

**AGENDA REPORT  
PLANNING AND ZONING COMMISSION MEETING  
March 4, 2021**

**SUMMARY**

A request by Kay & Jack Wax (owners) for approval of a major PD amendment to the, "Ash Street Community PD Plan." The applicants wish to reduce the width of the internal private sidewalk from 6' to 4' for stormwater and green space purposes. The subject site is located at 906 West Ash Street. **(Case #72-2021)**

**DISCUSSION**

The applicants, Kay & Jack Wax, are requesting approval of a major amendment to the "Ash Street Community PD Plan" located at 906 West Ash Street. The PD Plan includes 10 single-family homes, a community building, and a community park and garden arranged off of a central private street and served by the adjacent private sidewalk. The purpose the proposed PD amendment is to obtain approval to reduce the width of the private sidewalk from six feet to four feet.

The intent of the design was to provide an eco-friendly "pocket neighborhood" in central Columbia that included amenities fostering a sense of community among its residents. Proposed homes are outfitted with solar panels and the developer is using energy-efficient building materials and methods. One such technique utilized by the applicant is the limiting of impervious surfaces. The applicant sought and gained support for the use of a private access street meeting the minimum fire code requirement of 20' at the time of initial PD Plan approval.

During the original 2019 submission, the applicant also requested approval to utilize a 4' sidewalk to connect each unit to the broader City sidewalk network. This request was ultimately denied given the City standard requires a 5' width for all street classifications; however, it should be noted that there is no defined sidewalk width or design standards established for private streets within the UDC. Such streets are only permitted within PD zoned projects and typically are installed meeting public street specifications; however, within a common lot not a public right of way.

It should be further noted, that the 6' sidewalk shown on the approved PD Plan and the subject of this requested amendment was triggered by the location of the community center building's northwest corner. The corner of the building extends into the minimum 5' sidewalk requiring that the sidewalk be moved into the 1' of green space that separated the sidewalk from the private access street's back of curb. Per general sidewalk location standards, whenever a sidewalk is located at the back of curb the sidewalk width must be a minimum of 6' to allow for an additional safety buffer. As a result of the created condition, the final recommendation by Staff was to utilize a 6' sidewalk throughout the site from north to south, along the back of the curb on the east side of Ash Court. While the building protrusion was not avoided, the protrusion did not decrease the width of the sidewalk below the 5' minimum width in this application.

Since the approval of the PD plan, the applicant has engaged with many prospective homebuyers and other interested parties, who have indicated a desire for further reductions in the impervious surfaces on the property. Homes are already to be built vertically and set on minimal footprints. The width of the private access street cannot be further diminished without impacting fire protection service to the neighborhood. Therefore, the applicant has determined that the appropriate approach to reducing impervious area on the property is to revisit a reduction to the width of the sidewalk.

Staff acknowledges that there are multiple benefits to reducing the impervious area on the property, including reductions in stormwater runoff and erosion, and ambient air temperatures, among many others. Given the stated objective of the Ash Street Community development, to create a minimal impact on the environment, the applicant believes that the proposed reduction in pavement is appropriate, however Staff cannot support the request as it does not meet the minimum standard sidewalk width requirements of the UDC. Additionally, Staff does not believe that the resultant reductions in stormwater runoff quantity are significant enough to justify a deviance from the provisions of the UDC which are in place to ensure proper functionality and accessibility of sidewalks installed in the city.

Staff, however, would be supportive of a 5' walk at the back of curb in proximity to the protruding corner of the Community Center as an alternative design approach. The remainder of the sidewalk would then be allowed a 1' green space from the back of curb. While this option offers an opportunity to reduce impervious area as well as maintain regulatory compliance except at the Community Building, the applicant is resolved to seek approval of the requested reduction to a 4' wide sidewalk throughout the development as it offers the greater reduction in impervious area.

As an associated PD Plan matter, during review of the current request it was determined that the approved development plan did not include a screening device that was discussed during the initial approval process. Pursuant to the July 10, 2019 meeting minutes, a neighboring property owner raised concerns that while the applicant had agreed to build any missing portions of fencing along the perimeter of the property it had not been depicted on PD plan. The property owner asked that such improvements be added to the plan to help ensure the fence was built.

Unfortunately, the plan was not revised accordingly prior to its submission to Council and the PD Plan's final approval. Given this exchange and the applicant's consent to comply with the requested plan addition, staff cannot support approval of the revised PD plan now under consideration without it also incorporating the screening as stated at the July 10, 2019 meeting.

## **RECOMMENDATION**

Denial of the applicant's request to amend the "Ash Street Community PD Plan" and permit a 4' sidewalk to be installed along Ash Court.

**Alternatively**, staff would support approval of the requested amendment subject to the following:

1. Provision of a 5' wide sidewalk along the east side of Ash Court with a 1' green space separation between the back of curb and sidewalk are provided, except in that location adjoining the Community Center Building where a 5' sidewalk at the back of curb is necessary to maintain no less than a 5' sidewalk; and
2. The required 6' tall screening fence requested during the July 2019 Planning & Zoning public hearing has been clearly delineated on the PD Plan.

## **ATTACHMENTS**

- Locator maps
- "Ash Street Community PD Plan," dated February 9, 2021

## **HISTORY**

<b>Annexation date</b>	1905
<b>Zoning District</b>	R-2 (Current)
<b>Land Use Plan designation</b>	Neighborhood District
<b>Previous Subdivision/Legal Lot Status</b>	Final Plat required

## **SITE CHARACTERISTICS**

<b>Area (acres)</b>	1.6
<b>Topography</b>	Generally Flat, gently sloping to SW
<b>Vegetation/Landscaping</b>	Varies
<b>Watershed/Drainage</b>	Perche Creek
<b>Existing structures</b>	Single-Family home and small apartment building.

## **UTILITIES & SERVICES**

Site is serviced by all City utilities and services

**ACCESS**

<b>Ash Street</b>	
<b>Location</b>	North edge of property
<b>Major Roadway Plan</b>	Major Collector
<b>CIP projects</b>	N/A
<b>Sidewalk</b>	Sidewalks required.

**PARKS & RECREATION**

<b>Neighborhood Parks</b>	Worley Street Park, Again Street Park
<b>Trails Plan</b>	None
<b>Bicycle/Pedestrian Plan</b>	N/A

Report prepared by Rusty Palmer

Approved by Patrick Zenner