

**AGENDA REPORT
PLANNING AND ZONING COMMISSION MEETING
May 18, 2017**

SUMMARY

A request by Columbia Civil Engineering Group (agent) on behalf of The Residences at Old Hawthorne, LLC (owner) for approval of a major amendment to the Residences at Old Hawthorne PD development plan to waive sidewalk construction. The 8.2-acre subject site is located along Residence Drive (private), east of Old Hawthorne Drive West. (**Case #17-113**)

DISCUSSION

The applicant is requesting approval to waive construction of all sidewalk within this PUD development. The request is based on two conditions noted by the applicant - the lack of sidewalk connectivity and the future location of the sidewalks in the front yards of the individual residential lots.

The PUD plan was originally approved in 2013 and includes 44 attached single-family housing units along a private street. Internal sidewalks were shown on the approved PUD plan per the PUD standards to provide pedestrian circulation, but did not provide connection outside of the development since the adjacent property was not owned by the applicant and the development did not abut a public right-of-way.

In efforts to increase connectivity to adjacent amenities, staff requested that the internal sidewalks be extended to the edge of the property and then to the Old Hawthorne clubhouse. The applicant declined to accommodate the request citing the separate ownership of the tracts involved and limited land area to place a sidewalk along the south side of the subject site. Since obtaining PUD plan approval no sidewalks have been installed within the PUD or within the surrounding area.

The applicant's second reason for this request is based upon the future location of sidewalks in the front yards of each individual unit. This location was permitted since the street within the PUD is private. Private streets must include, generally, the same pedestrian improvements as public streets. However, a primary difference between public and private streets is that a private street does not have to be within a dedicated right of way. As a result, measurement of building setbacks and the placement of pedestrian improvements is unclear and generally left to the discretion of the applicant.

Typically a public street sidewalk is located in the right of way and the setback for building construction is behind the right of way line thereby eliminating any potential conflict between building placement and sidewalk location. In this development, however; the building setback was measured from the back of the private street curb resulting in the sidewalk being located within the front yard setback of each lot.

If the sidewalks are installed per the approved plan many could be closer than 20 feet to the front of each individual home. Furthermore, if the distance between the house and sidewalk is not sufficient to accommodate a parked car in the driveway then the parked vehicle may block the sidewalk creating an impediment for pedestrians.

Staff evaluated several regulatory alternatives in attempts to avoid the requested variance. It considered when sidewalks are not required and evaluated the Council Policy regarding sidewalks along unimproved streets. Unfortunately neither exception would be applicable. Sidewalks are not

required along streets less than 250-feet in length, however; the subject street is approximately 800 feet long. And while the Council Policy (see attached) allows a fee in lieu of construction to be paid it doesn't allow public sidewalks to be installed along private streets.

Several additional alternatives were considered that included 1) moving the sidewalk to the back of the private street curb, 2) requiring the fee in lieu payment and having it applied to other City improvements within the Old Hawthorne development, and 3) requiring that the connection to the Old Hawthorne clubhouse be made.

After additional evaluation it was concluded that 1) construction and ADA compliance challenges would be encountered with moving the sidewalk to the curb of the private street and the issue of sidewalk blockage would not be resolved, 2) there were no City projects within the Old Hawthorne development to which a fee payment could be applied, and 3) extension of the sidewalk to the Old Hawthorne clubhouse would require acquisition of private property to accommodate the sidewalk.

In regards to the circumstances that led to the sidewalk as shown on the original PUD plan, given current staff processes and the new UDC, it is unlikely that this scenario would be repeated. Staff now recommends that at least 18 feet of space is provided between the garage and the location of the sidewalk. Furthermore, requests for new planned district zoning require site plans to be approved with the rezoning of the property, which should allow staff to ensure that adequate access is provided for pedestrian facilities at the time that the zoning is requested, not after zoning entitlements are granted.

Overall, given the conditions surrounding the sidewalk within this development, staff does not oppose waiving sidewalk construction. However the circumstances were avoidable, and steps have been taken to mitigate the conditions that are found on the site.

RECOMMENDATION

Approval of the major amendment to plat for "Residences at Old Hawthorne" PD plan.

SUPPORTING DOCUMENTS (ATTACHED)

- Locator maps
- PD plan
- Previously Approved - Residences at Old Hawthorne" PD plan

SITE CHARACTERISTICS

Area (acres)	8.2 acres
Topography	50 feet of elevation loss, south to north
Vegetation/Landscaping	Hay fields and a few trees
Watershed/Drainage	South Fork Grindstone Creek
Existing structures	None

HISTORY

Annexation Date	2005
Existing Zoning District(s)	PUD (Planned Unit Development)
Land Use Plan Designation	Neighborhood District
Subdivision/Legal Lot Status	Lot 1, The Residences at Old Hawthorne

UTILITIES & SERVICES

All utilities and services provided by the City of Columbia

ACCESS

Access is provided via an extension of a private drive off of an existing private street, which serves the Old Hawthorne clubhouse. No new public streets are proposed or required to support the development plan request.

PARKS & RECREATION

Neighborhood Parks	Not within a park service area; not within an acquisition area
Trails Plan	Planned trail north of properties.
Bicycle/Pedestrian Plan	No facilities adjacent to site.

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 a public information meeting, which was held on April 25, 2017.

Neighborhood Parks	There are no public parks located within the Old Hawthorne development. Residents have access to private amenities.
Trails Plan	No trails planned
Bicycle/Pedestrian Plan	No bike/ped infrastructure planned

Report prepared by Clint Smith

Approved by Patrick Zenner