

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

**SUMMARY**

A request by McClure Engineering Co. (agent), on behalf of Marshall & Sylvia Murray (owners), for approval of a 2-lot final minor plat of an existing 4.9-acre parcel and another 0.5-acre parcel, to be known as Hardy Plat 1, with an associated design adjustment to Section 29-5.1(d) to waive sidewalk construction along the property's S. Highway KK frontage. The subject site is located on the north side of S. Highway KK, approximately 3,200 feet west of Scott Boulevard, and includes the address 5971 S Highway KK. **(Case #318-2021)**

**DISCUSSION**

The applicant is seeking to combine two separate parcels that are currently portions of surveyed tracts, to create a two-lot subdivision plat. The applicant has stated that the lots will be consolidated with other existing lots, and there is no intent to construct a single-family dwelling on either lot. Additional right of way will be granted along S. Highway KK for the required major collector cross section. Sidewalks are required to be constructed along the property's S. Highway KK frontage as part of the public infrastructure requirements that are required upon platting. The applicant has requested relief from such obligation, which is discussed below.

The subdivision is a somewhat odd configuration, with the property being a deep piece (over 600 feet from S. Highway KK) that surrounds another parcel that is not in the City, but which is also owned by the applicant. The site currently fronts onto S. Highway KK, but with Lot 1 being arranged somewhat like a horseshoe that surrounds the separate property on both sides. A large portion of the site is encumbered with a stream buffer, and Lot 2 includes a sanitary sewer pump station.

Given the roadway classification of S. Highway KK as a major collector, no new driveway access for single- or two-family dwellings would be granted for these lots unless the Public Works Director determined that other access was not feasible. This would likely result in these lots using existing driveways on the lots that are to the west for Lot 2, and east for Lot 1. This would require access easements to be granted, which would need to be reviewed and approved by the Community Development Director to determine the appropriateness of the access. At this time, no access has been requested for single-family or two-family development.

**Design Adjustment**

The requested design adjustment is from Section 29-5.1(d), which requires installation of sidewalks along a parcel's frontage as an element of platting the property. The applicant's justification for granting the adjustment is attached. In addition to using the standard Design Adjustment criteria, Council Policy Resolution 48-06A establishes a unique set of standards for sidewalks along unimproved streets (no curb or gutter). Policy Resolution 48-06A uses the following factors to provide guidance when considering waiving sidewalk construction along such streets.

Policy Resolution 48-06A Criteria

**1. The cost of constructing the sidewalk relative to the cost of the proposed development;**

The applicant estimates the cost of constructing the sidewalk to be approximately \$24,000, and the only planned improvement on the site is for an accessory structure valued at \$40,000. So the cost of the sidewalk is approximately 60% of the cost of the proposed development, which is a high percentage.

**2. Whether the terrain is such that sidewalks or walkways are physically feasible;**

Construction of sidewalks would be difficult due to the existing drainage way that is illustrated on the attached Land Analysis map. The grade at the north edge of S. Highway KK drops approximately 6-8 feet to the approximate location that the sidewalk would be constructed, into a drainage area. Sidewalk construction in this location would likely require significant fill and the construction of additional drainage structures. While feasible, it would be a significant cost.

It should be noted that construction of sidewalks would create a gap between the eastern sliver of Lot 1, and the west part of Lot 1 and Lot 2, a distance of approximately 240 feet. And there are also topographic challenges to building on the east portion of Lot 1. The grades along the frontage in this area rise from west to east about 16 feet over a distance of approximately 95 feet, which is roughly a 17% grade.

**3. Whether the sidewalk would be located in a developed area, on a low traffic volume local street without sidewalks;**

The site directly abuts the developed area of the Thornbrook subdivision to the east and to the west. However, the property does represent the boundary between the more densely developed areas of the City, and the more typical, large-lot development found within unincorporated Boone County. While there are very few houses to the west of this site, it would not be unexpected to see the redevelopment of some of these large lots in the future, although sanitary sewer capacity in the area is currently limited.

Per MoDOT, S. Highway KK had an Average Daily Traffic (ADT) count of 247 based on the most recent data. The City's major collector streets are designed to accommodate between 3,500-6,000 ADT, so the street could be considered low volume currently, based on its expected future traffic count. But ultimately, the street is not considered a local street, it is identified as a major collector on the Major Roadway Plan.

The site currently is one lot away from existing sidewalks built along the north S. Highway KK frontage of the Thornbrook subdivision. The one lot that separates the site from the existing sidewalk network is also located within Thornbrook, however, sidewalks were not constructed on this lot.

**4. Current or future parks, schools or other pedestrian generators near the development for which a sidewalk or walkway would provide access.**

Future connection to this sidewalk network would provide direct access to the Beulah Ralph Elementary School located approximately one-half mile east of the subject site at the S. Highway KK and Scott Boulevard roundabout; sidewalks and pedways also extend north along Scott Boulevard from the roundabout as well.

**UDC Criteria**

- **The design adjustment is consistent with the city's adopted comprehensive plan and with any policy guidance issued to the department by council;**

Overall, sidewalks are consistent with the City's Comprehensive Plan, and thus waiver of sidewalk would not be consistent. However, if a payment-in-lieu of construction were approved, it would be consistent with ensuring that developers pay their fair share of costs for infrastructure.

- **The design adjustment will not create significant adverse impacts on any lands abutting the proposed plat, or to the owners or occupants of those lands;**

Waiver of the sidewalk would remove the obligation to build a sidewalk. At the current time, the construction of sidewalks may not significantly benefit abutting property owners due to the existing gaps in the sidewalk between both Lots 1 and 2, and created by the lot within Thornbrook that does not have a sidewalk. Given the grades of the property abutting the highway, pedestrians may have difficulty accessing the segments of sidewalks that would be built. However, waiver of all obligations for sidewalk construction could hamper future projects to construct sidewalks along S. Highway KK. The payment-in-lieu option does not create any adverse impacts, and would allow the City to make use of the fee if a project were identified in the future.

- **The design adjustment will not make it significantly more difficult or dangerous for automobiles, bicycles, or pedestrians to circulate in and through the development than if the subdivision standards of section 29-5.1 were met;**

As previously stated, with the current gaps in the sidewalk and grades along the street frontage, the construction of sidewalks may not significantly improve pedestrian safety at this time. However, lack of sidewalks in general does present a danger to pedestrians, and a fee-in-lieu approach would contribute to the ability to install sidewalks in the future.

- **The design adjustment is being requested to address a unique feature of the site or to achieve a unique design character, and will not have the effect of decreasing or eliminating installation of improvements or site features required of other similarly situated developments; and**

The site does not necessarily include a unique feature; topography and sidewalk gaps are not uncommon issues along unimproved streets.

- **The design adjustment will not create adverse impacts on public health and safety.**

As previously stated, with the current gaps in the sidewalk and grades along the street frontage, the construction of sidewalks may not significantly improve pedestrian safety at this time. However, lack of sidewalks in general does present a danger to pedestrians, and a fee-in-lieu approach would contribute to the ability to install sidewalks in the future.

## **Conclusion**

Staff finds that sidewalks are appropriate for the area, but their construction may not be practical at this time given the terrain. The existing topography would make construction challenging and expensive, especially when taking into consideration that the applicant is not constructing homes on the site. If constructed today, the sidewalks would likely need to be removed if S. Highway KK were improved at a later date.

However, given the pedestrian generators around the site, and its close proximity to existing sidewalk that connects directly to an elementary school, a complete waiver of construction or financial responsibility is considered inappropriate. A payment-in-lieu of sidewalk construction meets the policy resolution and UDC criteria for granting relief and is believed by staff to be the best alternative.

The current request by the applicant is for a complete waiver of sidewalk construction, with no fee-in-lieu alternative. Per PR 48-06A, if a sidewalk is found to be warranted, the sidewalk may be either required to be constructed, or a fee equivalent to the cost of construction may be required to be paid based upon an average cost of similar City projects, which is \$69.00/ linear foot of sidewalk. If the Commission found that sidewalks were not warranted, a full waiver could be recommended

## **RECOMMENDATION**

- Denial of the requested design adjustment to waive the sidewalk requirement. Alternatively, a fee-in-lieu could be recommended instead.
- Approval of the final plat of *Hardy Plat 1*.

## **SUPPORTING DOCUMENTS (ATTACHED)**

- Locator maps
- Final Plat
- Land Analysis Map
- Design Adjustment Worksheet
- Policy Resolution 48-06A

## **SITE CHARACTERISTICS**

<b>Area (acres)</b>	5.48
<b>Topography</b>	Slopes toward creek in middle of site
<b>Vegetation/Landscaping</b>	Turf, trees along creek and other low areas
<b>Watershed/Drainage</b>	Perche Creek
<b>Existing structures</b>	None

## **HISTORY**

<b>Annexation date</b>	2001
<b>Zoning District</b>	R-1 (One-family Dwelling)
<b>Land Use Plan designation</b>	Neighborhood
<b>Previous Subdivision/Legal Lot Status</b>	Portions of surveyed tract

## **UTILITIES & SERVICES**

<b>Sanitary Sewer</b>	City of Columbia
<b>Water</b>	City of Columbia
<b>Fire Protection</b>	City of Columbia
<b>Electric</b>	City of Columbia

## **ACCESS**

<b>S. Highway KK</b>	
<b>Location</b>	Along the South side of property
<b>Major Roadway Plan</b>	Major Collector (unimproved and MoDOT maintained); 66-76-foot full width/33-38-foot half-width required; Three feet of additional right-of-way dedication on plat.
<b>CIP projects</b>	None
<b>Sidewalk</b>	Sidewalks required.

## **PARKS & RECREATION**

<b>Neighborhood Parks</b>	None within half-mile.
<b>Trails Plan</b>	None within half-mile.
<b>Bicycle/Pedestrian Plan</b>	Pedways located approximately one-half mile to the east.

## **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 this pending request on October 4, 2021. Twenty postcards were distributed.

Report prepared by Clint Smith

Approved by Patrick Zenner