

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

**SUMMARY**

A request by A Civil Group (agent), on behalf of John and Sarah Maddock (owners), for a design adjustment from Section 29-5.1 of the UDC relating to construction of sidewalks along the Old Highway 63 and Stadium Boulevard frontages of property addressed as 1600 Old Highway 63. **(Case # 99-2022)**

**DISCUSSION**

The applicants originally requested a design adjustment from the requirements of Section 29-5.1(d) as part of the subject property's final plat, "A-1 Rental Final Plat", submission in August of 2021. At that time, review staff indicated little support for the waiver; therefore, the applicant withdrew the design adjustment request and the plat was approved by City Council with an accompanying performance contract. The performance contract obligates the property owner to construct sidewalks on all roadway frontages within 3 years following approval of the plat. At this time, the applicants are seeking approval of a standalone design adjustment. Such action is permissible per the UDC and if approved the applicant would be formally relieved of the performance contract obligation to install sidewalks.

Section 29-5.2(b)(9) of the UDC details five criteria by which each request for a design adjustment is to be evaluated. The code states that the Director or Commission may recommend approval of the design adjustment if the following criteria are met.

- i. The design adjustment is consistent with the city's adopted comprehensive plan and with any policy guidance issued to the department by council;
- ii. 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;
- iii. 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;
- iv. 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
- v. The design adjustment will not create adverse impacts on public health and safety.

The applicant has indicated that the waiver meets each of the preceding criteria for approval, and details their rationale in the attached design adjustment worksheet. They highlight in the worksheet that previous requests for relief from sidewalk requirements have typically been approved by City Council in instances where sidewalks are not feasible due to topographic conditions or other site constraints. The sidewalk network in this location lacks connectivity; however, recent improvements to the intersection of Stadium Boulevard and Old Highway 63 have included pedestrian enhancements, and sidewalks now exist on all corners of the intersection with the exception of the subject site.

The applicant also points to the lack of existing sidewalks in the general area of the site to which a connection can be made with their property. Staff objects to this conclusion pointing to the crosswalk improvements at the intersection that include an accessible approach stubbing into the subject property for connection with a future sidewalk. Traffic Engineering staff see value in connecting the existing crosswalk as well as the pedestrian network beyond through the site and further south to the Hinkson Creek & Grindstone Creek Trails.

On the design adjustment worksheet, the applicant notes that the primary reason for the request along the Stadium frontage is due to the escarpment created by the road cut for Stadium. In some locations on this frontage the grade change exceeds 20 feet. The area at grade with Stadium is narrow and the bulk of it lies within MoDOT right-of-way. MoDOT has indicated that they likely would not issue a right-of-way permit for the purpose of constructing a sidewalk due to the potential hazards of falling rock, and the proximity of pedestrians to the roadway. Stadium is constructed with a shoulder through this corridor, and City Traffic engineers have indicated that the shoulder functions well as a pedestrian connection when necessary, therefore formal sidewalks in this location are expendable.

Staff's assessment of the proposed design adjustment is generally consistent with that of the applicant, with one exception. Staff does not view the existence of sidewalks across Old 63 as a justification to waive them in this instance. The improvements made to the other three corners of the intersection indicate an effort to better serve the area with pedestrian infrastructure. The pedestrian network in this location is disjointed and lacks connectivity to important community features and amenities accessed from the Old 63 corridor. For this reason, sidewalk waivers along this frontage are not supported without a more significant presentation of hardship.

Staff concedes that Stadium has significant challenges, and MoDOT has indicated they would not likely grant a permit for sidewalk construction in their right-of-way, due to liability issues and the lack of space needed for construction purposes. No adverse effects are anticipated by the granting of the design adjustment along the Stadium frontage in terms of pedestrian or vehicular safety.

## **RECOMMENDATION**

1. Approval of the requested design adjustment from Section 29-5.1(d) for the subject property's Stadium Boulevard frontage.
2. Denial of the requested design adjustment from Section 29-5.1(d) for the subject property's Old Highway 63 frontage.

## **SUPPORTING DOCUMENTS (ATTACHED)**

- Locator Maps
- Final Plat

## **SITE CHARACTERISTICS**

<b>Area (acres)</b>	9.68 acres
<b>Topography</b>	Generally flat on west end, steep slopes to south on eastern 2/3 of site
<b>Vegetation/Landscaping</b>	Eastern end developed, remainder wooded
<b>Watershed/Drainage</b>	Primary watershed – Perche Creek; Immediate watershed – Hinkson Creek
<b>Existing structures</b>	Former “U.S. Rents” offices, showroom and storage shed (to be removed)

## **HISTORY**

<b>Annexation date</b>	1969
<b>Zoning District</b>	Split-Zoned, MC, IG, A
<b>Land Use Plan designation</b>	Neighborhood District
<b>Previous Subdivision/Legal Lot Status</b>	Platted Lot

## **UTILITIES & SERVICES**

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

## **ACCESS**

<b>Old Highway 63</b>	
<b>Location</b>	West side of property
<b>Major Roadway Plan</b>	Minor Arterial
<b>CIP projects</b>	None
<b>Sidewalk</b>	Sidewalks Required

<b>Stadium Boulevard</b>	
<b>Location</b>	North side of property
<b>Major Roadway Plan</b>	Expressway
<b>CIP projects</b>	None
<b>Sidewalk</b>	Sidewalks Required

## **PARKS & RECREATION**

<b>Neighborhood Parks</b>	N/A
<b>Trails Plan</b>	Hinkson Creek & Grindstone Creek Trails ~ 0.25 miles south
<b>Bicycle/Pedestrian Plan</b>	N/A

## **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 August 20, 2021. Nine postcards were distributed.

Report prepared by Rusty Palmer

Approved by Patrick Zenner