

Primrose Townhomes Location Map



For office use:

Case #:	Submission Date:	Planner Assigned:
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Where the Planning and Zoning Commission finds that undue hardships or practical difficulties may result from strict compliance with the City's Subdivision Regulations, it may recommend and the Council may approve variances so that substantial justice may be done and the public interest secured, provided that any such variance shall not have the effect of nullifying the intent and purpose of the Subdivision Regulations.

**The Commission shall not recommend variances unless it finds and determines that the following criteria are met<sup>1</sup>. Please explain how the requested variance complies with each of the below requirements:**

1. The granting of the variance will not be detrimental to the public safety, health or welfare or injurious to other property or improvements in the neighborhood in which the property is located.

Granting this variance will not affect the current, or foreseeable future, nature of pedestrian traffic in the neighborhood. We believe granting this variance will in fact be beneficial to other properties and persons in the neighborhood. Mature trees provide traffic calming, reduction in air pollution, reduction in stormwater runoff and add character to the neighborhood.

2. The conditions upon which the request for a variance is based are unique to the property for which the variance is sought, are not applicable generally to other property, and are not self-imposed.

This request is solely on the existing condition of a mature twin 48" and 36" twin trunk diameters Sycamore tree in the public right-of-way. Construction of a standard sidewalk would very likely adversely, and have a high risk of killing the existing Sycamore tree if it were not removed prior to construction. The owner would like to preserve and protect the tree. It may be possible to excavate and fill in the subject area without removing the tree, but in our opinion it could be detrimental to the tree, and may cause a hazard in the future with weakened branches and limb breakage possible over the street and would-be sidewalk. In addition the construction equipment and operation of the equipment required to install the storm sewer extension would be very difficult to manage and avoid damaging the existing tree itself, and nearly impossible to avoid damage to the root system. We believe this being an urban area, the mature and large tree which exists in the right-of-way is unique and not self-imposed.

3. Because of the particular physical surroundings, shape or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of these regulations was carried out; and

Due to the substantial grading and drainage improvements needed to construct the standard sidewalk and improve portions of the long established right-of-way infrastructure to current standards (see exhibit of construction plans attached), there would definitely be an inconvenience or hardship to the owner to do that work by itself, however the owner believes that if there were no mature Sycamore tree to contend with, the conditions may not warrant seeking a variance. But given the current site circumstances and conditions and having to remove or likely damage the tree creates the particular hardship they would like to avoid.

4. The variance will not in any manner abrogate the provisions of the comprehensive plan of the City.

Section 24-35(d) presents consideration the Council shall consider when determining whether a sidewalk shall be required, which we believe can be used by Council/P&Z to determine if the variance will abrogate the provisions of the comprehensive plan of the City.

(1) Pedestrian traffic generators such as parks and schools in the area;

There is a City Park to the North of the subject property with interior trails and connects to the existing and proposed development on the subject site. There is Columbia Independent School, along Stadium, which is approximately 1,500 feet, along the road, from the subject sidewalk location.

(2) The existence of a sidewalk network in the area;

Primrose Drive and much of the surrounding neighborhood was developed and constructed in the late 1960's and 1970's, prior to the City requiring sidewalks. Therefore the large majority of the surrounding neighborhood does not have any sidewalks. The only section of sidewalk along Primrose Dr is a section of sidewalk along Gus Court to the East. There will presumably at some point in the future be standard sidewalk constructed on the remaining 2 lots along Rashid Ct. The nearest sidewalk to the West is on Sunflower Drive, which is 1,435 feet away.

<sup>1</sup> Per Section 25-20: Variances and exceptions

(continued next sheet)

(3) The Density of current and future development in the area;

The surrounding area is nearly completely built out as Single Family Residential to the West and Two Family Residential to the East. The subject lots development consists of the only multifamily on Primrose Dr. All land, except a few lots on Rashid Ct., is fully built out. There is no new development along this road or connecting roads in the foreseeable future.

(4) The amount of pedestrian traffic likely to be generated by the proposed development;

The subject property development consists of 36 existing 2-bedroom condo's, with a proposed additional 20 2-bedroom townhomes, being the current project. This will generate some pedestrian traffic.

(5) The cost of constructing the sidewalk;

As mentioned in the discussion of requirement #3 above, the cost will be significantly more expensive (see attached engineering cost estimate) than a typical sidewalk with no additional topography, drainage, existing timber, and utilities to address, but it is not the main reason for the request for variance.

(6) Whether the terrain is such that a sidewalk is physically feasible;

The terrain is not currently adequate for a sidewalk to be built. Construction of a public sidewalk is physically feasible as shown on the attached exhibit, which shows the construction plan and details of the sidewalk and associated improvements. As shown, substantial grading, public drainage extension, among other improvements would be required.

(7) The extent to which trees, ground cover and natural areas would be impacted by the sidewalk;

Construction of this sidewalk would have significant impact on a very mature, large Sycamore Tree. (see attached pictures) Construction of the portion of the sidewalk (along with the associated grading and excavating) designated on the attached exhibit would very likely detrimentally effect the tree and root system if it were not just removed altogether.

If it was attempted to preserve the tree and build the sidewalk we believe the following factors would be worth considering and that given these below factors it would probably be wise to remove the tree prior to construction for safety.

-All proposed filling is within the drip line of the tree and fills in the area are up to 36". Installation of the storm sewer will require some trench excavation in the tree drip line. Per city standard details the sidewalk would require removing at least 4" of soil and compacting the subgrade in areas to the east of the tree, being as close as 24" to the base of the tree and throughout area under the drip line.

-If the sidewalk was built and the tree still existed the 36" truck is growing such that pedestrians traveling along the sidewalk would not be able to pass it without ducking or stepping into the street.

Also we feel it is important to note that the loss of this tree would adversely effect a variety of other factors as listed below:

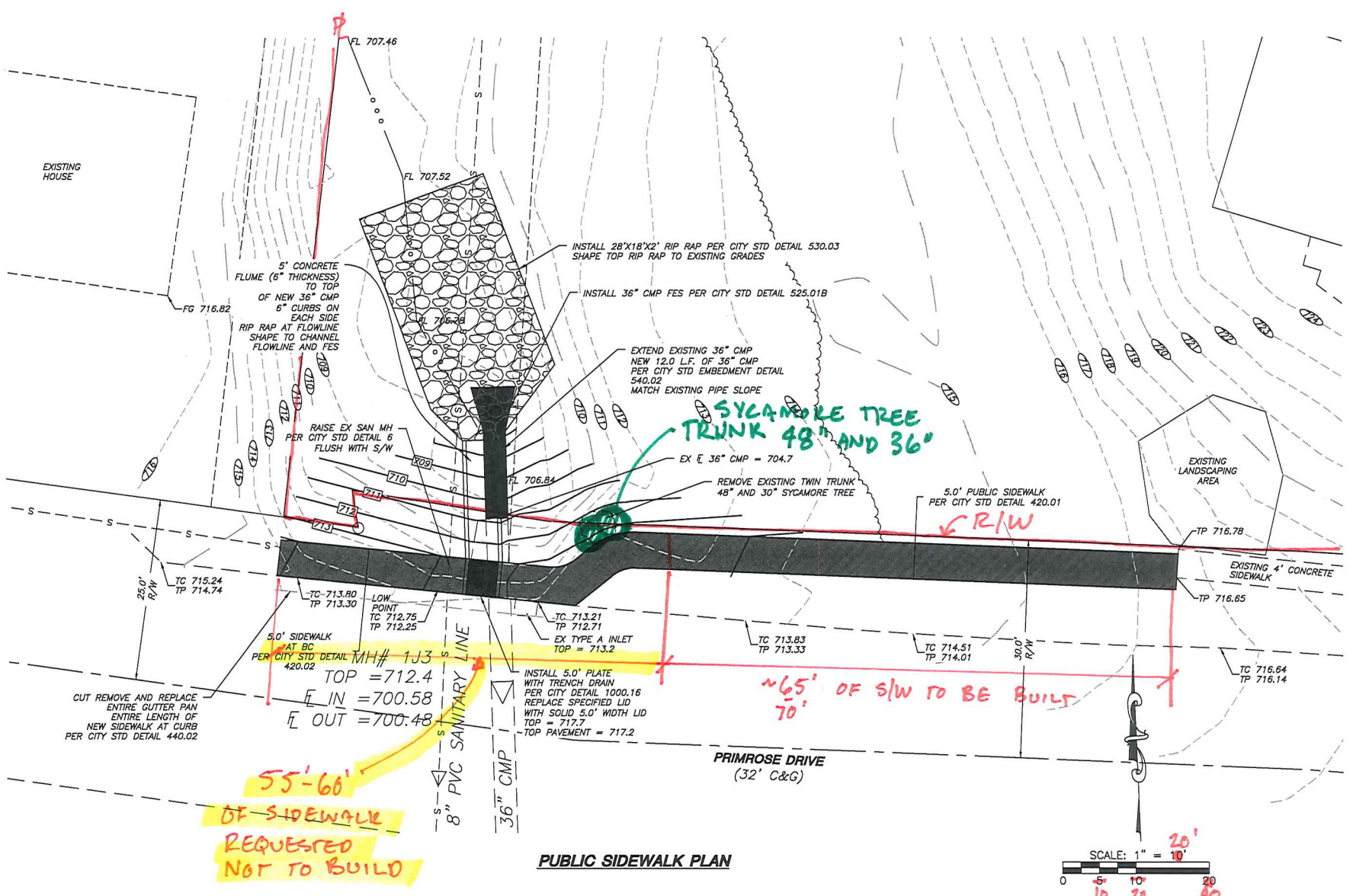
Firstly, the water quality benefits of mature trees in the urban landscape is well documented. Trees such as ours provide significant runoff pollutant removal and runoff volume reduction.

Secondly, this tree provides air pollutant removal and filtering of the air. Loss of the tree would result in loss of a large amount of air purification.

Thirdly, due to its proximity to the street, in our opinion provides traffic benefits such as reduced speeds and shading causing longer asphalt pavement life.

Forthly, it is an impressive tree, and adds aesthetic value to the neighborhood. This increases property values and softens various utility poles and infrastructure features in the area.





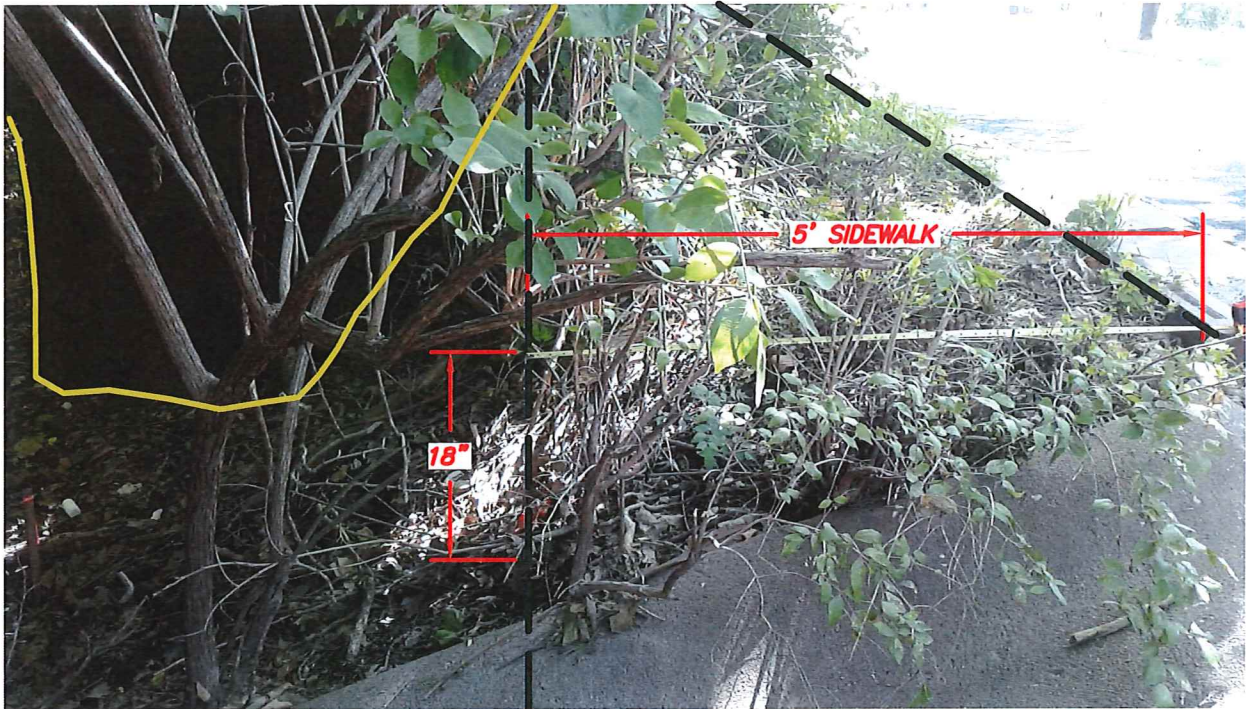
- CONCRETE SLOPE TO DI
- MATCH FINISH/COLOR AS CLOSE AS POSSIBLE WITH EXISTING WALL
- #5 REBAR @ 16" O.C. VERTICAL
- 8" CMU BLOCK GROUT SOLID
- FINISHED GRADE
- HOOKED DOWELS TO MATCH VERTICAL REBAR

\* "APPROVED" S/W CONSTRUCTION PLAN - WITH ADDITIONAL NOTES  
 (FROM CONSTRUCTION PLANS BY A CIVIL GROUP, DATED APRIL 26, 2017, SHEET C701)





**PICTURE 1: LOOKING NORTH FROM PRIMROSE DR.**



**PICTURE 2: LOOKING EAST AT EDGE OF SIDEWALK**

PRIMROSE TOWNHOMES  
TREE IMAGES

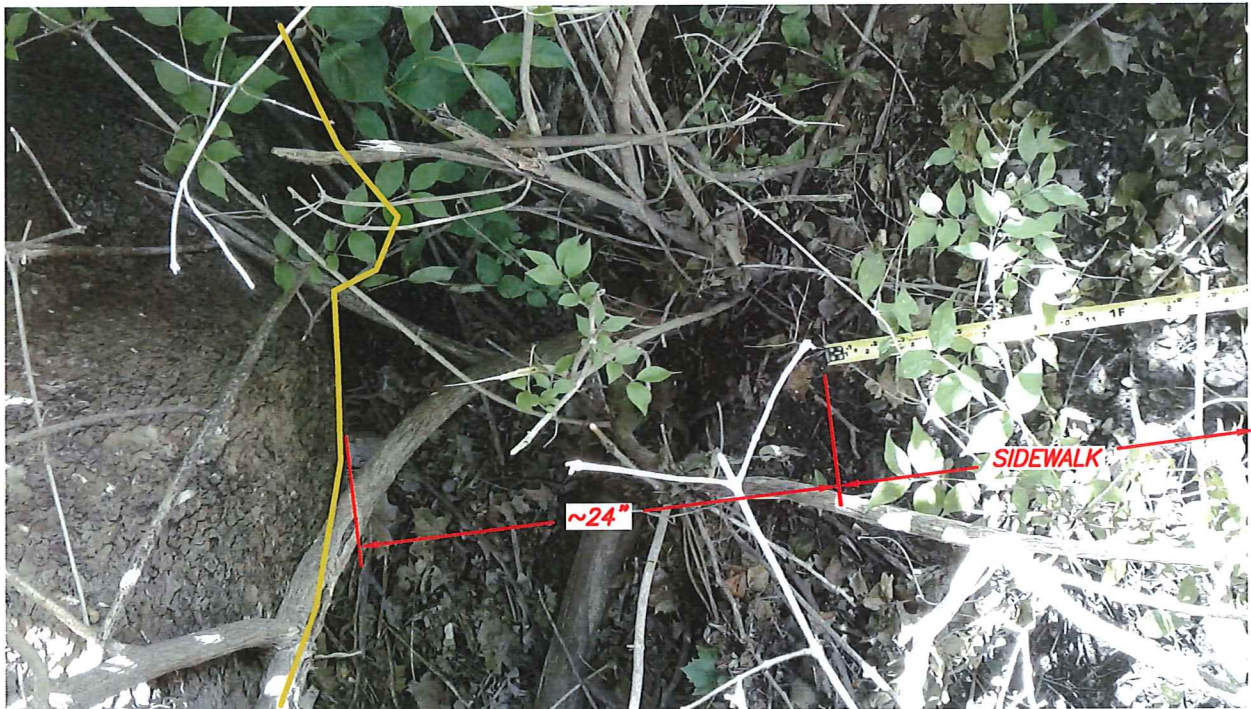








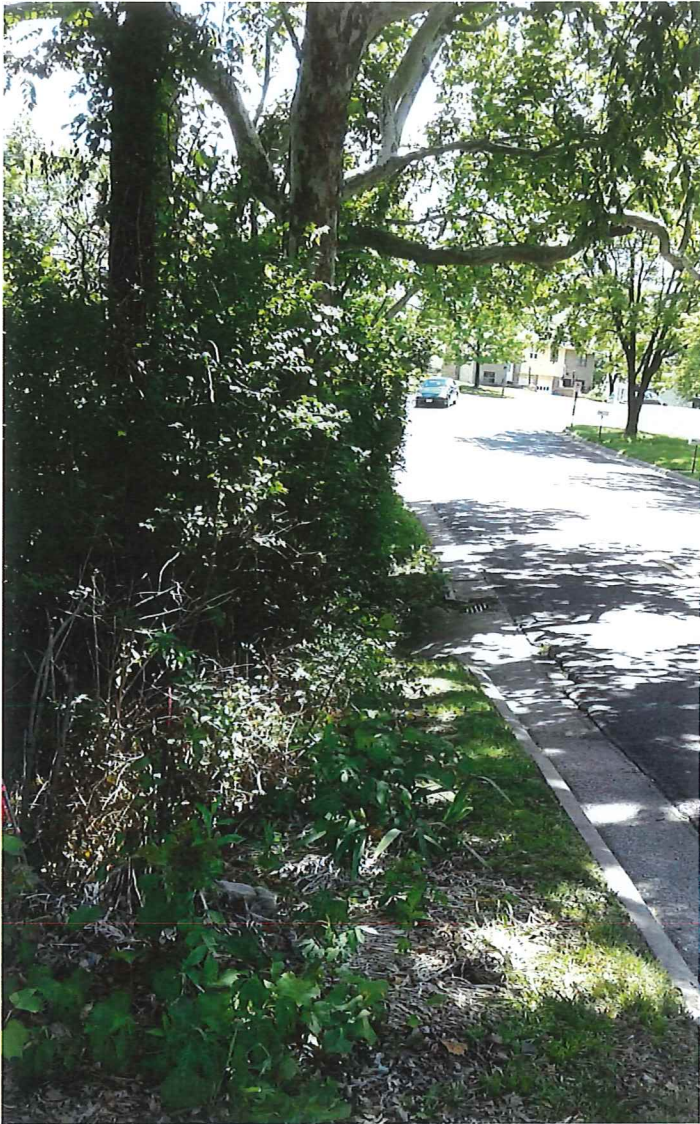
**PICTURE 5: LOOKING NORTHEAST - SIDEWALK AT INLET**



**PICTURE 6: PLAN VIEW LOOKING DOWN AT EDGE OF SIDEWALK AT TREE**

PRIMROSE TOWNHOMES  
TREE IMAGES





**PICTURE 7: LOOKING EAST**



**PICTURE 8: LOOKING WEST**

**PRIMROSE  
TOWNHOMES TREE  
IMAGES**