

Introduced by _____

First Reading _____

Second Reading _____

Ordinance No. _____

Council Bill No. B 303-13

AN ORDINANCE

approving the Final Plat of Southland Plat 1, a minor subdivision; accepting the dedication of rights-of-way and easements; authorizing a performance contract; granting a variance from the Subdivision Regulations relating to construction of a sidewalk along a portion of Southland Drive; and fixing the time when this ordinance shall become effective.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBIA, MISSOURI, AS FOLLOWS:

SECTION 1. The City Council hereby approves the Final Plat of Southland Plat 1, dated September 3, 2013, a minor subdivision located on the south side of Southland Drive and west of Rock Quarry Road, containing approximately 1.70 acres in the City of Columbia, Boone County, Missouri, and hereby authorizes and directs the Mayor and City Clerk to sign the plat evidencing such approval.

SECTION 2. The City Council hereby accepts the dedication of all rights-of-way and easements as dedicated upon the plat.

SECTION 3. The City Manager is hereby authorized to execute a performance contract with KJ Property Group in connection with the approval of the Final Plat of Southland Plat 1. The form and content of the contract shall be substantially as set forth in "Exhibit A" attached hereto and made a part hereof as fully as if set forth herein verbatim.

SECTION 4. Subdivider is granted a variance from the requirements of Section 25-48.1 of the Subdivision Regulations so that a sidewalk shall not be required along that portion of the Southland Drive frontage adjacent to Lot 101 and Lot 102 within Southland Plat 1.

SECTION 5. This ordinance shall be in full force and effect from and after its passage.

PASSED this _____ day of _____, 2013.

ATTEST:

City Clerk

Mayor and Presiding Officer

APPROVED AS TO FORM:

City Counselor

PERFORMANCE CONTRACT

This contract is entered into on this _____ day of _____, 2013 between the City of Columbia, MO (“City”) and KJ PROPERTY GROUP (“Subdivider”).

City and Subdivider agree as follows:

1. Subdivider shall construct, erect and install all improvements and utilities required in connection with the final plat of SOUTHLAND PLAT 1, including sidewalks and all improvements and utilities shown on the plat and related construction plans, within 36 months after the City Council approves the plat.
2. If street, utility or other construction of public improvements should occur on or adjacent to land in the subdivision at the initiative of the City Council, as benefit assessment projects, Subdivider agrees to bear Subdivider’s equitable and proportionate share of construction costs, as determined by such assessments.
3. No utility service connections or occupancy permits shall be issued to the Subdivider or to any other person for any structure on land in the subdivision unless and until all utilities and improvements have been constructed, erected and installed in the structure and upon the lot or lots on which the structure is situated in accordance with all applicable ordinances, rules and regulations of the City.
4. No occupancy permit shall be issued to Subdivider or any other person for any structure constructed on land in the subdivision unless the street and sidewalk adjacent to the structure have been completed in compliance with the City’s Standard Street Specifications.
5. City may construct, erect or install any improvement or utility not constructed, erected or installed by Subdivider as required by this contract. City may perform such work using City employees or City may contract for performance of the work. Subdivider shall reimburse City for all costs an expenses incurred by City in connection with the construction, erection or installation of improvements in utilities under this paragraph. Subdivider agrees to pay City all expenses and costs, including reasonable attorneys’ fees, incurred by City in collecting amounts owed by Subdivider under this paragraph.
6. City shall not require a bond or other surety to secure the construction of the improvements and utilities required in connection with the final plat.
7. The obligations of Subdivider under this contract shall not be assigned without the express consent of the City Council.

8. The remedies set forth in this contract are not exclusive. City does not waive any other remedies available to enforce Subdivider's obligations under this contract or to recover damages resulting from Subdivider's failure to perform its obligations under this contract.

9. This contract is not intended to confer any rights or remedies on any person other than the parties.

IN WITNESS WHEREOF, the parties have executed this contract on the day and year first above written.

CITY OF COLUMBIA, MISSOURI

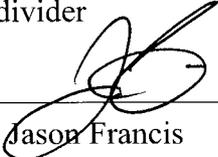
BY: _____
Mike Matthes, City Manager

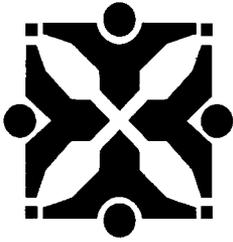
ATTEST:

Sheela Amin, City Clerk

APPROVED AS TO FORM:

Fred Boeckmann, City Counselor

Subdivider
BY:  _____
Jason Francis



Source: Community Development - Planning 

Agenda Item No:

To: City Council
From: City Manager and Staff 

Council Meeting Date: Oct 21, 2013

Re: 3624 Southland Drive - 2-lot final minor subdivision (Case #13-176)

EXECUTIVE SUMMARY:

A request by KJ Property Group (owner) for a 2-lot final minor subdivision to be known as "Southland Plat 1" and a sidewalk variance along the proposed Southland Drive frontage. The subject 1.70 acre tract is located on the south side of Southland Drive and is currently addressed as 3624 Southland Drive. **(Case # 13-176)**

DISCUSSION:

This is a request to subdivide the existing 1.70 acre tract into two lots and not be required to build sidewalks along the Southland Drive roadway frontage. The tract is currently improved with a single-family dwelling undergoing renovation. A new single-family home is to be built on the proposed lot to the east of the existing home.

A rezoning request (Case # 13-177) is being reviewed concurrently with this subdivision and variance action. The purpose of the rezoning is to reduce the side yard setbacks applied to the proposed lots so the new single-family home may be situated to the west of an existing sewer easement. The sewer easement bisects the eastern 1/3 of the subject property.

The proposed lots exceed the minimum lot area for both the existing (A-1) and proposed (R-1) zoning. The proposed lot sizes are consistent with what is found within the immediate vicinity. Southland Drive is currently substandard in its roadway width and the plat provides the required 1/2 width upgrade.

In addition to seeking approval to subdivide the property, the applicant is requesting a variance to the requirement that sidewalks be installed along the Southland Drive frontage. While there is limited sidewalk along Southland Drive, primarily to the north, staff following review of the field conditions and the variance worksheet (attached) did not identify any compelling reasons that supported granting the variance.

On October 10, the Planning and Zoning Commission reviewed this request and recommended unanimously (9-0) to approve the proposed 2-lot subdivision and the requested sidewalk variance. In arriving at its decision, the Commission noted that installation of sidewalk at this time would serve limited purpose and would likely be removed upon the reconstruction of Southland Drive since a sidewalk installed today would not match future roadway elevations.

The applicant's engineer spoke in favor of granting the sidewalk variance. He also noted concern regarding future removal, the fact adjacent owners did not desire a sidewalk on the south side of the street, and that a more likely location for sidewalk would be on the north side of the street were sidewalk already existed. An additional member of the public spoke indicating that granting a variance at this time did not limit the City the ability to "tax bill" for a future installation should it deem that appropriate.

A copy of the staff report, locator maps, reduced copy of the plat, and meeting minutes are attached.

FISCAL IMPACT:

None

VISION IMPACT:

<http://www.gocolumbiamo.com/Council/Meetings/visionimpact.php>

None

SUGGESTED COUNCIL ACTIONS:

Approve the request as recommended by the Planning and Zoning Commission.

FISCAL and VISION NOTES:					
City Fiscal Impact Enter all that apply		Program Impact		Mandates	
City's current net FY cost	\$0.00	New Program/ Agency?	No	Federal or State mandated?	No
Amount of funds already appropriated	\$0.00	Duplicates/Expands an existing program?	No	Vision Implementation impact	
Amount of budget amendment needed	\$0.00	Fiscal Impact on any local political subdivision?	No	Enter all that apply: Refer to Web site	
Estimated 2 year net costs:		Resources Required		Vision Impact?	No
One Time	\$0.00	Requires add'l FTE Personnel?	No	Primary Vision, Strategy and/or Goal Item #	N/A
Operating/ Ongoing	\$0.00	Requires add'l facilities?	No	Secondary Vision, Strategy and/or Goal Item #	N/A
		Requires add'l capital equipment?	No	Fiscal year implementation Task #	N/A

**AGENDA REPORT
PLANNING AND ZONING COMMISSION MEETING
October 10, 2013**

SUMMARY

A request by KJ Property Group (owner) for a 2-lot final minor subdivision to be known as "Southland Plat 1" and a variance from Section 25-48.1(a) pertaining to the installation of sidewalk along the proposed lot frontages. The subject 1.70 acre tract is located on the south side of Southland Drive and is currently addressed as 3624 Southland Drive. (Case # 13-176).

DISCUSSION

The applicant is requesting a two-lot subdivision for residential development. A rezoning request (Case #13-177) is being considered concurrently with this subdivision action to rezone the tract from A-1 (Agriculture) to R-1 (One-Family Dwelling). The subject tract is currently improved with a single family residence undergoing renovations.

The plat has been reviewed by applicable internal and external departments/agencies and found to comply will all subdivision requirements. A performance contract has been submitted to guarantee the installation of required public infrastructure (i.e. sidewalks); however, the applicant is seeking a variance from the requirement to install such improvements.

In accordance with the subdivision regulations, an application for a variance from Section 25-48.1(a) has been submitted (see attached letter/application). Council Policy Resolution (PR 48-06A) guides the decision of whether or not to grant variances from the requirement to install sidewalks along unimproved streets, based on the following considerations:

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

Sidewalk installation along Southland Drive is estimated at \$8,000, which is approximately 6% of the estimated construction cost for a home on Lot 102.

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

The terrain does not appear to be an obstacle to sidewalk installation. Minor grading and loss of some mature vegetation along the roadway may occur.

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

The sidewalk would be located on Southland Drive, which connects Nifong Boulevard to Rock Quarry Road and is the primary access to the Crossing Church. Sidewalks are not installed anywhere along Southland Drive except along the Crossing Church property to the north.

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

Southland Drive does not directly serve as a connector between the neighborhood and any public services or amenities; however, is located within approximately ¼ mile of Rock Quarry Park. Sidewalk construction has recently been completed along the east side of Rock Quarry Road across from the intersection Southland/Rock Quarry Road. Construction of sidewalk along the subject tract's frontage, while currently disconnected, would provide opportunity to link the existing sidewalks and offer residents an opportunity to access the park in a safer manner than exists today.

Given the above considerations, staff does not support granting a variance. While the majority of the development along Southland Drive will likely remain unchanged overtime there is significant reconstruction activity occurring to the north on the Crossing Church parcel that will require sidewalk installation. Installation of sidewalk along the frontage of the proposed lots will allow for greater connectivity to nearby amenities as well as reduce pedestrian/vehicular conflicts associated with the increased usage of the Crossing Church site.

STAFF RECOMMENDATION

Staff recommends the following:

1. **Approval** of the subdivision plat
2. **Denial** of the variance from Section 25-48.1(a); however, should the Commission support the variance staff recommends it be granted subject to:
 - a. Payment in lieu of conventional sidewalk construction in the value of \$8,000.

REFERENCE MATERIALS

- Letter and variance request worksheets
- Council Policy Resolution PR 48-06A

SITE CHARACTERISTICS

Area (acres)	1.70
Address	3624 Southland Drive
Topography	Gently sloping to southeast
Vegetation	Mixture of maintained lawn & tree-covered areas
Watershed	Clear Creek

SITE HISTORY

Annexation date	1969
Initial zoning designation	A-1 (Agriculture)
Previous rezoning requests	None
Land Use Plan designation	Neighborhood District
Existing use(s)	Single-family
Existing zoning	A-1 (pending rezoning to R-1)

UTILITIES & SERVICES

Sanitary Sewer	City of Columbia
Water	City of Columbia
Electric	Boone Electric Cooperative
Fire Protection	City of Columbia

ACCESS

Southland Drive	
Location	North side of site
Major Roadway Plan classification	City-maintained neighborhood residential street. 50-foot width required. 25-foot half width being provided. Sidewalk required along property's street frontage. (Variance requested)
CIP projects	N/A

PARKS & RECREATION

Neighborhood Parks Plan	Closest existing City park is Rock Quarry, approx. 1/4 mile northeast of site.
Trails Plan	No existing or proposed trails adjacent to site.
Bicycle/Pedestrian Network Plan	No bike/ped facilities are proposed on or adjacent to the site.

Report prepared by _____ Approved by _____



Boone County Assessor's Office, Sanborn Map Company



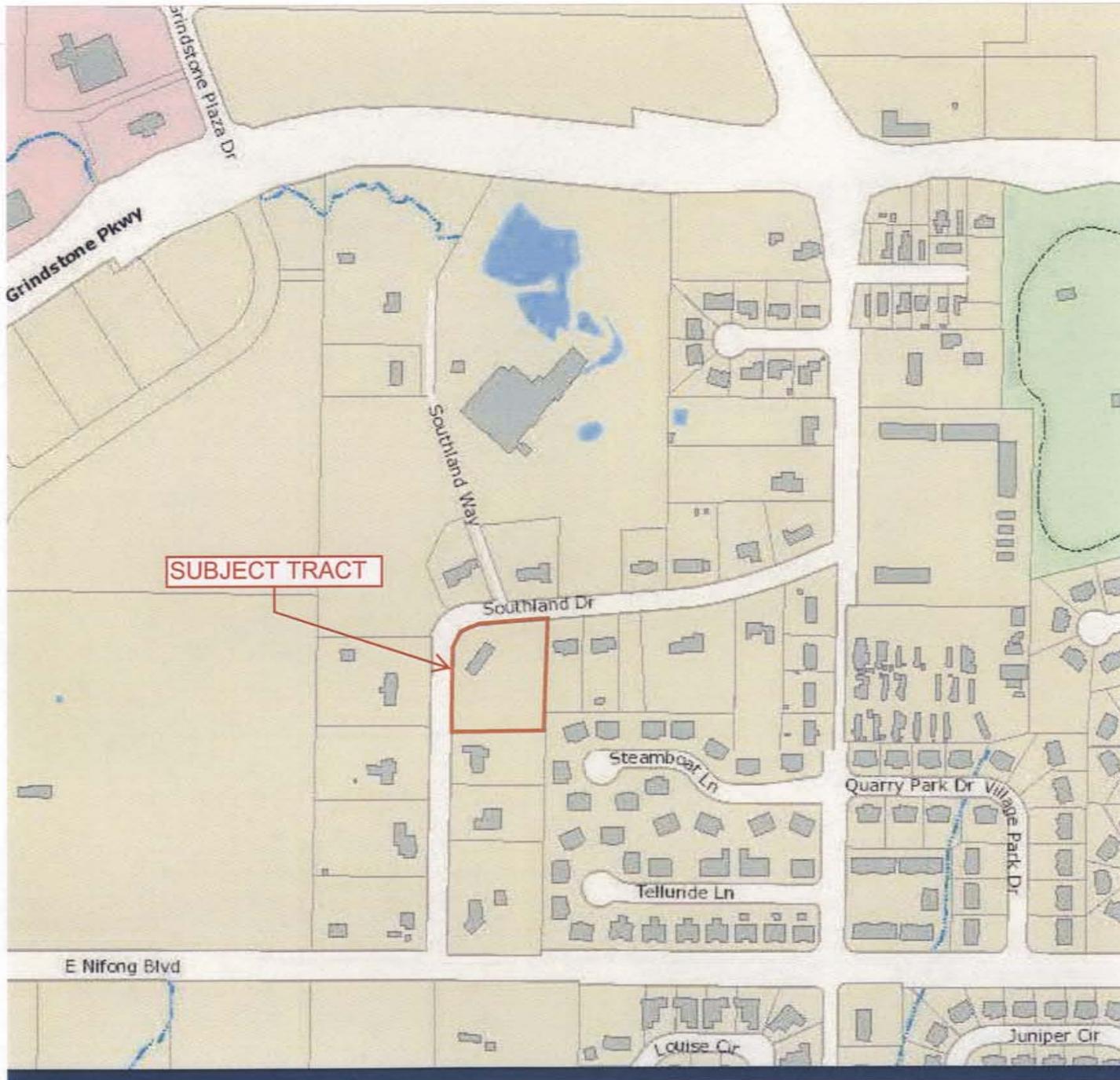
13-176 Final Plat & Variance KJ Property Group

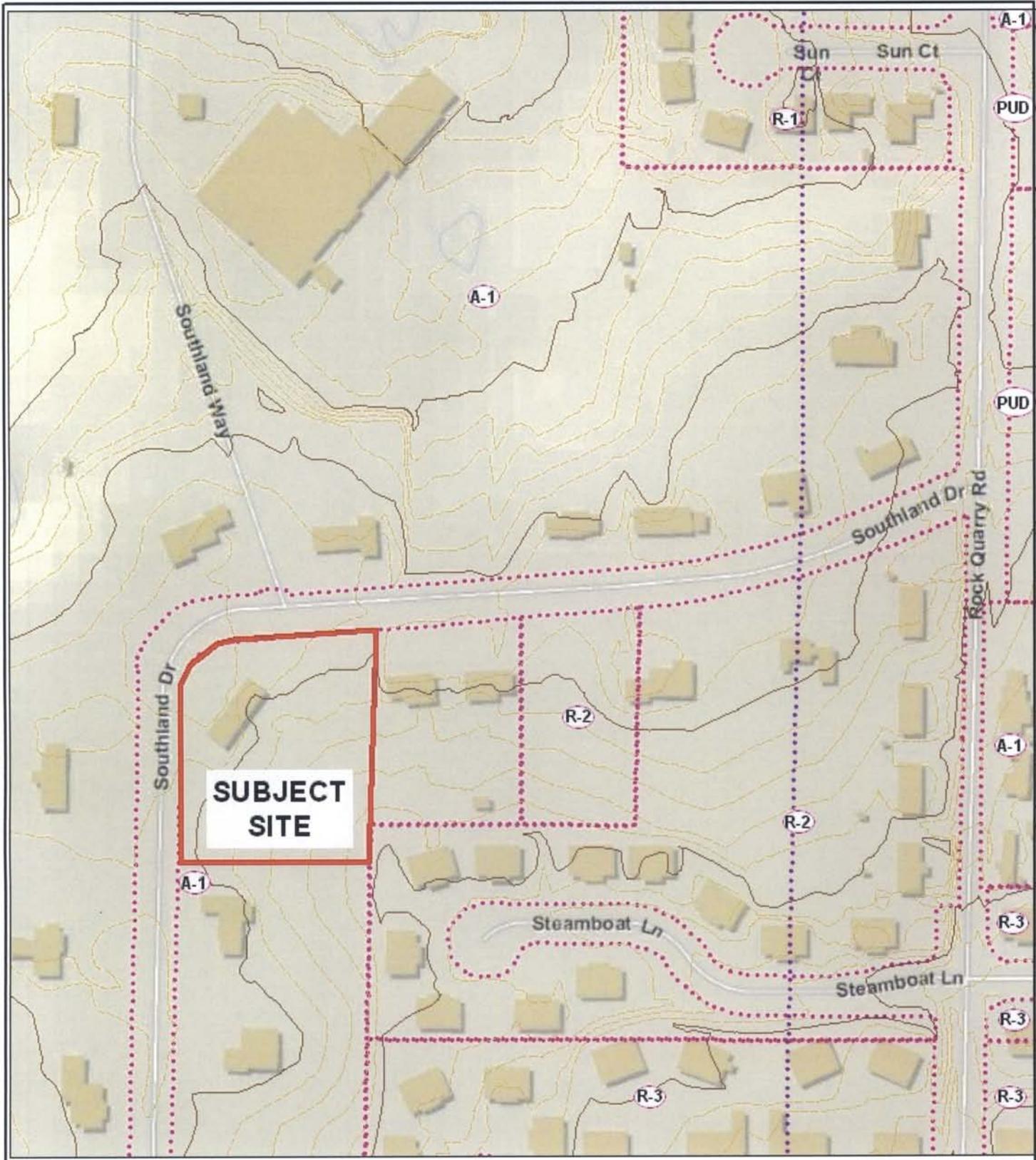


Parcel Data
Source: Boone County Assessor

LOCATOR MAP

3624 SOUTHLAND DR.



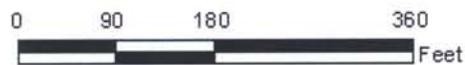


**SUBJECT
SITE**

**13-176 Final Plat & Variance
KJ Property Group**



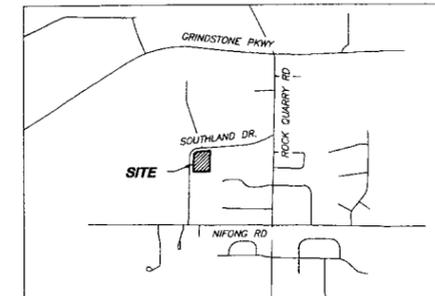
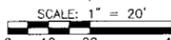
Parcel Data
Source: Boone County Assessor



MINOR SUBDIVISION FINAL PLAT
SOUTHLAND PLAT 1
SW 1/4 OF SECTION 30, TOWNSHIP 48 NORTH, RANGE 12 WEST
SEPTEMBER 3, 2013

LEGEND

- IRON PIPE CAP #2001006115
- ⊕ EXISTING SET
- (REC) RECORD
- ⊕ BENCH MARK
- ⊕ DRILL HOLE
- ⊕ IRON PIPE
- ⊕ RESURV
- ⊕ MONUMENT
- ⊕ PERMANENT MONUMENT
- ⊕ RIGHT OF WAY MARKER
- ⊕ STONE
- ⊕ BOONE COUNTY SURVEY
- (R) RADIAL LINE
- ⊕ CENTERLINE
- ⊕ SQUARE FEET
- 00.00 AC ACRES
- EXISTING PIPELINE



KNOW ALL MEN BY THESE PRESENTS

KJ PROPERTY GROUP, LLC BEING SOLE OWNER OF THE BELOW DESCRIBED TRACT, HAS CAUSED THE SAME TO BE SUBDIVIDED AS SHOWN ON THIS PLAT.
IN WITNESS WHEREOF, KJ PROPERTY GROUP, LLC HAS CAUSED THESE PRESENTS TO BE SIGNED.

EASEMENTS, OF THE TYPES AND AT THE LOCATIONS AS SHOWN, ARE HEREBY DEDICATED TO THE CITY OF COLUMBIA FOR PUBLIC USE, FOREVER.
ADDITIONAL RIGHT-OF-WAY FOR SOUTHLAND DRIVE IS HEREBY DEDICATED TO THE CITY OF COLUMBIA FOR PUBLIC USE, FOREVER.

JASON FRANCIS, MEMBER

KEITH WHITTEN, MEMBER

STATE OF MISSOURI }
COUNTY OF BOONE } SS

ON THIS _____ DAY OF _____, IN THE YEAR 2013, BEFORE ME, A NOTARY PUBLIC IN AND FOR SAID STATE, PERSONALLY APPEARED JASON FRANCIS AND KEITH WHITTEN, WHO BEING BY ME DULY SWORN, ACKNOWLEDGED THAT THEY ARE MEMBERS OF KJ PROPERTY GROUP, A LIMITED LIABILITY COMPANY, AND THAT SAID INSTRUMENT WAS SIGNED IN BEHALF OF SAID COMPANY AND FURTHER ACKNOWLEDGED THAT THEY EXECUTED THE SAME AS A FREE ACT AND DEED FOR THE PURPOSES THEREIN STATED AND THAT THEY HAVE BEEN GRANTED THE AUTHORITY BY SAID LIMITED LIABILITY COMPANY TO EXECUTE THE SAME.

IN TESTIMONY WHEREOF, I HAVE HEREUNTO SET MY HAND AND AFFIXED MY OFFICIAL SEAL.

SPENCER HASKAMP

NOTARY PUBLIC
MY COMMISSION EXPIRES JULY 11, 2015

CERTIFICATION

A TRACT OF LAND LOCATED IN THE SOUTHWEST QUARTER OF SECTION 30, TOWNSHIP 48 NORTH, RANGE 12 WEST, BEING TRACT 15 OF BOONE COUNTY SURVEY 7796, DESCRIBED IN TRUSTEE'S DEED RECORDED IN BOOK 4188, PAGE 38, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER AND ALONG THE EASTERLY LINE OF SAID TRACT S 01°01'00" W 314.69 FEET TO THE SOUTHWEST CORNER OF SAID TRACT; THENCE ALONG THE SOUTHERLY LINE OF SAID TRACT N 89°32'15" W 246.80 FEET TO THE SOUTHWEST CORNER OF SAID TRACT; THENCE ALONG THE WESTERLY LINE OF SAID TRACT N 01°21'50" E 228.70 FEET; THENCE ALONG A 74.50-FOOT RADIUS CURVE TO THE RIGHT, 109.42 FEET, THE CHORD BEING N 44°02'35" E 99.87 FEET; THENCE ALONG THE NORTHERLY LINE OF SAID TRACT N 86°03'40" E 177.93 FEET TO THE POINT OF BEGINNING AND CONTAINING 1.70 ACRES.

I HEREBY CERTIFY THAT I SURVEYED THE DESCRIBED PROPERTY AND SUBDIVIDED IT AS SHOWN ON THE PLAT IN ACCORDANCE WITH THE CURRENT MISSOURI MINIMUM STANDARDS FOR PROPERTY BOUNDARY SURVEYS.

SURVEY AND PLAT BY
A CIVIL GROUP

JAY GEBHART L.S. 2001001909
211913
DATE

STATE OF MISSOURI }
COUNTY OF BOONE } SS

SUBSCRIBED AND AFFIRMED BEFORE ME THIS 19th DAY OF SEPTEMBER, 2013.

SPENCER HASKAMP

NOTARY PUBLIC
MY COMMISSION EXPIRES JULY 11, 2015.

A CIVIL GROUP
CIVIL ENGINEERING - PLANNING - SURVEYING
3401 BROADWAY BUSINESS PARK COURT
SUITE 105
COLUMBIA, MO 65203
PH: (573) 817-5750, FAX: (573) 817-1677
MISSOURI CERTIFICATE OF AUTHORITY: 2001006115

NOTES

1. THIS IS AN URBAN CLASS SURVEY.
2. RECORD TITLE INFORMATION FOR THIS PLAT WAS PROVIDED BY BOONE-CENTRAL TITLE COMPANY, FILE NO. 1304899, DATED JULY 12, 2013.
3. PERMANENT MONUMENTS ARE TO BE SET AFTER STREET CONSTRUCTION IS COMPLETE.
4. ALL IRONS ARE TO BE SET AFTER CONSTRUCTION UNLESS OTHERWISE NOTED.
5. ALL CURVE DIMENSIONS ARE ARC MEASUREMENTS UNLESS OTHERWISE NOTED AS CH. FOR CHORD DIMENSIONS.
6. SQUARE FOOTAGES ARE CALCULATED VALUES AND ARE NOT INTENDED TO REPRESENT THE PRECISION OF THE SURVEY.
7. THIS TRACT IS SUBJECT TO TWO UNDEFINED EASEMENTS FOR TEXAS EMPIRE PIPE LINE RECORDED IN BOOK 189, PAGE 147 AND BOOK 207, PAGE 557. PHYSICAL LOCATION OF PIPELINES HAS BEEN SHOWN ON THE PLAT.

FLOOD PLAIN STATEMENT

THIS TRACT IS NOT LOCATED WITHIN THE 100-YEAR FLOOD PLAIN AS SHOWN BY THE BOONE COUNTY FLOOD INSURANCE RATE MAP #29019C02900 DATED MARCH 17, 2011.

STREAM BUFFER STATEMENT

THIS TRACT IS NOT REGULATED BY THE CITY OF COLUMBIA STREAM BUFFER ORDINANCES AS DETERMINED BY THE USGS MAP FOR COLUMBIA QUADRANGLE, BOONE COUNTY, MISSOURI AND ARTICLE X OF CHAPTER 12A OF THE CITY OF COLUMBIA CODE OF ORDINANCES.

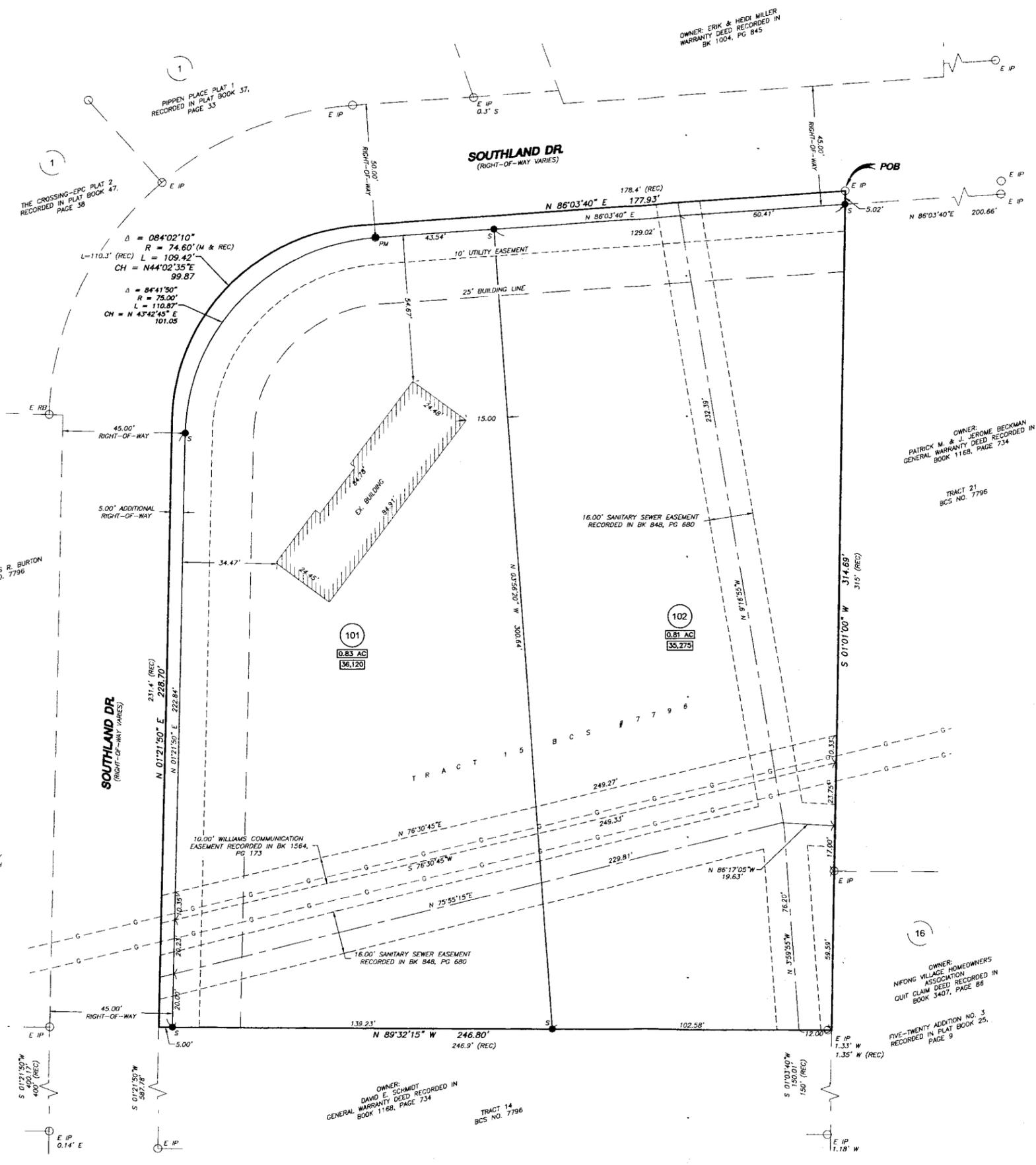
APPROVED BY THE CITY OF COLUMBIA PLANNING AND ZONING COMMISSION THIS _____ DAY OF _____ 2013.

DOUG WHEELER CHAIRPERSON

ACCEPTED BY ORDINANCE OF THE CITY COUNCIL OF COLUMBIA, MISSOURI
THIS _____ DAY OF _____ 2013

ROBERT McDAVID, MAYOR

SHEELA AMM, CITY CLERK



K:\Project\KJ PROPERTY GROUP\524 SOUTHLAND DR\DRAWINGS\KJPG13-01 Final Plat.dwg FINAL PLAT



September 3, 2013

Tim Teddy
Director of Community Development
City of Columbia
701 E. Broadway
Columbia, MO 65201

RE: 3624 Southland Dr. Plat 1

Dear Mr. Teddy,

The applicant, KJ Property Group, is proposing to final minor plat a 1.7 acre site located at 3624 Southland Drive. The intent of the platting is to subdivide the existing lot into two separate lots. Running concurrently with this plat request is a rezoning request, in which the applicant is also requesting to rezone from A-1 to R-1 classification (separate submission and application documents). We realize that due to the required setbacks in A-1 this plat would not conform, as submitted, if the rezoning is not approved.

Southland drive currently has varying right-of-way widths from 40 feet to 50 feet. Adjacent to the subject property we are dedicating an additional five feet of right of way to achieve a 25 foot half width, as required for residential local roads.

Also with this request the applicant would like to request a variance from the sidewalk requirement. Attached are the necessary work sheets and fees. Due the existing feel of the neighborhood and the lack of sidewalks in front of any neighboring residential lots we feel that the sidewalk would be in excess and would go unused. Also it would require significant amount of grading and clearing including some mature trees, and bushes along with established yard areas.

Feel free to contact me with any questions or concerns regarding these applications and plans.

Thank You,

A handwritten signature in black ink, appearing to read "Cody Darr".

Cody Darr, PE



City of Columbia
Planning Department
 701 E. Broadway, Columbia, MO
 (573) 874-7239 planning@gocolumbiamo.com

Sidewalk Variance Worksheet (for sidewalks along unimproved streets)

For office use:

Case #:	Submission Date:	Planner Assigned:
---------	------------------	-------------------

Please answer the following questions¹:

1. What is the cost of constructing the sidewalk, relative to the cost of the proposed development?

Cost of construction for the sidewalk is approximately \$8,000, which would be approximately 6% of the proposed development if you include total cost of the future house on Lot 102.

2. Is the terrain such that sidewalks or walkways are physically feasible?

Yes, although there would be some loss of mature vegetation along the road.

3. Would the sidewalk be located in a developed area, on a quiet street without sidewalks?

Yes this would be considered a quiet residential neighborhood, with the exception of Sunday mornings due to The Crossing Church to the north of this property. There are currently no sidewalks on the street near this property on either side of the road other than a short section at the church entrance.

The City Council shall review each request for a sidewalk variance along an unimproved street in the context that there must be a reasonable relationship between the proposed activity of a landowner and the requirement that the landowner construct a sidewalk and in the context that the public safety and welfare make it desirable to encourage pedestrian movement by providing safe walkways and sidewalks away from traffic lanes of streets.

The City Council shall grant the requested variance without conditions only if it determines that the sidewalk is not needed or that the impact of the proposed development does not justify the requirement that the sidewalk be constructed.

If the City Council finds that the proposed use of the land would justify the requirement that a sidewalk be constructed and that in the interest of public safety and welfare there is an immediate or near future need for a sidewalk or walkway at the location of the variance request, the City Council will approve the variance request only if an alternative walkway is provided or if the property owner pays the City for future construction of the sidewalk, or if some other equitable arrangement for construction of a sidewalk or other pedestrian infrastructure improvement is made.

If the City Council determines that the public safety and welfare would not be jeopardized, the Council may allow the property owner, in lieu of constructing an alternative walkway, to pay the City the equivalent cost of construction of a conventional sidewalk. The equivalent cost of construction of a conventional sidewalk shall be defined as the City's average cost of constructing Portland cement concrete sidewalks by public bid during the two (2) calendar years prior to the year in which the variance request is submitted. Payment of the equivalent cost of a conventional sidewalk shall occur:

- a. Prior to approval of the first final plat when the variance is approved in connection with a preliminary plat
- b. Prior to issuance of the first building permit when approved with a final plat or planned development where no variance request has been made with the preliminary plat; or
- c. Prior to issuance of the certificate of occupancy when variance requests are approved on individual lots where final plats have been approved without variance request.

¹ Based on factors for determining sidewalk need, identified in Council Policy Resolution PR 48-06

Introduced by Hindman Council Bill No. PR 48-06 A

A POLICY RESOLUTION

establishing a policy on requests for variances to subdivision regulation requirements for construction of sidewalks along unimproved streets.

WHEREAS, Chapter 25 of the City Code generally requires sidewalks to be constructed on both sides of all streets within a subdivision; and

WHEREAS, the City frequently receives requests for variances from these requirements when development occurs along unimproved streets which are not being constructed or reconstructed as part of the subdivision; and

WHEREAS, the City is committed to assuring safe pedestrian accommodations throughout the City while recognizing that there are occasions when standard sidewalks are not appropriate at the time of subdivision or development; and

WHEREAS, the City Council deems it necessary to adopt a policy statement to serve as a guide in reviewing and acting on requests for variances for sidewalks along unimproved streets in the City.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF COLUMBIA, MISSOURI, AS FOLLOWS:

SECTION 1. The City Council shall review each request for a sidewalk variance along an unimproved street in the context that there must be a reasonable relationship between the proposed activity of a landowner and the requirement that the landowner construct a sidewalk and in the context that the public safety and welfare make it desirable to encourage pedestrian movement by providing safe walkways and sidewalks away from traffic lanes of streets.

SECTION 2. The City Council shall grant the requested variance without conditions only if it determines that the sidewalk is not needed or that the impact of the proposed development does not justify the requirement that the sidewalk be constructed.

SECTION 3. In determining the need for a sidewalk variance and in determining whether the impact of the proposed development justifies the requirement that the sidewalk be constructed, the City Council shall consider but not be limited to the following factors:

- a. The cost of constructing the sidewalk relative to the cost of the proposed development;

- b. Whether the terrain is such that sidewalks or walkways are physically feasible;
- c. Whether the sidewalk would be located in a developed area, on a low traffic volume local street without sidewalks;
- d. Current or future parks, schools or other pedestrian generators near the development for which a sidewalk or walkway would provide access.

SECTION 4. If the City Council finds that the proposed use of the land would justify the requirement that a sidewalk be constructed and that in the interest of public safety and welfare there is an immediate or near future need for a sidewalk or walkway at the location of the variance request, the City Council will approve the variance request only if an alternative walkway is provided or if the property owner pays the City for future construction of the sidewalk pursuant to Section 7 or if some other equitable arrangement for construction of a sidewalk or other pedestrian infrastructure improvement is made.

SECTION 5. Alternative walkways are defined as all weather pedestrian facilities constructed in accordance with plans and specifications approved by the Public Works Department. Alternative walkways may deviate in vertical and horizontal separation from the roadway in order to take advantage of natural contours and minimize the disturbance to trees and natural areas but must meet all requirements for handicap accessibility. Alternative walkways must be located on public easements but a walkway easement may be conditioned that if the walkways are no longer needed for a public purpose, the walkway easements will be vacated.

SECTION 6. When alternative walkways are permitted, plans, specifications and easements must be submitted prior to approval of the final plat abutting the unimproved street and construction must occur prior to the first certificate of occupancy within the platted area.

SECTION 7. If the City Council determines that the public safety and welfare would not be jeopardized, the Council may allow the property owner, in lieu of constructing an alternative walkway, to pay the City the equivalent cost of construction of a conventional sidewalk. The equivalent cost of construction of a conventional sidewalk shall be defined as the City's average cost of constructing portland cement concrete sidewalks by public bid during the two (2) calendar years prior to the year in which the variance request is submitted. Payment of the equivalent cost of a conventional sidewalk shall occur:

- a. Prior to approval of the first final plat when the variance is approved in connection with a preliminary plat;

- b. Prior to issuance of the first building permit when approved with a final plat or planned development where no variance request has been made with the preliminary plat; or
- c. Prior to issuance of the certificate of occupancy when variance requests are approved on individual lots where final plats have been approved without variance request.

Each payment made under this section shall be used to construct a sidewalk along the unimproved street adjacent to the property for which the payment was made. The sidewalk shall be constructed when the street is constructed to City standards.

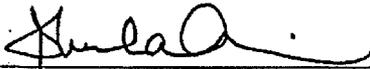
SECTION 8. In all cases, when alternative walkways or payments under Section 7 are approved as fulfilling the subdivision requirements for construction of sidewalks, the action of Council shall be noted on a final plat of the properties affected. In cases where final plats have been previously approved, re-platting may be required.

SECTION 9. The grant of a variance to the subdivision regulations requirement for construction of a sidewalk shall not affect the power of the City Council to later install a sidewalk adjacent to the property and levy a special assessment against the property for construction of the sidewalk.

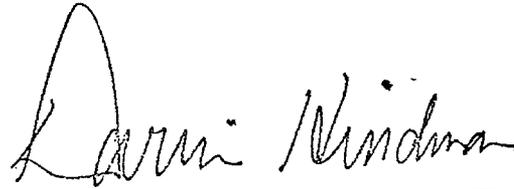
SECTION 10. This resolution replaces Policy Resolution 171-01A which is hereby repealed in its entirety.

ADOPTED this 20th day of march, 2006.

ATTEST:



City Clerk



Mayor and Presiding Officer

APPROVED AS TO FORM:



City Counselor

EXCERPTS
PLANNING AND ZONING COMMISSION
OCTOBER 10, 2013

13-176 A request by KJ Property Group (owner) for a 2-lot final minor subdivision to be known as “Southland Plat 1” and a variance from Section 25-48.1(a), pertaining to the installations of sidewalk along the proposed lot frontages. The subject 1.70-acre tract is located on the south side of Southland Drive and is currently addressed as 3624 Southland Drive.

DR. PURI: May we have a Staff report, please.

Staff report was given by Mr. Patrick Zenner of the Planning and Development Department. Staff recommends the following:

1. Approval of the subdivision plat.

2. Denial of the variance from Section 25-48.1(a); however, should the Commission support the variance, Staff recommends it be granted subject to:

a. Payment in lieu of conventional sidewalk construction in the value of \$8,000.

DR. PURI: Commissioners, any questions of the Staff? Mr. Wheeler?

MR. WHEELER: I'm assuming there's no significant grade issues.

MR. ZENNER: No. This is an open swale at this point and it's pretty gentle. We will lose some vegetation along the roadline and there will be some grading, but nothing significant. No impediments as it relates to the actual ability to put a sidewalk in.

MR. WHEELER: Thank you.

DR. PURI: Other questions, Commissioners? Okay. We'll open this item up to the floor. Anybody for this item, please come to the podium.

MR. DARR: Hi. I'm Cody Darr with A Civil Group, offices at 3401 Broadway Business Park. I think Pat pretty much summed up the rezoning and -- or, well, not the rezoning yet, but the subdivision specifics. I do want to mention a few things about the sidewalk variance. The owners have been renovating that house out there and have been talking to the neighbors and been in contact with them. They sent out a formal letter to them to come by at any time and set up a specific time for them to come and talk to them about their concerns, and they really didn't have very many concerns. As far as the sidewalk goes, they did indicate they would prefer not to have a sidewalk in this -- in their neighborhood along this street. I think that goes to represent the nature of Southland Drive. It's a narrow road, 20-foot asphalt road, and the dynamic of the neighborhood right now as a community, it's -- they just don't feel like it fits into their neighborhood. Right now there is -- I think right now there is only 155 feet of sidewalk on the north side of the road. Of course, there will be some more coming with the improvements for the Crossings Church. With that expansion that Pat had mentioned, they will be making a couple more connections to some major streets, Rock Quarry

and Grindstone in each direction, east and west, and I think that will actually lessen some of the traffic on Southland now, if that was a concern. And as far as future improvements go to the road, like Pat said, we don't see anything in the foreseeable future, but I think the City will want to keep with that dynamic that the neighborhood has. I think the neighbors would prefer that, to keep a narrow type street and perhaps even likely that it would only be along the north side of the road, the sidewalk would be. I know that the Council has approved, you know, just a sidewalk on one side of the road in the past in different situations in PUDs and stuff, and that's not uncommon. Well, not common, but -- uncommon, but it does happen. And since there is already sidewalk on the north side of the road, I think it would be likely -- you know, the church is on the north side -- that the sidewalk would be on the north side of the road. So that just goes to show that -- I think the owners feel there's just not that much benefit to a sidewalk right now in this location, and they just -- if there is any benefit, it would be long, long term, and they just don't see the value of them putting the money forth to do that at this time. And with the neighbors preferring not to have it, they don't really want to start that precedent in there. That's mostly what I had for the sidewalk. If you guys have any questions though, I'd be happy to answer them.

DR. PURI: Mr. Wheeler?

MR. WHEELER: Would they prefer to put up a --

MR. DARR: -- an in-lieu payment?

MR. WHEELER: Yes.

MR. DARR: Probably not.

MR. WHEELER: Okay. Thank you.

DR. PURI: Commissioners, any other questions of this speaker? Seeing none, thank you. Anybody else has any information about this item, please step up.

MR. MURPHY: Kevin Murphy with A Civil Group, offices at 3401 Broadway Business Park Court. As far as the in-lieu payment or putting a sidewalk in at this time, the City, again, if they do come and reconstruct this street at some point, they have the ability to tax bill the adjacent property owners for those improvements. So having somebody put up, you know, those expenditures at this time may not be necessary, that the future property owners could help pay for that. That's all I had. Thanks.

DR. PURI: Commissioners, any questions? Mr. Vander Tuig?

MR. VANDER TUIG: Mr. Murphy, question. In your opinion, is it harder to design a sidewalk when it's an unimproved street with regards to trying to make it match when it could be with curb and gutter in the future?

MR. MURPHY: Certainly. I've seen this happen a lot of time where these sidewalks have gone in on unimproved streets and then when the street is reconstructed, existing sidewalks get torn out and have to be rebuilt anyway. So at that point there's an additional cost to the City and the public to pay to remove that sidewalk and replace the new sidewalk. We obviously try to get it as close as we

can, but with utility relocations and undergrounding of things and, again, depending on the street design itself, it does get difficult.

MR. VANDER TUIG: Thanks a lot.

MR. MURPHY: Thank you so much.

DR. PURI: Any other person regarding this item? I see none. Commissioners, discussion?
Mr. Vander Tuig?

MR. VANDER TUIG: I'll go. I don't see any problem with the plat. With regards to the sidewalk, I think it would be foolish to install the sidewalk at this time. There's always the ability to tax bill. And I don't know. I just went on Street Google View and went down that street and it's flat. I mean, you would have to actually build up the grade in order to get to -- the sidewalk to what the elevation of a curb would be, so that doesn't make any sense at this time.

DR. PURI: Mr. Wheeler?

MR. WHEELER: I'm normally a pretty big supporter of variances on sidewalks that don't connect, although as we've seen in areas of the city, then the City comes back and has to connect these. But frankly, our policy on this is probably outdated. You know, we collect -- we either collect a fee, which is not adequate to build it later -- but I also see the prob-- to me, tax billing later is problematic in that then, you know, it's perceived that the City's come out and laid some bill on someone because they decided to put a sidewalk in. So I'm kind of torn on this one. It's a 20-foot wide paved area, which leaves very limited walking area, but on the flip side of that, it is or will be a 150-foot stretch of concrete that may or may not remain. And so I think Mr. Vander Tuig's point is well-taken here. By the time you get curbs and gutters and storm drains in here, this will change significantly, and so I think that needs to be considered as well.

DR. PURI: Mr. Lee?

MR. LEE: Does Staff have any idea when Public Works might want to renovate this street or put in -- do anything to it?

MR. ZENNER: No. There is no capital improvement project currently on schedule or within the ten-year window.

MR. LEE: Thank you.

DR. PURI: Don't be quiet. Anybody else? Mr. Vander Tuig?

MR. VANDER TUIG: I'll go ahead and make a motion, if there's no other discussion, for approval of Case 13-176, for approval of the subdivision Southland Plat 1 and with approval of the sidewalk variance.

MR. TILLOTSON: Are you -- question?

DR. PURI: Yes. Go ahead, Mr. Tillotson.

MR. TILLOTSON: Are you making that with payment in lieu of or no payment in lieu of?

MR. VANDER TUIG: No payment in lieu of.

MR. TILLOTSON: So if we voted this down, we could come back with another amendment -- or another --

DR. PURI: There's no second. There could be another amendment or if it gets voted down.

MR. WHEELER: I'll second it. Let's discuss it.

DR. PURI: Roll call, please.

MR. STRODTMAN: A motion has been made and seconded for approval of subdivision plat as well as approval of sidewalk variance for Item No. 13-176, KJ Property Group for a 2-lot minor Southland Plat 1, final minor, and sidewalk variance, 3624 Southland Drive.

Roll Call Vote (Voting "yes" is to recommend approval.) Voting Yes: Mr. Lee, Ms. Loe, Dr. Puri, Mr. Reichlin, Mr. Stanton, Mr. Strodtman, Mr. Vander Tuig, Mr. Wheeler. Voting No: Mr. Tillotson. Motion carries 8-1.