



Department Source: Community Development - Planning

To: City Council

From: City Manager & Staff

Council Meeting Date: November 7, 2022

Re: Granting a waiver and design adjustment relating to sidewalk construction adjacent to lot 3 of Barcus Ridge Plat 2 (7101 Old Plank Road) – Supplemental Information

## Executive Summary

This request for a waiver and design adjustment was tabled at the September 19, 2022 City Council meeting to allow an opportunity for discussion of possible alternatives with the applicant. Those alternatives include cash-in-lieu of sidewalk installation and, as proposed by the applicant an extension of the period of time they would have to build the sidewalk, including the posting of surety for the cost of the improvement. This memo describes those alternatives as well as reviews some important background.

## Discussion

After reviewing this case in some depth, staff has made two conclusions: It is important that a sidewalk be built on at least one side of Old Plank Road to connect recent residential development to sidewalks on the Route K-Sinclair Road roundabout; and there are significant technical and environmental challenges in the construction of sidewalk along the frontage of this particular lot.

### **Chronology:**

November 2, 2015: Barcus Ridge Plat 2 approved. This subdivision created five lots, ranging from 1.63 acres to 7.3 acres along the north frontage of Old Plank Road. Lot 3, the subject of this waiver, was included in this plat. The subdivider did not request a sidewalk waiver as part of the plat.

*Note: As noted by staff during review of the plot plan for lot 3, no engineering plans were submitted or required for the Barcus Ridge Plat 2 subdivision; therefore there were no plans for improvements in the right of way of Old Plank Road, which is a very old, rural-style road. (some improvements were made to the roadway surface and markings to accommodate turn movements in and out of The Gates, the large residential subdivision located across the street).*

*In some other circumstances, where larger-scale subdivisions abut unimproved roads, subdivision developers have engineered and graded their sites for sidewalks along substandard roads, which has been helpful in the future construction of sidewalks. Examples include Steeplechase adjacent to Howard Orchard Road (sidewalk along Howard Orchard which has steep slopes directly adjacent to the roadway); Bellwood adjacent to Strawn Road/Route ZZ (A sidewalk connects Payson to Ash via Strawn) ; and The Brooks adjacent to Rote WW provided graded for a pedway along the Rte WW frontage.*



# City of Columbia

701 East Broadway, Columbia, Missouri 65201

December 7, 2015: Barcus Ridge OP (Planned Office Plan) approved by City Council. The plan, for a 6,000 square foot office building on Lot 1 of Barcus Ridge. The plan featured sidewalks on its Route K and Old Plank frontages and an internal walkway connecting the two. To date no development has occurred on that Lot 1.

On the same date, the Council approved the planned development site plan for Barcus Ridge Planned Unit Development, a clustered development of 14 dwelling units on lot 5 of Barcus Ridge.

September 8, 2016: City Council approved a major amendment to Barcus Ridge PUD. The layout of the 14 dwelling units was changed to push the dwellings farther off Old Plank Road and farther upslope. A curvilinear street and sidewalk system was planned. The sidewalks for the Barcus PUD have been constructed.

May 2021: Permit application Lot 3 Barcus Ridge Plat 2 (7101 S. Old Plank Road) for construction of new single-family house.

June 23-24, 2021: Plot plan approved after several revisions. Building permit issued for house construction. House under constructions and inspections and reinspections July-November.

November 23, 2021. Encroachment of house on existing public sewer and easement discovered and documented. Public sewer line located in an easement traversing the allowed building envelope. Staff instructed contractor to relocate the sewer.

*Note: The approved plot plan was not followed; house had been constructed to a location forward of the planned setback. House complied with and exceeded minimum setback, however inspector should have flagged the encroachment on the sewer easement. A separate permit was required for the remedial sewer work and was applied for on January 26, 2022.*

January 18, 2022: Sewer relocation plan approved by Utilities Department.

February 9, 2022: Site inspector fails right of way inspection for lack of sidewalk, which was represented on the plot plan.

February 25, 2022: Temporary certificate of occupancy issued. Bond provided to guarantee completion of site improvements.

March 16, 2022: As-built drawing of relocated sewer provided.

March 24, 2022: Relocated sewer approved.

March 27, 2022: Owners apply for design adjustment to waive sidewalk requirement.



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May 5, 2022: Planning & Zoning Commission hearing on design adjustment.

*Note: Applicant was not represented at public hearing. The standard hearing notice was sent to an old address. The Planning & Zoning Commission rules of procedure do not require an applicant or their agent to be present at hearings. Commission voted against approval of the sidewalk waiver, citing safety concerns on Old Plank Road.*

June 6, 2022: Introduction & first reading of design adjustment ordinance. Tabled to July 18, 2022 for 2<sup>nd</sup> reading.

July 18, 2022: After hearing case, ordinance granting design adjustment tabled to September 19, 2022.

September 2022: Sidewalk constructed at 7201 Old Plank Road (lot 4, Barcus Ridge Plat 2).

*Note: While this dwelling lot has a longer frontage than the subject property at 7101 S. Old Plank, the grading of the lot is such that the sidewalk is located at a higher elevation than Old Plank Road, and follows a relatively level path across the lot. The sidewalk as it crosses 7101 will descend to an elevation very close to Old Plank Road and will cross low-lying wet areas. In particular there is a wet area to the west of the driveway which will require filling.*

September 19, 2022: Ordinance tabled to November 7, 2022.

## **Staff Comments**

After two walks of the site and the roadway corridor (including the director, a city engineer and a city site inspector), it is clear that the sidewalk is both needed and will be difficult to build in this location. Old Plank Road has posted speed limit of 40 MPH and currently no sidewalks or shoulders on either side. The path not taken was requiring engineering for the sidewalk up-front as part of the Barcus Ridge Plat 2 subdivision. The relative simplicity of five large lots deferred sidewalk design to the individual house construction stage. The 7101 South Old Plank lot has a relatively low topography, with substantial frontage in a flood hazard zone. The lot is crisscrossed by a city public sanitary sewer and a Magellan fuel pipeline. The former constrains the mass grading of the lot.

In consideration of all these facts, it seems reasonable that the Council accept either cash in-lieu of sidewalk installation by the applicant, or the applicant furnish a surety for the estimated cost of the sidewalk and the sidewalk is deferred on a year-to-year basis.

## Fiscal Impact

Short-Term Impact: N/A

Long-Term Impact: N/A



## Strategic & Comprehensive Plan Impact

### Strategic Plan Impacts:

Primary Impact: Safe Neighborhoods, Secondary Impact: Reliable Infrastructure, Tertiary Impact: Not Applicable

### Comprehensive Plan Impacts:

Primary Impact: Mobility, Connectivity, and Accessibility, Secondary Impact: Livable & Sustainable Communities, Tertiary Impact: Not Applicable

## Legislative History

Date	Action
November 2, 2015	Barcus Ridge Plat 2 Final Plat approved (5 lots)
December 7, 2015	Barcus Ridge O-P Plan approved (Lot 1) and Barcus Ridge PUD approved (Lot 5)
September 8, 2016	Barcus Ridge PUD Major Amendment (of plan approved December 7, 2015)
June 6, 2022	B-193 introduced; tabled to July, September, and November

## Suggested Council Action

There are several options:

Deny the design adjustment;

Approve the design adjustment;

Allow payment in lieu of sidewalk installation (allowed by policy resolution PR 48-06 A when public safety and welfare would not be jeopardized); or

Allow an extension of the time limit for completion of the sidewalk for one year, renewable for up to three one-year extensions. This is permitted by Section 29-5.2(h) of the Unified Development Code for subdivision improvements. Council may require a performance bond or other security instrument. The applicant has expressed interest in putting up a surety bond. They have requested deferral of the sidewalk until such time a project is underway on the east side of their lot, when a meaningful connection can be made.

Note that a cash-in-lieu would be \$64 per lineal foot for the 451.97 feet of lot frontage, or approximately \$28,926.08 based on two years of public sidewalk construction costs. The applicant had estimated a cost of \$28,700.

An alternative sidewalk alignment was considered by both staff and the applicant and is not offered for consideration at this time.