

**AGENDA REPORT  
PLANNING AND ZONING COMMISSION MEETING  
May 5, 2022**

**SUMMARY**

A request by Ashley & Patrick Scholl (owners) for a design adjustment from Section 29-5.1 of the UDC in regards to construction of sidewalks along their property's Old Plank Road frontage. The 2.81-acre property is located on the north side of Old Plank Road, east of Abbotsbury Lane, and addressed as 7101 S. Old Plank Road. **(Case # 139-2022)**

**DISCUSSION**

The applicants are requesting a design adjustment from the requirements of Section 29-5.1(d) requiring construction of sidewalks along the subject property's S. Old Plank Road frontage. The subject property was platted as Lot 3 of Barcus Ridge Plat No. 2 that was approved in November 2015 with an accompanying performance contract. The performance contract obligated the property owner to construct sidewalks on all roadway frontages within 3 years following approval of the plat; however, historical City practice has been that sidewalk installation along residential lots occurs at the time of home construction prior to final occupancy certificate issuance. Since platting the property has been sold and the current owners wish to seek a waiver of the sidewalk requirement. If approved, the applicant would be formally relieved of the obligation to install sidewalks.

Section 29-5.2(b)(9) of the UDC details five criteria by which each request for a design adjustment is to be evaluated. The code states that the Director or Commission may recommend approval of the design adjustment if the following criteria are met.

- i. The design adjustment is consistent with the city's adopted comprehensive plan and with any policy guidance issued to the department by council;
- ii. 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;
- iii. 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;
- iv. 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; and
- v. The design adjustment will not create adverse impacts on public health and safety.

The Comprehensive Plan strives to provide walkable neighborhoods with safe pedestrian interconnectivity. Granting a waiver in this location would set a precedent for future development of adjacent lots, and would hinder future connections to nearby neighborhoods and amenities, such as Cascades Park to the northeast. Staff agrees that no adverse impacts would arise from approval of the waiver in regards to neighboring properties or property owners, but the existing conditions along the unimproved portion of Old Plank Road are a cause for concern in regards to pedestrian and bike safety. Constructing sidewalk in this location, while currently disjointed, would enhance circulation in the area, and provide a basis for the broader pedestrian network as the adjoining lots are developed.

The applicants indicate in the attached design adjustment worksheet that the design adjustment is needed to address steep slopes on the property, which would require extensive measures to provide an acceptable sidewalk. The overall slope of the subject property's 475-foot frontage is roughly 4%. As the property slopes up near the southwest corner of the parcel, the slope reaches as much as 7%, which is still within acceptable ADA guidelines, which permit ramps to be over 8%. The area of steepest slope on the property is where it slopes down into the drainage channel near its southeast corner. The slope in the location reaches approximately 13%. However, this area is flanked by relatively broad flat terrain which it is believed would afford sufficient area for grading to reduce the overall slope in this problematic area and allow for the sidewalk installation.

Finally, while granting the design adjustment wouldn't directly create adverse impacts to the public health, safety, and welfare, the repeated granting of such waivers may lead to systemic deficiencies in the pedestrian network. These deficiencies would contribute to broader safety and quality of life issues, which the Comprehensive Plan seeks to avoid.

Additional evaluation criteria were codified by City Council with the adoption of Policy Resolution 48-06A, which established the following factors providing additional guidance in weighing the cost versus the benefit of sidewalk construction when such sidewalk would be required along "unimproved" (i.e. non-curb/gutter) roadways.

1. The cost of constructing the sidewalk relative to the cost of the proposed development.
2. Whether the terrain is such that sidewalks or walkways are physically feasible.
3. Whether the sidewalk would be located in a developed area, on a low traffic volume local street without sidewalks.
4. Current or future parks, schools or other pedestrian generators near the development for which a sidewalk or walkway would provide access.

The applicant provided a \$28,700 quote for the cost of constructing the required sidewalk on their property in the standard location (1-foot from the back of the right of way). The estimate includes \$5,000 for the removal of a heritage tree (potentially 100+ years old) from the path of the sidewalk and an additional \$6,000 for retaining wall construction where cross slopes would require extensive grading. This cost represents approximately 6% of the estimated value of the home constructed on the lot which was valued at \$450,000.

It should be noted that the UDC does permit the required sidewalk to be installed in an alternative location. No information was submitted seeking approval of an alternative location for the sidewalks. Staff believes that some expenses presented in the cost estimate could be avoided with placement of the sidewalk in a "non-standard" location.

An example of a sidewalk being installed in a "non-standard" location was demonstrated recently on the nearby, "Lot 5 of Barcus Ridge Plat No. 2." No waiver was granted and the sidewalks had to be constructed largely on the private property within easements, due to extreme topography and other safety considerations. Lot 5 fronts roughly 1625 feet of Old Plank Road and the sidewalk does not currently connect to any pedestrian network beyond that property's boundaries. Lot 5 does, however, represent the first development along the north side of Old Plank Road in this area, and it contains a total of 14 homes. Waiving the required sidewalk on Lot 3 would create a gap in the sidewalk network in this location for the foreseeable future.

The immediate area adjacent to the subject lot has seen recent steady growth. South of Old Plank Road is the primary entrance to The Gates subdivision, a residential development of well over 100 lots. And, to the northeast of the subject property is Barcus Ridge Plat No. 1 that includes 44 single-family lots. The subject property represents one of the last 4 undeveloped lots from Barcus Ridge Plat No. 2.

Cascades Park lies just 0.2 miles to the northeast, and John Warner Middle School lies beyond that, just 1.5 miles away from subject tract.

Due to the above factors, staff's assessment of the proposed design adjustment is that the benefits of the sidewalks outweigh the costs, which can be minimized with a thoughtful alternative design approach. For this reason, a sidewalk waiver along this frontage is not supported without a more significant presentation of hardship. While no directly adverse impacts are anticipated due to the granting of the design adjustment, the added value of completing gaps in the Old Plank Road pedestrian network is vital.

**RECOMMENDATION**

Denial of the requested design adjustment from Section 29-5.1(d)

**SUPPORTING DOCUMENTS (ATTACHED)**

- Locator Maps
- Design Adjustment Worksheet
- Sidewalk Construction Estimate

**SITE CHARACTERISTICS**

<b>Area (acres)</b>	2.81 acres
<b>Topography</b>	Generally west to east, steep slopes at SW corner of site
<b>Vegetation/Landscaping</b>	Turf, some wooded areas
<b>Watershed/Drainage</b>	Little Bonne Femme Creek
<b>Existing structures</b>	Single-Family home, recently constructed

**HISTORY**

<b>Annexation date</b>	2004
<b>Zoning District</b>	R-1
<b>Land Use Plan designation</b>	Neighborhood District
<b>Previous Subdivision/Legal Lot Status</b>	Platted Lot

**UTILITIES & SERVICES**

<b>Sanitary Sewer</b>	City of Columbia
<b>Water</b>	Consolidated Water
<b>Fire Protection</b>	City of Columbia
<b>Electric</b>	Boone Electric

**ACCESS**

<b>Old Plank Road</b>	
<b>Location</b>	South side of Property
<b>Major Roadway Plan</b>	Major Collector
<b>CIP projects</b>	None
<b>Sidewalk</b>	Sidewalks Required

**PARKS & RECREATION**

<b>Neighborhood Parks</b>	Cascades Park 0.2 miles NE of site
<b>Trails Plan</b>	Little Bonne Femme Trail – ¾ mile SE of site
<b>Bicycle/Pedestrian Plan</b>	N/A

**PUBLIC NOTIFICATION**

All property owners within 200 feet and City-recognized neighborhood associations within 1,000 feet of the boundaries of the subject property were notified of this pending request by public information postcards on April 11, 2022. Thirteen postcards were distributed. The case was also advertised publicly in the Columbia Daily Tribune on April 19<sup>th</sup>, 2022.

Report prepared by Rusty Palmer

Approved by Patrick Zenner