

**AGENDA REPORT
PLANNING AND ZONING COMMISSION MEETING
February 10, 2022**

SUMMARY

A request by McKenzie Daly (owner) for a design adjustment from Section 29-5.1(d) of the UDC relating to waiving sidewalk construction. The 12.7-acre property is located on the north side of N. Oakland Gravel Road, approximately one-half mile northeast of the US 63 and Prathersville Road interchange. **(Case #70-2022)**

DISCUSSION

The applicant desires to build a single-family home on the site which, upon annexation, would be connected to the city's sanitary sewer. The site was approved as Lot 3 of a Boone County platting action entitled "Horse Fair Subdivision" in 2005. A concurrent request for permanent zoning, upon annexation, is being heard under Case #68-2022 since the application is seeking connection to City sewer and the requirements of Policy Resolution 115-97A.

While currently being located within the County, this application is believed within the Commission's jurisdiction given the applicant's concurrent request for permanent zoning and annexation. Had the concurrent application not be under consideration this request would be outside the authority of the Commission. The request for relief is necessary given the applicant intends to construct a single-family dwelling on the 12.7-acre lot upon annexation. Per Section 29-5.1(d)(2)(i) of the UDC, property having frontage along arterial and collector classified roadways are required to install sidewalks at the time of building permitting. The subject property has approximately 1,500-feet of frontage along N. Oakland Gravel Road, a neighborhood collector. If the annexation is approved, the owner would be required to install sidewalk along the parcel's entire roadway frontage as part of the building permit for their single-family dwelling.

The applicant does not wish to construct sidewalk as it would significantly increase the cost of home construction and has requested a design adjustment from Section 29-5.1(d). 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;

Staff estimates the cost of constructing sidewalk to be approximately \$104,000. The applicant's construction loan for the future single-family house is stated to be \$150,000. So the cost of the sidewalk is approximately 69% of the cost of the proposed development, which is a high percentage. The site is a ~13-acre estate lot in whole. The cost comparison for development would be significantly less if the site were replatted or subdivided for future development at a later date. **SUPPORTED**

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

Construction of sidewalks would be difficult due to the existing drainage features, fence line, utility lines, and trees that separate the property from the unimproved roadway. While expensive due to removing

and relocating the fence, trees, and utility lines, sidewalks would be possible to construct. **NOT SUPPORTED**

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

The existing land-use context in the area is mixed between built-out, single-family subdivisions and large, undeveloped tracts of land. It would not be unexpected to see the redevelopment of some of these large tracts in the future, specifically when Waco Road is fully constructed in the future.

Per MoDOT, N. Oakland Gravel Road has an Annual Average Daily Traffic (AADT) count of 2,080 based on the most recent data. The City's neighborhood collector streets are designed to accommodate between 1,500-3,500 ADT, so the street could be considered within typical volume currently, based on its expected future traffic count. While the road is currently unimproved, ultimately it is identified as a neighborhood collector on the Major Roadway Plan.

Currently, the only sidewalks in the area northeast of the nearby US-63 interchange are located interior to one of the three county subdivisions to the west. While N. Oakland Gravel Road is entirely without sidewalks, pedestrian access to the future Bear Creek Trail, if extended, would be an amenity to those living in nearby subdivisions. **NOT SUPPORTED**

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 the pedestrian network would provide direct access to a future, proposed tertiary trail located across N. Oakland Gravel Road directly to the southeast. Connection to the future Bear Creek trail would provide access to Atkins Park and eventually Alpha Hart Lewis Elementary located 0.5-miles to the southeast. **NOT SUPPORTED**

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. **NOT SUPPORTED**

- **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 lack of sidewalk along the entire roadway corridor.

However, waiver of all obligations for sidewalk construction could hamper future projects to construct sidewalks along N. Oakland Gravel Road; particularly when larger, surrounding tracts are developed. A design adjustment for constructing ~1200' of sidewalk was requested when the two-lot property directly to the south was platted in 2019. That request was not granted then and many of the same criteria that applied to that request apply to this request. Approving this request would be inconsistent and may be unfair to surrounding property owners. **NOT SUPPORTED**

- **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;**

There is a sharp, right-angle curve in the road located at the southeast corner of the subject site. This curve is also prone to flooding. Pedestrians along this roadway have three options when travelling here: To walk on the street through the curve, to walk through the flood-prone drainage ditch, or to not pass through at all. There is a visibility issue along this curve as there are trees, interior to the lot and along the road, that disrupt the line of sight between drivers and pedestrians.

Given there are no other sidewalks along this roadway, installation of sidewalk in this area would not fill a gap leaving a disconnected pedestrian network on either side of the site. The 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 construction of sidewalks would improve pedestrian safety specifically along this curve. However, the remainder of the roadway corridor would still lack a sufficient pedestrian network at this time. **NOT SUPPORTED**

- **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; drainage ditches, topography, and sidewalk gaps are not uncommon issues along unimproved streets. **NOT SUPPORTED**

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

As previously stated, with the current lack of sidewalk along the street frontage, the construction of sidewalks would improve pedestrian safety of the roadway, specifically along the curve. Additionally, 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. **NOT SUPPORTED**

Conclusion

Staff finds that sidewalks are appropriate for the area, but their construction would be expensive given the additional work required to relocate drainageways, fencelines, and utilities. The cost of sidewalk when compared to the proposed development is significant, especially when taking into consideration

that the applicant is constructing one house when compared to a ¼-mile of sidewalk.

However, given proximity to the elementary school and future trail connections, 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.

Following staff review of the design adjustment and policy resolution criteria, staff does not support the approval of the sidewalk waiver. If granted, the design adjustment may have negative effects on public health and safety, be injurious to other properties in the area, and will provide accommodation to this site not afforded to other developments.

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. 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.

RECOMMENDATION

Denial of the requested design adjustment to Section 29-5.1 pertaining to the construction of sidewalks on arterial and collector streets.

Alternatively, a fee-in-lieu could be recommended instead.

ATTACHMENTS

- Locator Maps
- Policy Resolution 48-06A
- Photos of Street Frontage
- Design Adjustment Worksheet

HISTORY

Annexation date	n/a
Zoning District	County
Land Use Plan designation	Neighborhood / Open Space
Previous Subdivision/Legal Lot Status	Horse Fair subdivision, Lot 3

SITE CHARACTERISTICS

Area (acres)	12.7
Topography	Northeastern quarter is relatively flat. Western half contains streambank
Vegetation/Landscaping	Northeastern quarter contains hay field or pasture. Remainder of site is wooded.
Watershed/Drainage	Bear Creek
Existing structures	None

UTILITIES & SERVICES

Sanitary Sewer	City of Columbia
Water	City of Columbia
Fire Protection	City of Columbia / Boone County
Electric	Boone Electric

ACCESS

North Oakland Gravel Road	
Location	Southern and Eastern frontages
Major Roadway Plan	Neighborhood Collector
CIP projects	N/A
Sidewalk	None

PARKS & RECREATION

Neighborhood Parks	Atkins Park – 1000’ south; Smith Park – ½ mile southeast
Trails Plan	Bear Creek Trail - Proposed Tertiary Trail located on SE corner (Parks Trail Plan)
Bicycle/Pedestrian Plan	Key Roadway – N Oakland Gravel Road

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 via an advanced notification postcard which was mailed on January 7, 2022. **12** postcards and property owner letters were sent.

Public Notification Responses	None
Notified neighborhood association(s)	N/A
Correspondence received	None

Report prepared by Brad Kelley

Approved by Patrick Zenner