse impacts on the general public health and safety, even though existing conditions are inadequate. **[SUPPORTED]**

3. The design adjustment will not make it significantly more difficult or dangerous for automobiles, bicycles, or pedestrians to circulate in and through the development than if the Subdivision Standards of Section 29-5.1 were met;

While the existence of a sidewalk in this location would benefit pedestrian safety considerations, the lack of a sidewalk network within the current built environment limits the impact that granting a waiver to the subject site would create. Staff does not believe that the environment is drastically more dangerous currently than if a sidewalk were required to be constructed only on the subject frontage. **[SUPPORTED]**

4. The design adjustment is being requested to address a unique feature of the site or to achieve a unique design character, and will not have the effect of decreasing or eliminating installation of improvements or site features required of other similarly situated developments;

Staff agrees that the environmental features encountered along the Barberry frontage of the site are unique and pose several challenges to installation of a standard sidewalk in its typical location. Substantial grading would be required to match the existing street profile, or an alternative design would need to be established to provide an appropriate walkway. While there are not any planned sidewalk improvements along Barberry Avenue at this time, future roadway improvements may be undertaken that would address the lack of sidewalk within the broader context of the site and provide a regional benefit. Approval of the sidewalk waiver would not result in decreasing or eliminating the ability to install such features in the future, but rather defer such construction and the associated potential costs to a future public project. **[SUPPORTED]**

5. The design adjustment will not create adverse impacts on public health and safety.

Staff does not foresee any greater adverse impacts to public health or safety than presently existing should the requested design adjustment be approved. Existing conditions are not ideal and the lack of pedestrian generators to support installation of sidewalk apart from broader public improvements or a reconstruction project involving Barberry Avenue should perhaps be undertaken as a means of addressing pedestrian and vehicular safety concerns.

[SUPPORTED]

The subject plat has been reviewed by both internal staff and external agencies. The plat, with the exception of the requested design adjustment, is compliant with all aspects of the subdivision requirements of the UDC. If the design adjustment is denied, installation of a compliant sidewalk would be required to be shown on the plot plan submitted with the future building permit application associated with the site and would necessitate preparation of construction plans showing compliance with the City’s street & sidewalk standards. A recommendation of a fee in lieu payment may be offered for Council consideration should a full waiver of sidewalk construction not be desired.

RECOMMENDATION

1. Denial of the requested design adjustment to Section 29-5.1; and
2. Approval of the final plat

SUPPORTING DOCUMENTS (ATTACHED)

- Locator maps
- Final Plat
- Land Analysis Map
- Significant Tree Inventory
- Design Adjustment Worksheet

SITE CHARACTERISTICS

Area (acres)	6.36 acres
Topography	Sloping east to west
Vegetation/Landscaping	Wooded
Watershed/Drainage	Perche Creek
Existing structures	None

HISTORY

Annexation date	1969
Zoning District	A (Agriculture)
Land Use Plan designation	Neighborhood District
Previous Subdivision/Legal Lot Status	Parts of survey tracts, subdivision required

UTILITIES & SERVICES

All services provided by the City of Columbia.

ACCESS

Barberry Avenue	
Location	South side of site
Major Roadway Plan	Neighborhood Collector
CIP projects	N/A
Sidewalk	Sidewalks required, subject of design adjustment request

PARKS & RECREATION

Neighborhood Parks	Grasslands Park, MKT Nature and Fitness Trail
Trails Plan	N/A
Bicycle/Pedestrian Plan	N/A

PUBLIC NOTIFICATION

All property owners within 185 feet and City-recognized neighborhood associations within 1,000 feet of the boundaries of the subject property were notified via an advanced public notification postcard on April 11th, 2024 and property owner letters were sent on April 23rd, 2024.

Notified neighborhood association(s)	None
Correspondence received	None

Report prepared by Rusty Palmer

Approved by Patrick Zenner