



Department Source: Community Development - Planning

To: City Council

From: City Manager & Staff

Council Meeting Date: November 6, 2017

Re: McGary Subdivision Plat 2 - Final Plat and Design Adjustment (Case #17-190)

## Executive Summary

Approval of this request will result in the creation of a one-lot final minor plat and waive the requirement to construct sidewalk along St. Charles Road.

## Discussion

A Civil Group is requesting on behalf of McGary Properties, LLC (owner) approval of a one-lot final minor plat on A (Agricultural) zoned land, to be known as *McGary Subdivision Plat 2*, and approval of a design adjustment to Section 29-5.1(d) to waive sidewalk construction along St. Charles Road. The 0.78-acre subject site is located at the northwest corner of St. Charles Road and Tower Drive.

The requested plat would subdivide currently unplatted property into a legal lot, which would allow for the development of the site. Additional right of way is being granted for St. Charles Road as a major collector. The property was also granted a variance by the Board of Adjustment to allow A-zoned lots less than the minimum 2.5 acres. As part of the requested plat, the applicant is also requesting a design adjustment to waive the requirement to construct sidewalks along the site's approximate 214 feet of St. Charles Road frontage.

At its October 5, 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. Commissioners questioned staff about the current development status of surrounding properties, and if the City would be responsible for constructing the sidewalk and driveways with a road project. Staff responded that should a capital project be proposed prior to private development the City would be responsible for sidewalk and driveway construction. To the east of the site there has been a recently approved preliminary plat in which the developer would be responsible for sidewalks only the St. Charles frontage.

Commissioners also asked the applicant what the cost would be to build the sidewalk. They were informed potentially \$20,000 or more due to grading and fill. The potential cost is further described on the last page of supplemental information submitted at the PZC meeting. No one from the public spoke regarding the request.

Following additional discussion, the Planning and Zoning Commission voted (5-3) to recommend approval of the final plat and deny the design adjustment to waive sidewalks. In arriving at its recommendation of denial on the sidewalk waiver, Commission expressed



# City of Columbia

701 East Broadway, Columbia, Missouri 65201

concern with waiving sidewalk construction in an area that could potentially develop in the near future, and with setting a precedent along St. Charles of granting design adjustments for sidewalks.

Policy Resolution 48-06A provides that Council, as an alternative, can accept a fee-in-lieu for the sidewalk, based upon “the City’s average cost of constructing Portland cement concrete sidewalks by public bid during the two (2) calendar years prior to the year in which the variance request is submitted.” In past practice, this has been interpreted as the cost of the sidewalk alone, recently priced at \$6 per square foot, which excludes other costs that may be associated with installing sidewalks, such as retaining walls, utility relocation, and driveway reconstruction. As such, it should be noted that the historic application of \$6 per square foot may not reflect the true cost to the City for constructing the sidewalks.

It should be further noted that the applicant has requested a full waiver of sidewalks. No specific estimate for a fee-in-lieu has been prepared at this time. If a fee-in-lieu to be considered as an option by the applicant and Council, an estimate will need to be prepared for Public Works consideration.

A copy of the Planning Commission staff report, locator maps, final plat, design adjustment request, Council Policy Resolution PR 48-06A, Board of Adjustment decision, and meeting excerpts are attached.

## Fiscal Impact

Short-Term Impact: Limited short-term impact. All infrastructure extension will be at developer's expense.

Long-Term Impact: Potential long-term City costs may be incurred through provision of public safety and solid waste services. Such increased costs may or may not be offset by increased property taxes and user fees. If sidewalk is waived, City may be responsible for 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: Land Use & Growth Management, Secondary Impact: Not applicable, Tertiary Impact: Not Applicable



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## Legislative History

Date	Action
10/7/1969	Approved annexation and permanent zoning of A-1 (Ord #5132)

## Suggested Council Action

**Approve** the final plat for *McGary Subdivision Plat 2* and **deny the design adjustment** to 29-5.1(d) to waive sidewalk construction along St. Charles Road, as recommended by the Planning and Zoning Commission.

Should the Council desire to approve the requested design adjustment, per Section 29-5.2(c)(3)(iii)(A)(4), a 2/3 majority vote of the membership will be necessary.