

**AGENDA REPORT
PLANNING AND ZONING COMMISSION MEETING
December 7, 2017**

SUMMARY

A request by Allstate Consultants (agent) on behalf of Lutheran Senior Services (owner) for approval of a two-lot final plat of M-OF (Mixed Use - Office) and R-MF (Multiple-Family Dwelling) zoned property, constituting a replat of Lots 1 & 2 of *Lenoir Subdivision*, to be known as *Lenoir Subdivision Plat 2*, and an associated design adjustment from 29-5.1(b.2.iii), which requires areas identified as sensitive land to not be included on lots intended for development. The 110.3-acre property is located at the southeast corner of New Haven Road and Lenoir Street, and is addressed as 3300 New Haven Avenue. (**Case #18-6**)

DISCUSSION

The applicant is seeking approval to replat two existing lots in order to reconfigure the areas of the existing lots without creating any additional lots. Lot 1 of the existing *Lenoir Subdivision*, created in 1986, would increase in size from 17.85 acres to 30.57 acres and Lot 2 would decrease from 92.4 acres to 79.23 acres. The purpose of the replat is to potentially facilitate the further development of the east portion of Lot 1A. The applicant is also requesting a design adjustment to waive the requirement to place sensitive areas within common lots.

Additional right of way is being provided along New Haven Road (10 feet) and Sugar Grove Road (5 feet) to accommodate current right of way standards for a minor arterial and a neighborhood collector, respectively.

The subject site includes features considered sensitive areas. Clear Creek travels east/west through the site, although there are no stream buffers, floodway and flood fringe are also found within the site. The majority of the sensitive areas located on the property are within a tree preservation easement. There are small portions of Clear Creek not within the tree preservation easement on the far east and west sides of the property; these areas are proposed to be placed within a Greenspace Conservation Easement. Both easements restrict development within the site, consistent with UDC requirements. Both Lots 1A and 2A include building envelopes that do not include the preservation areas.

The replat will also create split-zoned lots, as Lot 1A and 2A will both include M-OF and R-MF zoned property. Rezoning to eliminate this situation may be required in the future upon any further development of the property.

Design Adjustment

The applicant is requesting a design adjustment from 29-5.1(b.2.iii), which requires areas identified as sensitive land to not be included in a developable lot area (i.e. such areas should be within a common lot). The sensitive areas in this case includes tree preservation and Clear Creek, as seen on the attached land analysis map. The applicant has provided information supporting the requested design adjustment, which is attached. The Commission may recommend approval of the design adjustment 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;**
- 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;**

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

While it would be physically possible for the applicant to create separate lots for the tree preservation and sensitive land areas, placing these areas in common lots in circumstances where the property is not a single-family residential development, or includes significantly large lots, may not be necessary to achieve the goals of the UDC. Another factor in this situation is that the property is already developed, and the replat is only being requested to adjust the areas of the existing lots. Integrating a common lot into the middle of the development is more challenging than designing a new subdivision with common lots, taking into account the existing sensitive areas.

The usefulness of common lots is most pronounced when the preservation area is within a residential subdivision. Without a common lot, preservation areas may be distributed across multiple lots owned by individual residents. In those situations, placing sensitive areas in a common lot that will be maintained by an HOA is a more practical solution than merely granting an easement. In this case, there are only two lots within the subdivision, and the majority of the sensitive area is located on a nearly 80-acre lot.

As an alternative to the placing sensitive areas in common lots, the UDC does permit sensitive areas to be placed on buildable lots if other regulations prevent the platting of separate lots. In this case, that requirement is not met, but if it were, the provisions that are established in the UDC would allow the sensitive areas to be placed in a preservation easement instead of a common lot. And in addition, a building envelope must be included on the plat, which would restrict the location of future development on the site to ensure that it does not encroach on the sensitive areas. The requested design adjustment, if approved, would allow the applicant to adhere to these alternative provisions for preserving sensitive areas, instead of requiring the creation of separate lots.

After considering the above information and the submitted information by the applicant, staff supports the granting of the design adjustment. While the request does not address a unique feature, it would not be detrimental to public safety or injurious to other properties, and is not inconsistent with the Comprehensive Plan. It is also similar to a previously approved request.

The proposed replat has been reviewed by staff and determined not to be detrimental to the City or surrounding properties, and aside from the requested design adjustment, it meets all requirements of the Unified Development Code.

RECOMMENDATION

Approval of the final plat for *Lenoir Subdivision Plat 2* and the requested design adjustment.

SUPPORTING DOCUMENTS (ATTACHED)

- Locator maps
- Final Plat
- Design Adjustment request
- Land analysis map

SITE CHARACTERISTICS

Area (acres)	110.3
Topography	Sloping toward Clear Creek in center of site
Vegetation/Landscaping	Significant tree coverage through center of site
Watershed/Drainage	Clear Creek
Existing structures	Residential care facility, detached dwellings

HISTORY

Annexation date	1969
Zoning District	M-OF (existing Lot 1); R-MF (existing Lot 2)
Land Use Plan designation	Neighborhood District, Open Space/ Greenbelt
Previous Subdivision/Legal Lot Status	Lot 1 & 2 of Lenoir Subdivision

UTILITIES & SERVICES

Sanitary Sewer	City of Columbia
Water	City of Columbia
Fire Protection	CFD
Electric	City of Columbia

ACCESS

New Haven Road	
Location	North side of site
Major Roadway Plan	Minor Arterial (unimproved & City maintained). 100-foot ROW (50-foot half-width) required; additional ROW dedicated.
CIP projects	None
Sidewalk	Sidewalks required; however east portion was previously approved for fee in lieu.

Lenoir Street	
Location	West side of site
Major Roadway Plan	Major Collector (unimproved & City maintained). 66-foot ROW (33-foot half-width) required. No additional ROW required.
CIP projects	None
Sidewalk	Sidewalks required; however south portion was previously approved for fee in lieu.

Sugar Grove Road	
Location	South side of site
Major Roadway Plan	Neighborhood Collector (unimproved & City maintained). 60-foot ROW (30-foot half-width) required; additional ROW dedicated.
CIP projects	None
Sidewalk	Previously approved for fee in lieu.

PARKS & RECREATION

Neighborhood Parks	Nifong Park within ½ mile
Trails Plan	Future Clear Creek Trail within ½ mile
Bicycle/Pedestrian Plan	No facilities in the area

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 a public information meeting, which was held on October 17, 2017.

Public information meeting recap	Number of attendees: 0 (not including 2 applicant representatives) Comments/concerns: No comments
Notified neighborhood association(s)	Lenoir Woods Neighborhood Association
Correspondence received	None to date.

Report prepared by Clint Smith

Approved by Patrick Zenner