



Department Source: Community Development - Planning

To: City Council

From: City Manager & Staff

Council Meeting Date: July 5, 2022

Re: 7101 S. Old Plank Road – Design Adjustment (Case #139-2022)

## Executive Summary

Approval of this request will result in the granting of a design adjustment from Section 29-5.1 of the Unified Development Code relating to the installation of sidewalks on the subject property's Old Plank Road frontage.

**[NOTE: This item is was removed from the City Council's June 6, 2022 "Introduction & First Reading" agenda at the request of the applicant due to scheduling conflicts. This report is a "reintroduction" of the original report - no changes to the original content have been made.]**

## Discussion

Ashley and Patrick Scholl (owners) are requesting a design adjustment from Section 29-5.1 of the Unified Development Code (UDC) which, if approved, would waive UDC provisions requiring construction of sidewalks along subject site's Old Plank roadway frontage. The subject property is known as Lot 3 of Barcus Ridge Plat No. 2 which was approved in November 2015.

Sidewalk installation along residential lot frontages has historically been required at the time of building construction and must be completed prior to the issuance of a certificate of occupancy. The applicant sought and was issued a building permit for residential construction on the lot and submitted a site plan showing the construction of a sidewalk in the required standard location 1-foot inside the public right of way. At this time the property owners seek relief from the installation of the required sidewalk for the reasons cited in attached Design Adjustment Worksheet.

In addition to the responses presented in the design adjustment worksheet, staff evaluated this request pursuant to the evaluation criteria outlined in Section 29-5.2(b)(9) of the UDC. The Comprehensive Plan promotes safe, walkable neighborhoods which would be facilitated by the construction of the required sidewalk. While the existing sidewalk network within this location is currently incomplete, installation of the required sidewalk along the parcel's frontage will create opportunities for additional connections to existing sidewalks as new development occurs. Waiver of the required sidewalk would continue to make pedestrian accessibility to nearby public investments (Cascades Park and John Warner Middle School) more difficult and less safe.

Notwithstanding the safety enhancements and accessibility improvements (long-term) that installation of the required sidewalk would offer, a waiver of the requirement at this time given the existing development patterns on north side of Old Plank would have limited



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701 East Broadway, Columbia, Missouri 65201

impact on the adjoining property owners. It should be noted; however, that the functionality of the installed sidewalk along Barcus Court, to the west, would be diminished.

Finally, with respect to the criteria of Section 29-5.2(b)(9), the applicant has sought a full waiver of the sidewalk installation. No alternative location for the required sidewalk were presented for consideration. The applicant's justification for the design adjustment are discussed below and within the attached design adjustment worksheet.

The applicants indicate 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 estimated at 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. Another area near the southeast property corner slopes down into the drainage channel at roughly 13%. This area is flanked, however, by relatively broad flat terrain which would provide sufficient area for grading to reduce the overall slope in the problematic areas, and allow for the sidewalk installation.

Staff also considered additional evaluation criteria provided by Council with the adoption of Policy Resolution 48-06A (PR 48-06A). The policy established four additional criteria to specifically inform the cost/benefit analysis of sidewalk construction. Staff must weigh the cost of construction in relation to that of the overall development, terrain and feasibility of construction, the extent of development and traffic levels of the adjoining area, and provision of access to current or future pedestrian generators, such as schools or parks.

With respect to the criteria of PR 48-06A, the applicant provided a sidewalk construction quote of \$28,700. The estimate includes \$5,000 for the removal of a heritage tree and an additional \$6,000 provision for a retaining wall 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, as stated in the building permit application. The UDC does permit sidewalks installation in alternative locations. Had the applicant pursued such a location it is possible that the expenses presented in the cost estimate may have been reduced.

With respect to traffic conditions and provision of access to nearby pedestrian generators the site is located on a segment of roadway that is being significantly impacted by new residential development within the Gates Subdivision, directly south, and is within 1.5 miles of John Warner Middle School and Cascades Park to the northeast. It is also noteworthy, that a sidewalk waiver for Lot 5 of Barcus Ridge, Plat 2, west of the subject site, was denied. This lot is developed with 14 homes and was required to install sidewalk along its entire 1,625 feet of Old Plank roadway frontage in a non-standard location to address extreme topographical changes as well. Waiving the required sidewalk on Lot 3 would create a gap in the sidewalk network in this location for the foreseeable future.

It should be noted, that the applicant was not in attendance during the Planning Commission's hearing and the attached public correspondence illustrating the existing



environmental conditions was not provided to Commissioners for their consideration. These issues were the result of a combination of technical and clerical issues. The applicant was not directly notified due to County Assessor's records (relied upon for mailing notices) not being up to date. The clerical error was staff's oversight in not distributing the public correspondence received.

The Planning & Zoning Commission considered this request at their May 5, 2022 meeting. After Staff presented their report, the Commission inquired about the City's standard procedure for enforcing performance contracts. Staff indicated that residential sidewalk construction was addressed as part of the building permit process which was when the Scholl's were made aware of the requirement. Commissioners then commented on the need for sidewalks in this area of rapid growth, and noted that this region of Columbia has a 'recreational feel,' with a high volume of pedestrians and cyclists, adding to safety concerns. A motion was made to approve the design adjustment which failed by a vote of (1-6).

A copy of the Planning Commission staff report, locator maps, design adjustment worksheet, applicant correspondence, sidewalk construction estimate, public correspondence, and meeting minutes are attached for review.

### Fiscal Impact

Short-Term Impact: None anticipated.

Long-Term Impact: None anticipated.

### Strategic & Comprehensive Plan Impact

[Strategic Plan Impacts:](#)

Primary Impact: Not Applicable, Secondary Impact: Not Applicable, Tertiary Impact: Not Applicable

[Comprehensive Plan Impacts:](#)

Primary Impact: Mobility, Connectivity, and Accessibility, Secondary Impact: Not applicable, Tertiary Impact: Not Applicable

### Legislative History

Date	Action
5/16/22	Approved sanitary sewer easement vacation (Ord. 025026)

### Suggested Council Action

Deny the requested design adjustment waving installation of sidewalks, as recommended by the Planning and Zoning Commission.