

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

SUMMARY

A request by Allstate Consultants (agent) on behalf of Elvin E. Sapp Revocable Trust (owner) for approval of a 5-lot preliminary plat of R-1 (One-Family Dwelling District) zoned property to be known as *Bluff Creek Estates Plat 9*, and an associated design adjustment to Section 29-5.1(f.2.ii) to allow more than 30 lots from a single point of access.. The request is a revision to a portion of the existing preliminary plat of *Bluff Creek Estates Phase 1*. The 6.17-acre subject site is located on the east side of Bluff Creek Drive, approximately 2,400 feet north of Grindstone Parkway. (**Case #18-29**)

DISCUSSION

The applicant is seeking approval of a revised preliminary plat for property that was originally included in the *Bluff Creek Estates Phase 1* preliminary plat that was approved in 1992. The revised preliminary plat reduces the number of proposed R-1 lots from 10 lots to 4 and includes one common lot. Additionally, the revised plan eliminates the previously approved cul-de-sac that would have provided access to the original 10 lots. The proposed 5 lots will front on East Pointe Drive, which is an existing street, and no additional right of way is required. The common lot on the property will include all of the sensitive and tree preservation areas that are required to be preserved on the site per the UDC.

Design Adjustment

The applicant has submitted a design adjustment to allow more than 30 lots to be platted when there is only one point of access. See below for full language of Section 29-5.1(f.2.ii) of the UDC. It is worth noting that prior to the adoption of the UDC, the maximum number of lots permitted with one access point was 100. The revision to a 30 lot maximum is consistent with the current International Fire Code that was adopted by the City.

A maximum of thirty (30) lots or units shall be permitted to be accessed from a single point of ingress/egress unless otherwise specified by the most current adopted edition of the International Fire Code or authorized by the City of Columbia Fire Department.

The current single access point for the subject property is at the intersection of Bluff Creek Drive and Lacewood Drive. There are currently 107 lots that are either final platted or approved within a Planned Development (PD) plan. There are also an additional 7 lots on the preliminary plat and an additional 2 acres of M-OF (Mixed Use - Office) zoned property, which permits multi-family dwellings, located near the terminus of Bluff Creek Drive. The 7 lots are in the same situation as the subject site, and the M-OF is currently a platted lot and could be developed without the need for any additional platting.

In 2014, the PUD plan for *Cotswold Villas* was approved for 44 single-family attached dwellings, and was granted a variance to exceed the 100-lot limit that was in effect at that time. The approval was contingent on the condition that no more than 44 dwellings be constructed. That, along with the existing 63 platted lots, brought the total within this area to 107 dwelling units.

While the subject site received preliminary plat approval in 1992, there was no specific entitlement extended to the property that it could be be final plat after the 100-lot maximum was exceeded. In this case, prior to the approval of the PD plan, the 100-lot threshold had not been exceeded, and the subject property could have platted, but once the PD was approved the capacity was absorbed and any subsequent development would need to seek waiver to the 100-lot limit or install a secondary access

point. The construction of a bridge over Grindstone Creek at the terminus of Bluff Creek Drive would provide a second means of access to the site. During the original approval of the preliminary plat, there was discussion on the requirement for a bridge in the future if more than 100 lots were to be platted, and that the City would be responsible for construction. At this time, no bridge has been constructed by the City, and there are no CIP plans for the City to construct a bridge in this location.

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.**

The provision to limit the number of lots with only one access point is a public safety provision. It limits the number of residents that will be impacted in the event that there is a road closure and emergency services are unable to access resident's homes in case of a fire or other emergency. From staff's viewpoint, exceeding this number would generally be considered to have a significant impact. In terms of the design adjustment criteria, the Comprehensive Plan includes the goal of Livable and Sustainable Communities, which includes a policy (Promote community safety) and a strategy (Identify opportunities to promote community safety through design...) that is inconsistent with the requested design adjustment.

The request may also negatively impact neighboring property owners by increasing traffic within the subdivision, and thereby increasing the risk that a vehicular accident could compromise access into and out of the area, although allowing four homes represents a relatively small increase in risk. Circulation would be impacted in the same way, since there will be more homes than typically allowed (and therefore more vehicles), but again, the impact would likely be small with the addition of four homes.

Public health would similarly be compromised, as this provision is meant to limit the number of residents that would be impacted in the event of a road closure. Any increase in the number of dwellings above the maximum would increase the number of dwellings that would be impacted by a road closure that could prevent emergency personnel from accessing the area, or prevent residents from being able to exit the neighborhood.

In regards to this being a unique situation, while there are some unique aspects to it, such as the City's responsibility to construct the bridge, the overall situation is not considered unique. The fact that the development in this area was limited to 100 lots (at that time) has been a known issue since the approval of the preliminary plat in 1992. In this case, the second access to the site depends on the construction of a bridge, and so is somewhat out of the control of the applicant unless they construct the bridge themselves. While the ability of the applicant's to provide a second access point is limited, the fact that such an access point is contingent on the development of a neighboring property or by another party is not necessarily unique.

Conclusion

Staff finds that the standards for granting a Design Adjustment have not been met giving its conclusion that the provision of a secondary access point is not believed unique in this development situation. With the current limit of 30 lots permitted from a single access point, an increase from 107 to 111 lots would have a negative impact on the area. Furthermore, looking more broadly within the Bluff Creek development there are 7 additional lots that have not been final platted which are in a similar situation as the subject site. Additionally, the vacant M-OF, which has been platted, raises concerns about the additional number of units that could be constructed in the future without the need for further Commission or Council review.

Upon review, the requested revision to the preliminary plat meets all technical requirements of the UDC with the exception of the requested design adjustment. If the design adjustment is denied, the preliminary plat may be approved; however, can not be final platted until a second access is provided or authorized by the Fire Department. Staff supports approval of the revised plat, as it represents a reduction in the total number of lots within Bluff Creek; however, finds that final plat approval should be withheld until the access issue is addressed to ensure public safety is not compromised.

RECOMMENDATION

Denial of the requested design adjustment, and approval of the revised preliminary plat for *Bluff Creek Estates Plat 9*.

SUPPORTING DOCUMENTS (ATTACHED)

- Locator maps
- *Bluff Creek Estates Plat 9* preliminary plat
- PREVIOUSLY APPROVED - *Bluff Creek Estates Phase 1*
- Design Adjustment request

SITE CHARACTERISTICS

Area (acres)	6.17
Topography	Slopes steeply south towards south of property
Vegetation/Landscaping	Significant tree cover
Watershed/Drainage	Grindstone Creek
Existing structures	None

HISTORY

Annexation date	1969
Zoning District	R-1
Land Use Plan designation	Neighborhood District
Previous Subdivision/Legal Lot Status	Surveyed tracts

UTILITIES & SERVICES

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

ACCESS

Bluff Creek Drive	
Location	West side of site
Major Roadway Plan	Neighborhood Collector (Improved & City maintained)
CIP projects	None
Sidewalk	Sidewalks required.

PARKS & RECREATION

Neighborhood Parks	Within ½ mile of Grindstone Trail
Trails Plan	Within ½ mile of Grindstone Trail
Bicycle/Pedestrian Plan	No facilities adjacent to site.

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 31, 2017.

Public information meeting recap	Number of attendees: 4 (includes 1 applicant)
Notified neighborhood association(s)	Bluff Creek Estates Homeowner Association Bluff Creek Estates Neighborhood Association
Correspondence received	None to date

Report prepared by Clint Smith

Approved by Patrick Zenner