

**MINUTES**  
**PLANNING AND ZONING COMMISSION MEETING**  
**APRIL 18, 2019**

**VI. SUBDIVISIONS AND DESIGN ADJUSTMENTS**

**Case #79-2019**

**A request by Crockett Engineering on behalf of T-Vine Enterprises, Inc. for a two-lot final subdivision plat to be known as "Tuscany Estates" and a design adjustment requesting relief from the requirement to build a sidewalk alongside Oakland Gravel Road per Section 29-5.1(d) and Appendix A of the UDC. The 22.02 acre property is zoned R-1 and floodplain overlay and is located east of North Teresa Drive, north of the Bear Creek and south of Oakland Gravel Road. This item was tabled at the April 4, 2019 meeting.**

MS. LOE: May we have a staff report, please?

MS. BACON: Yes, Madam Chair.

MR. TOOHEY: Madam Chair, I need to recuse myself.

MS. LOE: Thank you, Mr. Toohey.

MS. BACON: Yes, Madam Chair.

Staff report was given by Rachel Bacon of the Planning and Development Department.

MS. BACON: The applicant is here should you have any questions. I also would like to note that on the dais we provided some correspondence from Margaret Booker from the public that was provided this afternoon to the staff. I wanted to make sure that that was included in the record and I think Mrs. Booker might also want to speak on this matter tonight as well.

MR. ZENNER: If I may point out to you, due to the design adjustment, which is a public hearing, you will need to open the floor for public comments as it relates to that matter and we would ask then that two votes be taken, one on the public hearing matter of the design adjustment and then one on the final plat.

MS. LOE: Thank you, Ms. Bacon. Are there any questions for staff? Mr. MacMann.

MR. MACMANN: Thank you, Madam Chair. Ms. Bacon, could you return to the oblique photograph that showed the park and the fairgrounds?

MS. BACON: Uh-huh.

MR. MACMANN: Thank you. How far south is Atkins Park approximately?

MS. BACON: So this right here is 1,200 feet. So if that provides some perspective.

MR. MACMANN: I've got that. Okay. That's what I wanted to know. Thank you very much.

MS. LOE: Any additional questions for staff? Ms. Bacon, I had one question. Did you say that the county has now adopted sidewalk requirements so we're not seeing sidewalks in the subdivision directly west because it's older but the new one north of that does have sidewalks per current county standards?

MR. ZENNER: Actually the newer development to the north of Oakland Gravel is actually under an annexation agreement with the City of Columbia, but the county does have now in their development standards sidewalk requirements for urban development any lot that I believe is under 10,000 square feet must have 10,000 square feet or half an acre has to have sidewalks associated with it, subdivision developments of that nature. The Gregory Heights development, of course, predated that.

MS. LOE: Thank you. Mr. Strodtman.

MR. STRODTMAN: With that in mind, Mr. Zenner, why would the county not require the sidewalks to be along Oakland Gravel?

MR. ZENNER: At the time that Gregory Heights was built, I'm not quite sure what the road design standards were for the county. We have in our regulatory structure, as well as I believe the county does now, a complete street profile. So new road construction within the county of a major street would require sidewalks to be incorporated or multi modal facilities at a minimum. This portion of Oakland Gravel where the gear -- the crank is, where the gear crank is in Oakland Gravel's alignment has been around for obviously quite some time. So this road network predates most likely updated county regulatory standards. And since the properties that surround Oakland Gravel in this area, we haven't done a jurisdictional transfer the implementation of sidewalks with future redevelopment in the city. This is the way that we get them. We get them through our platting of properties that are inside the city's corporate limits. What's to the north may or may not have to give additional road right-of-way. We may or may not get county required improvements just based on the differences in the way that the two jurisdictions operate for subdivision development.

MR. STRODTMAN: Thank you.

MS. LOE: Any additional questions for staff? I see none. Therefore, we will open up the floor to public comment. As previously, if you're representing a group you have six minutes to comment. Otherwise, we will allow you three minutes per comment. Please give us your name and address for the public record.

#### **PUBLIC HEARING OPENED**

MR. CROCKETT: Madam Chair, Members of the Commission, Tim Crockett, Crockett Engineering, 1000 West Nifong. First off, I'd like to start off by saying again this is roughly 20 acres in size, 22 acres piece of property. We do want to subdivide it in two 10-acre tracts, large acreage tracts in this area. Given the floodplain and the surrounding area, we believe that large acres and large acreage tracts in this area are appropriate. If you go north on Oakland Gravel Road, you'll see some tracts that are in similar size that are kind of in conjunction with this piece as well. I would like to correct one thing that Mr. Zenner indicated is the county sidewalk regulations while they do require internal sidewalks they don't require external sidewalks along major streets. And so while Gregory Heights is an older subdivision that didn't require any sidewalks at all, the other development out there wouldn't have required, if it was new today, wouldn't require sidewalks along Oakland Gravel either. So anytime we have a county development, whether it's 10,000 square feet, half acre or larger, you do not have to do

external sidewalks along major roadways that are external to the development. So I think that's rather important. I think, you know, I've been up here many times and we've often used the term sidewalk to nowhere. Really this is a sidewalk that is nowhere. There is no sidewalks adjacent to or around this development along Oakland Gravel Road. The nearest sidewalk on Oakland Gravel Road is much further south. It's 1.8 miles south. You have to go down Oakland Gravel Road past the fairgrounds over Highway 63 and it's on the south side of 63. So there's a substantial distance of area there that has no sidewalk before you get to any sidewalk. Of course, when we talk about the Bear Creek Trail and how the residential area could filter down to the Bear Creek Trail and have access to that trail network and then come further south. Well, I think there's a few things to keep in mind on that. In the next three to five year plan, Parks and Rec intends to get the trail within two and a half miles of this site. That's still a long way away. In the six to ten year plan, they hope to get it to the fairgrounds. If they get it to the fairgrounds, the south side of the fairgrounds, Mr. MacMann, to answer your question, the south side of the fairgrounds to Oakland Gravel and adjacent to this site is still one and a quarter miles. So that's still a substantial distance. So by that time and I think there's other alternative methods that could be achieved to get pedestrian traffic from these neighborhoods down south. At some point we're going to have the extension of Waco Road. We know it's going to be extended. My client actually owns property over on that side that plans to extend Waco Road in the future not all the way to 63 but a portion there past Alpha Hart Lewis School. So there's going to be some extension of Waco Road. That will certainly have sidewalks associated with it. The residential developments that go with it will have sidewalks with it. But that will extend over to Oakland Gravel on the west side. So I think that there's some alternative locations there. And then, again, Parks and Recreation doesn't have any plans on the books at this point to extend north of the fairgrounds, the trail. So we don't know if and when that will ever take place. As development probably takes place further going north, if it takes place in the county in 10-acre tracts or 5-acre tracts, of course, we're not going to have sidewalks. It's going to be developed more along the lines of county regulation. Of course, there's going to be very little if any desire or need to extend that trail network. So again, we feel that this is a justified request for the sidewalk variance. I've been before this Commission many times on sidewalk variances. I feel that this one is very much justified given the current location, given the type of development that we're proposing, the limitation of two tracts of land, and we'd really strongly encourage support with that design variance. Again, I'm here to answer any questions that you may have regarding the plat or design variance. I'm happy to answer any questions on either of those.

MS. LOE: Thank you, Mr. Crockett. Are there any questions for this speaker? I see none.  
Thank you.

MS. BOOKER: My name is Debra Booker. I live at 6395 North Oakland Gravel Road, but I own from 6101 to 6395. So I own everything on the north side of Oakland Gravel Road. I've been in that area since 1966. And there was lots of travel on Oakland Gravel Road past me all the way until Alfalfa was put through and that is not a gravel road. When I moved to Oakland it was a dirt road. Then it was blacktop

which fell apart. It's now chip and seal. From Gregory Heights east and around the S curve and north until it connects to Alfalfa again, which is what connects Oakland Gravel, the traffic has stopped about 85 percent because they go around the shorter better road, better base. They also do not ever have to face the very real flooding that happens in that corner in that S curve. You can see on the map right across from this property a very wooded area. That is one part of Bear Creek's tributary. Across the road and it's right next to the road, is the big part. I've had it flood up three wires on a six-wire fence that is this high above the road bed. So I understand about this kind of thing because I've had to clean that fence off. I have no problem in this life with saying I think putting a sidewalk here is foolishness on a chip and seal road that the city I don't think wants to take care of. There is no outside -- there is no other sidewalk on it. And without having anything -- without any connection to Waco and Prathersville Road, I don't see any point in this frankly, but that's my problem. You all have this in front of you. I can read it to you. I would be happier to give any kind of answers that I could if you have questions.

MS. LOE: Thank you, Ms. Booker. Are there any questions for this speaker? I see none.  
Thank you.

MS. BOOKER: Thank you.

MS. LOE: Are there any additional speakers on this case? Seeing none, I'm going to close the public hearing.

#### **PUBLIC HEARING CLOSED**

MS. LOE: Commission discussion. Mr. MacMann.

MR. MACMANN: Going back again, Ms. Bacon, could you return to that photo for me, please, and this is not my standard position what I'm about to say. Looking at where the park is, looking at where the school is, looking at northern and northeastern Columbia's heavily developed areas, maybe not five years, ten years, fifteen this is a developed part of Columbia. And I think this is the time to start with sidewalks. I mean, really when Waco goes through, and it will eventually, you're at less than maybe a quarter mile from one end of that property. Alpha Hart is maybe three-quarters of a mile as it exists right now. The park is a half mile. It looks from a city planner viewpoint, it looks like it's prepped to go and we are constantly asked to not build sidewalks or to give variances. And I think in this case it's problematic to waive the sidewalk.

MS. LOE: Other comments? Ms. Bacon, I have another question for you. We recently looked at a proposed development for the site at the end of north Oakland Gravel Road west of that intersection of north Oakland Gravel and east Alfalfa.

MS. BACON: I'm going to defer to Mr. Zenner on that one, if that's okay.

MR. ZENNER: That is correct, ma'am.

MS. LOE: Can you remind me if that development included sidewalks along north Oakland and east Alfalfa?

MR. ZENNER: Yes, it did. However, that project was withdrawn from city council consideration and therefore it is not in play. It is actually at this point, as I understand it, being prepared to be presented

to the county planning commission for county zoning. And as Mr. Crockett just informed you, exterior roadways would not have sidewalks placed upon them. The interior design of the development as I understand it would require interior sidewalks only.

MS. LOE: Yes, the property to the east side of Alfalfa does appear to have been provided with sidewalks. Is that because the homes there face Alfalfa?

MR. ZENNER: No. I can't -- I don't know for a fact. However, the property that is north of Oakland Gravel is a more contemporary county subdivision that was built through an annexation connection agreement at a time I believe where the county had their sidewalk standards in place. Why Alfalfa has it, because that was an existing exterior street, without knowing the history and what conditions the county may have placed on it I can't really give you a definitive answer.

MS. BACON: There's no sidewalk on Alfalfa.

MS. LOE: There is along the east side north of Oakland Gravel Road.

MR. ZENNER: At the time that we were looking at the project as it came in, which was referred to as Oakland Crossings, we had discussed with the applicant and their design professionals of utilizing the sidewalk that was on the east of Alfalfa and only then requiring south of Oakland Gravel Road to the intersection of Oakland Gravel and Prathersville extended to have sidewalks and it was at that time as part of the discussion of the plan review that the applicant indicated no, we just want to keep the sidewalk you'll require us to build along Oakland Gravel and Alfalfa on our side. Given the fact that there would have had to have been some type of pedestrian crossing over Alfalfa, they didn't want to go there. So the only thing I can tell you is, and for the life of me I can't remember the name of the development immediately to the north, that is a more contemporary development that was built well after the Gregory Heights development, the Willow Brook project Ms. Bacon indicated, that's Willow Brook to the north.

MS. LOE: Thank you, Mr. Zenner.

MS. BOOKER: 40 years after.

MS. LOE: Just for the record the comment from the audience was 40 years after. Any additional comments from the Commission? Seeing none, I want to remind everyone that Mr. Zenner has instructed us to do two votes on this, the first one for the design adjustment and the second one for the final plat. I'd also like to remind the Commission that for design adjustments we like to make the motion in the affirmative. And if we don't agree, you vote no obviously. Mr. MacMann.

MR. MACMANN: If there is no more Council discussion, or Commission discussion, I'm going to make a motion to approve the design adjustment. I will be voting no. Staff can maybe help me a little with the wording of this. Do I truncate to the end?

MR. ZENNER: It would just be that you'd be recommending approval of the design adjustment, the Section 29-5.1(d).

MR. MACMANN: I move that we approve the design adjustment to Case 79-2019, the design adjustment being Section 29-5.1(d) which requires a sidewalk.

MS. BURNS: Second.

MS. LOE: Second by Ms. Burns. We have a motion on the floor. Any discussion? Seeing none. Ms. Burns, may we have roll call, please?

MS. BURNS: Yes.

**Roll Call Vote (Voting "yes" is to recommend approval.) Voting Yes: Mr. Harder. Voting No: Mr. MacMann, Mr. Stanton, Mr. Strodman, Ms. Burns, Ms. Loe. 5-1 motion does not carry.**

MS. BURNS: Thank you. So for the final plat, Mr. Zenner, just for clarification.

MR. ZENNER: As Ms. Bacon pointed out, you can recommend approval of the final plat. It is technically compliant less minor technical corrections. A recommendation of approval would obligate the applicant at the time of building permitting to show installation of the sidewalk unless otherwise waived by city council through either an overriding of your recommendation to deny the requested design adjustment or through a payment in lieu of as an available option.

MS. LOE: So what the statement that's identified in the recommendation, the second recommendation?

MR. ZENNER: The alternative.

MS. LOE: Thank you. Mr. Stanton.

MR. STANTON: I would like to make a motion then --

MS. LOE: Thank you.

MR. STANTON: -- as relates to Case 79-2019. I move the approval of Tuscan Estates final plat subject to minor technical corrections.

MR. MACMANN: Second.

MS. LOE: With the understanding that a sidewalk --

MR. ZENNER: No, you do not need --

MS. BACON: That's redundant.

MR. ZENNER: That's redundant. That was for their edification.

MS. LOE: Thank you. And a second was from?

MR. STANTON: Mr. MacMann.

MR. MACMANN: Thank you.

MS. LOE: We have a motion on the floor. Any discussion? Seeing none. May we have roll call, please?

MS. BURNS: Yes.

**Roll Call Vote (Voting "yes" is to recommend approval.) Voting yes: Mr. Harder, Mr. MacMann, Mr. Stanton, Mr. Strodman, Ms. Burns, Ms. Loe. 6-0 motion carries.**

MS. LOE: Thank you. 6.

MS. BURNS: 6-0 motion carries.

MS. LOE: Recommendations will be forwarded to city council.