



Department Source: Community Development - Planning

To: City Council

From: City Manager & Staff

Council Meeting Date: November 1, 2021

Re: Forest Hills Plat 2 (Case #125-2021) - Supplemental

Executive Summary

At the September 7, 2021 Council meeting, this item was removed from the Council's Consent Agenda and tabled to allow the developer time to address concerns relating to the future connection of Sugar Maple Drive to N. Waterfront Drive North along the southern boundary of the proposed plat. The applicant and their engineer are proposing a temporary closure plan (attached) for this connection in response to the concerns. This memo provides a general description of the background events leading up the proposed final plat and how the proposed temporary closure would address public comments relating to the platting action.

Discussion

At the September 7, 2021 Council meeting this platting action was tabled to allow for applicant and their engineer time to address concerns relating to the future connection of Sugar Maple Drive to N. Waterfront Drive North located along the southern boundary of the proposed final plat. Since tabling, the applicant and their engineer have prepared a temporary closure plan for the street connection. Additionally, staff have reviewed the public records relating to this property and its corresponding preliminary plat.

The subject property was annexed, permanently zoned, and granted preliminary plat approval in May 2006 (Ord. 19029). The approving ordinance included specific provisions that no building permits would be issued for the lots within the development until the extension of Rice Road (now Geyser Boulevard) were completed to Lake of the Woods Road. Additionally, the City Council approved preliminary plat included the following note:

“Sugar Maple Drive is to be designed and constructed from the south property line of this preliminary plat to North Waterfront Drive using the Boone County Public Works design standards. A gate with a Knox box is to be installed by the developer as shown. This gate shall only be opened by public officials (Fire Department, Police Department, etc.) in time of public need. The gate shall remain in place until such time as Rice Road is extended from its current terminus to Lake of the Woods Road”.

The present applicant seeking final plat approval is not the same applicant that sought approval of the annexation, permanent zoning, or preliminary plat. Geyser Boulevard has already been completed to Lake of the Woods Road. Given that the conditions associated with the temporary roadway closure have been met, it is the applicant's belief that no closure of the roadway connection is necessary. It is the opinion of both City and County



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staff that the closure is not required and in fact have required the applicant to design such roadway connection and obtain construction approvals within both jurisdictions. Since the review of the preliminary plat in 2005 this position has remained constant. It was and remains to be the opinion of staff (City and County) that permanent closure of the connection would not be in the best interest of long-term development and transportation system connectivity.

Notwithstanding these opinions, the applicant and City/County staff are aware of a January 24, 2006, County Commission Order that states the following:

Now on this day [January 24, 2006] the County Commission of the County of Boone does hereby approve the request from Edgewater/Waters Edge Recreational Association for a temporary gate adjacent to North Waterfront Drive. The gate may remain in place until the adjoining subdivision is 75% complete or Rice Road is extended through to Lake of the Woods Road, which ever comes last.

It would appear from concerns expressed during the September 7 Council meeting that residents of the neighborhood to the south desire the County Commission's Order to be enforced at this time. This Order affords the referenced associations the right to temporarily gate the right of way pursuant to the two conditions; however, does not establish who was responsible for such action. Furthermore, this Order is only effective on the portion of Sugar Maple Drive within Boone County jurisdiction.

As a means of addressing the issue at hand, the applicant and their engineer proposed and in fact have installed concrete blocks (see attached exhibit and site photo) within the County's right of way that will limit vehicular traffic between the City and County developments. A note is proposed to be added to the construction plans and specifications. The applicant proposes that this voluntary action is a reasonable solution to the temporary closure contemplated by the Commission Order.

It should be noted that removal of the blocks from the right of way is a matter that will need to be addressed by the Boone County Public Works in coordination with the applicant as the restriction of access is within County right of way. It is anticipated that such restriction of access would remain in place until the adjoining subdivision is 75% complete; however, it should be noted that the County Commission reserves the right to amend its Order.

A copy of the proposed temporary closure plan, site photo of the installed barrier, and 2006 Boone County Commission Order are attached for review.

Fiscal Impact

Short-Term Impact: None anticipated within the next two years. Public infrastructure extension/expansion would be at the cost of the developer and would be subject to payment of all applicable connection fees for city services like other property presently within the corporate limits.



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Long-Term Impact: Public infrastructure maintenance such as roads, sewers, and water, as well as public safety and solid waste service provision. Future impacts may or may not be offset by increased user fees and/or property tax collections.

Strategic & Comprehensive Plan Impact

Strategic Plan Impacts:

Primary Impact: Primary, Secondary Impact: Secondary, Tertiary Impact: Tertiary

Comprehensive Plan Impacts:

Primary Impact: Land Use & Growth Management, Secondary Impact: Mobility, Connectivity, and Accessibility, Tertiary Impact: Tertiary

Legislative History

Date	Action
N/A	N/A

Suggested Council Action

This memo has been provided for informational purposes.