



Department Source: Community Development - Planning

To: City Council

From: City Manager & Staff

Council Meeting Date: April 5, 2021

Re: Ash Street Community PD Plan – Major Amendment (Case# 72-2021)

Executive Summary

Approval of this request would result in the adoption of a new PD plan, approving a reduction of the proposed internal sidewalk from six feet to four feet in width.

Discussion

The applicants, Kay & Jack Wax, are requesting approval of a major amendment to the “Ash Street Community PD Plan” located at 906 West Ash Street. The PD Plan includes 10 single-family homes, a community building, and a community park and garden arranged off of a central private street and adjacent private sidewalk. The applicants wish to reduce the required width of the private sidewalk from six feet to four feet, in order to reduce stormwater runoff.

The submitted 2019 development plan proposed a four-foot sidewalk which was not approved and the applicant was required to show the installation of a conforming six-foot wide sidewalk which is depicted on the approved PD plan. This increase was required due to the UDC requiring a minimum five-foot wide sidewalk, based on the City's 2001 adopted street and sidewalk standards, which are considered consistent with the general requirements of the Americans with Disabilities Act. The additional one foot of sidewalk width was required due to the sidewalk being located at the back of the curb along the private street.

The development's sidewalk was placed at the back of curb to avoid a conflict with the existing community building structure, which is located approximately five feet from the back of the curb of the access street. As a result of the building's placement and the required increase in sidewalk width throughout the remainder of its length, the reduced width at the community building location could not be avoided. While reduced, the proposed five-foot sidewalk at that location met the generally applicable minimum sidewalk width of the City's standards.

Since Council's approval of the PD plan, the applicant has engaged with prospective homebuyers and other interested parties who have indicated a desire to further reduce the development's impervious surfaces. As proposed, homes will be constructed on minimal footprints. Reduction in the width of the private access street cannot occur without impacting fire protection access; therefore, the applicant believes the appropriate way to reduced impervious area is to revisit the issue of the required width of the development's sidewalk. This is the principal purpose of this major amendment to the existing PD plan.



City of Columbia

701 East Broadway, Columbia, Missouri 65201

As part of its review of this request, staff was informed by an adjoining property owner that a perimeter screening device, agreed to be installed by the applicant and discussed as part of the July 10, 2019 Planning and Zoning Commission's approval of the existing PD Plan, had been omitted. That omission was not identified prior to Council's approval of the existing PD plan; however, is still desired to be installed by several adjoining property owners.

In efforts to correct this omission, respect the wishes of adjoining residents, and comply with the July 2019 Planning Commission recommendation, this topic was discussed as part of the current request to amend the sidewalk width. As part of the public hearing testimony, the applicant sought to amend the screening requirements and the Planning Commission offered an amendment to application to address the matter.

At its March 4, 2021 meeting, the Planning and Zoning Commission considered the applicant's request to amend the 2019 approved PD Plan to allow reduced sidewalk width and to address the omitted perimeter screening requirement. Staff provided its report and the applicant gave a short presentation regarding the benefits of reductions in the impervious surfaces on the subject site, referencing stormwater and CO₂ reductions. The applicant acknowledged the screening device was to be constructed, but since 2019 several neighboring property owners had requested that the device not be installed adjacent to their properties. As a result, the applicant requested that the required screening only apply to the east side of the property, where she had specific requests from property owners to include the fence.

As part of its deliberations, Commissioners discussed the minimum ADA standards for sidewalks and inquired about the City's liability for substandard walkways given the proposed sidewalk is part of a private common lot. Staff indicated it was likely the City would still be held responsible for any substandard sidewalk construction. Commissioner's expressed concern about the practicality of a narrowed sidewalk especially for those protected by the ADA standards. Additionally, the Commission asked for clarification regarding the location of the required screening, per the 2019 public hearing. Staff provided an exhibit depicting the existing fence, as well as the screening agreed to by the applicant.

Following additional limited discussion, the Commission made the following motions relating to the proposed amendments to the PD Plan for Council's consideration:

1. Denied the request for the reduction in sidewalk width from six to four feet. (Passed unanimously, 7-0, one abstention)
2. Approved a reduction in sidewalk width, pursuant to staff's recommendation, resulting in a five-foot sidewalk section being placed at the back of curb in the location of the community building conflict and off-set one foot along all other portions of the private access street. (Passed unanimously, 7-0, one abstention)
3. Approved the addition of the six-foot perimeter screening device where none currently exists, per the applicant's commitment as represented in the July 10, 2019 Planning and Zoning Commission minutes, subject to a provision that installation of such device could be waived if the Community Development Department were



provided written consent from the adjoining property owners now not desiring to have such device installed. (Passed unanimously, 7-0, one abstention)

As part of the Commission's approval of the above motions, a revised PD Plan was indicated as being required prior to forwarding this action to Council. Such revised plan has not been submitted and the applicant has indicated the desire to continue to pursue the originally requested sidewalk reduction and not revise the PD Plan to include the screening device notations. As such, the attached PD Plan dated 2/9/2021 does not bear the signature of the Planning and Zoning Commission Chairman as the plan is not in compliance with the recommendation of the Planning and Zoning Commission.

The Planning and Zoning Commission staff report, locator maps, PD plan, Statement of Intent, meeting excerpts, and public correspondence are attached for review.

Fiscal Impact

Short-Term Impact: N/A

Long-Term Impact: N/A

Vision & Strategic Plan Impact

Strategic Plan Impacts:

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

Comprehensive Plan Impacts:

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

Legislative History

Date	Action
8/19/2019	Ord. 23962: Approved the, <i>Ash Street Community PD Plan</i>

Suggested Council Action

Deny the request to approve the submitted revision to the *Ash Street Community PD Plan*, dated 2/9/2021, as it is inconsistent with the recommendation of the Planning and Zoning Commission, and direct the applicant to submit a revised plan meeting the approval conditions recommended by Planning and Zoning Commission at its March 4, 2021 hearing.

Alternatively, should Council agree with the applicant's requested reduction in the sidewalk width, the revised PD Plan could be approved. Such action would not result in the previously agreed to perimeter screening device being shown as a required site improvement, and the PD Plan will not bear the Planning and Zoning Commission's signature.