



Department Source: Community Development - Planning

To: City Council

From: City Manager & Staff

Council Meeting Date: July 1, 2024

Re: Design Adjustment – Bever Estate Subdivision (Case # 134-2024)

## Executive Summary

Approval of this request will grant a waiver from Section 29-5.1 (d) of the UDC as it pertains to required sidewalk construction along the Barberry Avenue frontage of the subject parcel. This request is being considered, under separate cover, concurrently with a request to approval a 1-lot final plat to be known as "Bever Estate". The final plat's approval is contingent on the approval of the requested design adjustment.

## Discussion

Leubbert Engineering (agent), on behalf of Garrett Bever (owner), is seeking approval of a design adjustment to Section 29-5.1 (d) of the UDC relating to the required installation of approximately 310-feet of sidewalk along the subject site's Barberry Avenue frontage. Mr. Bever is in the process of beginning constructing a home on his property addressed 3307 Barberry Avenue. The property is not considered a "legal lot" and must be platted to obtain such designation. Per the UDC, newly created or platted lots after March 2017 are required to install sidewalk where the property fronts on a street. The applicant is seeking a waiver from this requirement due to the location of the lot, its feasibility of construction, and due to the additional construction costs, which would be cost-prohibitive.

Barberry Avenue is narrow roadway with just 18 feet of pavement and was not constructed to City street standards. Therefore, the provisions of Policy Resolution 48-06A (policy for variances for construction of sidewalks along unimproved streets) do apply. PR 48-06A provides for alternative locations for sidewalks in cases where topography or obstacles interfere, and also permits the property owner to instead submit a payment equivalent to the cost of sidewalk construction to the City. The subject property contains approximately 310-feet of roadway frontage, which would equate to a fee of \$21,963.50 when multiplied by the City's average 2-year cost for sidewalk installation of \$70.85 per linear foot.

The applicant has supplied the attached Design Adjustment Worksheet detailing their analysis of the requested waiver. Section 3 of PR 48-06A provides 4 factors that Council may consider when assessing a request for a waiver to install sidewalk as required by sec. 29-5.1 (d) of the UDC. The 4 factors from Section 3 of PR48-06A are provided below with staff's evaluation.

### **a) The cost of the sidewalk relative to the proposed development**

The applicant did not provide an anticipated construction cost for the home, but the estimated \$21,963.50 cost of constructing the sidewalk would add roughly 10%



to the average home built in Columbia. Given the state of the Barberrry Avenue corridor and significant residential development on nearby acreage, improving the roadway, including installation of sidewalks, may become a priority moving forward.

**b) Feasibility to construct sidewalk in regards to the terrain.**

The frontage of the property is densely wooded, and contains significant topographical variations between the edge of pavement and the property line. There are currently no engineered plans or profiles for future improvements of Barberrry Avenue in this location, so sidewalk construction would require significant engineering, increasing the cost of construction.

**c) Whether the site is in a developed area, on a low-traffic street without sidewalks.**

The subject parcel is situated in a "greenfield" environment; however, areas southeast of Barberrry are developed and are served by sidewalks. Barberrry Park lies immediately south of the site, but in order to enter the park, pedestrian traffic from the site would have to cross the roadway in an area with inadequate sight distances. Barberrry Avenue is classified as a neighborhood collector on the CATSO Major Roadway Plan, and acts to collect westward traffic from Stadium Boulevard as it funnels through the residential neighborhood on Primrose Drive, and to the south on Sunflower Street. Barberrry also provides indirect connectivity to I-70 Drive Northwest south of the site via Grayson and Hibiscus Drives.

A recent traffic study performed in conjunction with the Amberton Place Preliminary Plat noted a maximum traffic load of 28 trips in the AM peak hour, and 19 trips in the PM peak hour adjacent to the subject site. Those peaks are traveling to the east in the morning and westward in evening, which is consistent with residents commuting into town for work. With the buildout of Amberton Place (123 homes), those volumes are anticipated to increase to 60 trips in the AM peak, and 40 in the PM. However; the traffic impact analysis did not find that the increase in Barberrry traffic warranted any significant roadway improvements, and the applicant will add only a few daily trips to those counts.

**d) And, current or future pedestrian generators in the vicinity that would be accessed by the subject sidewalk.**

Given the land use pattern north of Barberrry, the required sidewalk would not offer significant benefit for pedestrians trying to reach Barberrry Park or any properties east of the subject parcel. The Barberrry Park property includes a strip along the south side of Barberrry Avenue in anticipation of a pedway being installed connecting the park to the west, terminating at the city limits. The pedway provides a connection via Zinnia Drive to the south, and to Grayson Drive to the east along a stubbed realignment of Barberrry. No plans currently exist for constructing the



pedway or the realignment of Barberry, but added development pressure in the vicinity are anticipated to generate a greater need for these improvements.

Section 29-5.2(b)(9) of the UDC also provides five criteria to be considered in evaluation of any request of a design adjustment. This section states that the Commission may recommend approval of the request only if it determines that the following criteria have been met.

**1. The design adjustment is consistent with the City's adopted comprehensive plan and with any policy guidance issued to the Department by Council;**

Staff believes the design adjustment is in conflict with the objectives of the Comprehensive Plan which seek to promote and facilitate non-motorized transportation options by prioritizing interconnectivity between neighborhoods and enforcing the existing sidewalk ordinance. The comprehensive plan rates this policy as a high public priority.

**2. 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;**

Given the lack of sidewalk on either side of Barberry Avenue, staff does not anticipate any additional negative impacts to adjacent property owners or creation of more dangerous conditions for pedestrian or motorized traffic than presently exists. Granting the waiver for this singular lot would not create any adverse impacts on the general public health and safety, even though existing conditions are inadequate.

**3. 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;**

While the existence of a sidewalk in this location would benefit pedestrian safety considerations at a localized scale, the lack of a sidewalk network within the current built environment limits the impact of granting the waiver. Staff does not believe that the environment is drastically more dangerous currently than if a sidewalk were required to be constructed only on the subject frontage.

**4. 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;**

The environmental features encountered along the Barberry frontage of the site are unique and pose several challenges to installation of a standard sidewalk in its typical location. Substantial grading would be required to match the existing street profile, or an alternative design would need to be established to provide an appropriate



walkway. While there are not any planned sidewalk improvements along Barberrry Avenue at this time, future roadway improvements may be undertaken that would address the lack of sidewalk within the broader context of the site and provide a regional benefit. Approval of the sidewalk waiver would not result in decreasing or eliminating the ability to install such features in the future, but rather defer such construction and the associated potential costs to a future public project.

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

No greater adverse impacts to public health or safety are anticipated beyond those that presently exist should the requested design adjustment be approved. Existing conditions are not ideal, and the region lacks pedestrian generators to support installation of sidewalk. Broader public improvements or a reconstruction project involving Barberrry Avenue should perhaps be undertaken as a means of addressing pedestrian and vehicular safety concerns.

On May 9, 2024, the Planning & Zoning Commission held its public hearing on this matter. Staff presented its report, which was inclusive of both the platting request and the design adjustment. Following the staff report, the applicant's representative gave an overview of the request noting that the site presents a number of challenges to sidewalk construction. Realignment of the roadway and the dedication of additional right-of-way on the property would push the sidewalk location further into the parcel increasing the grade change present near its southwest corner. The applicant then spoke on his own behalf and a neighbor who lives in the nearby residential neighborhood on Grayson Drive spoke in support of the request.

Commission discussion centered on the pedestrian needs along the Barberrry corridor as well as the cost and feasibility of constructing the walkway. Commissioners noted the planned pedway on the south side of Barberrry, from Barberrry Park west to the city limits, will serve the bulk of existing pedestrian users as well as those anticipated from the Amberton Place development just west of the current pedway terminus. Other Commissioners spoke on the importance of planning 20 to 30 years ahead as greater growth is seen in the area and suggested that a fee-in-lieu may be appropriate to address the future need for the subject sidewalk. Commissioners then noted that the remote location of the site and potential future roadway improvements on Barberrry Avenue negate the current requirement for the sidewalk.

Following limited additional discussion, the Commission made a motion to approve the design adjustment. Such motion was approved by a vote of (5-1) with one abstention.

A copy of the Planning and Zoning Commission staff report, locator maps, design adjustment worksheet, and meeting minute excerpts are attached for review.



## Fiscal Impact

Short-Term Impact: None anticipated within the next two years. Public infrastructure extension/expansion would be at the cost of the applicant.

Long-Term Impact: Public infrastructure maintenance associated with sanitary sewer as well as public safety and solid waste service provision. Future impacts may or may not be offset by increased user fees and/or property tax collections.

## Strategic & Comprehensive Plan Impact

### Strategic Plan Impacts:

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

### Comprehensive Plan Impacts:

Primary Impact: Mobility, Connectivity, and Accessibility, Secondary Impact: Livable & Sustainable Communities, Tertiary Impact: Infrastructure

## Legislative History

Date	Action
N/A	N/A

## Suggested Council Action

Approve, the proposed design adjustment as recommended by the Planning & Zoning Commission.