

EXCERPTS
PLANNING AND ZONING COMMISSION MEETING
COLUMBIA CITY HALL COUNCIL CHAMBER
701 EAST BROADWAY, COLUMBIA, MO
August 10, 2017

Case No. 17-167

A request by Allstate Consultants, LLC (agent) on behalf of Arrowhead 3, LLC (owner) for approval of a four-lot final plat on R-1 (One-family Dwelling District) zoned land, to be known as "Arrowhead Lake Estates Plat 3", pending annexation and rezoning, and a design adjustment related to sensitive areas. The 26.72-acre subject site is located approximately 1,200 feet north of Sinclair Road on the east side of West Lake Arrowhead Drive.

MR. STRODTMAN: May I have a staff report, please?

Staff report was given by Mr. Clint Smith of the Planning and Development Department. Staff recommends approval of the final plat for Arrowhead Lake Estates Plat 3 and the requested design adjustment.

MR. STRODTMAN: Thank you, Mr. Smith. Commissioners, earlier on, I forgot. If there has been any -- actually, we'll move up. Is there any questions for Mr. Smith, before I ask the next one? Yes?

MS. RUSHING: I have two questions. The lot that is just on the locator map below this area, it shows that leg coming out. Is that for access to the back part of that property?

MR. SMITH: This lot to the south?

MS. RUSHING: Uh-huh.

MR. SMITH: I didn't specifically evaluate that site, but, from my recollection, I do believe that's a stem lot. I think that's still located in the county.

MS. RUSHING: And would it be possible -- would the dedication of the property not to use, would that have to be four different lots or could that be done as one common lot?

MR. SMITH: Well, we looked at both options. I think when we originally had the initial discussion, the assumption would be it would be one large lot. The applicant, I think, leaned towards maybe four individual lots, so if you had four individual lots preservation area, then you would have eight total lots. I don't think there's any specific requirement that it be one way or the other.

MS. RUSHING: And how would you enforce in the future the preservation requirement?

MR. SMITH: Well, preservation enforcement is -- is -- is difficult. It would be, basically, a lot of these provisions are going to be complaint driven. I don't think we're going to be actively pursuing that. We don't necessarily have a preservation easement directive to go out and make sure these are being preserved, but we do -- if we go down this route with these preserved areas, it'll be something, I think,

we'll take more note of. But I can't tell you if we have any certain procedure we're going to be following in the future. This is a fairly new provision of the -- of the subdivision. This is probably the first one that we actually -- I don't want to speak out of turn, but I think it's the first one that we have -- we'll have preservation easement on. There will be more in the future, but this is one of the first subdivisions we've come through that had that provision in the UDC in place.

MS. RUSHING: It just seems that it might be more -- you know, that's my property, whether there's a preservation easement, and I sell my property, I'm selling the whole thing, and it would just seem to be easy, particularly for a future owner, to forget about or not know about the preservation easement.

MR. STRODTMAN: Mr. MacMann?

MR. MACMANN: To follow up on Commissioner Rushing's point -- good evening, Planner Smith. Do you know when the individuals apply for building permits that the preservation easement will be obvious to them so they're not crossing these lines or --

MR. SMITH: When they apply for the building permit, my expectation -- again, we don't -- I don't think we've had a building permit come through that will have --

MR. MACMANN: This is one of the preliminary, so --

MR. SMITH: This is fairly new. I think my expectation here is that the building envelope will be reflected on their plot plan, and that should restrict where they --

MR. MACMANN: As long as that's -- my concern moving forward, so we just had this case a few months ago which exploded after 25 years, is that this is obvious when the property is transferred in the future, which it will be, or when it's built upon, hopefully legally, with a permit that should this paperwork reflecting these easements should be part and parcel and incredibly obvious.

MR. SMITH: I couldn't guarantee that. An easement, like many other documentation, is generally only reflected on a piece of paper, so it's up to the individual property owner to be knowledgeable about the restrictions on their own property. The City does have -- and I don't have it in front of me, but I -- I do believe they have provisions that would apply if someone removes trees within a preservation easement, aside from fencing it off or putting it under some type of permanent barrier, there probably is no way to be 100-percent certain that individuals --

MR. MACMANN: And that -- I -- I just want to let you know, I'm -- I think this is a great idea. This is fantastic. But because we are going forward for the first time with this, and because in the past we've had issues with this, I just want to make sure that we're heading in the right direction -- building permits, property transfers -- because we've had property transfers before where easements don't show up and then someone is not happy.

MR. SMITH: Easements that are recorded on the plats, such as this, as far as I know, should be reflected in any type of survey done by a professional licensed surveyor. So -- and this plat will be recorded and it will reflect the easement, too, but if you are a property owner, you may have your own survey done for your own property, and it still should be reflected on that, as well.

MR. MACMANN: All right. Thank you very much.

MR. SMITH: You're welcome.

MR. STRODTMAN: Ms. Loe?

MS. LOE: Mr. Smith, question about building envelope. Being an architect, building envelope technically is the exterior of a building. And in checking the UDC, we haven't defined building envelope. What we have defined is building area, which is the area within a plot that a building may be built. I'm wondering if what we're talking -- what's referred to in these plots is not building area. And if not, can you clarify that for me?

MR. SMITH: It -- it could be, if you're talking, I think, from a purely literal sense. The Code for this section refers to a building envelope, and I think it kind of self-defines within that section. It's always better to have it in the definition of what a building envelope was and, again, I don't have it in front of me, I can't tell you if it's in there specifically, but it does say in there that development should be restricted to a building envelope. So, to me, that implies that there will be no construction outside of basically the line that's reflected on that plat that is -- that is referred to as a building envelope.

MS. LOE: That's stated in the subdivision section of the UDC? No. I'll look for it.

MR. ZENNER: And I think, Ms. Loe, architectural terminology and terminology that we utilize generally --

MS. LOE: Right.

MR. ZENNER: -- is what Mr. Smith is trying to point to. We have referred to building envelope to generally mean that area upon a site which the building can be placed within, not building area. Building area --

MS. LOE: Buildable area.

MR. ZENNER: Buildable area --

MS. LOE: Buildable area. The area of the lot that buildings may occupy.

MR. ZENNER: Yeah. And so in this particular provision where the standard is, we use it potentially more synonymously with building area, we use the term "building envelope." It's defining the envelope in which that building can reside within, which would be the same thing as building area.

MS. LOE: Buildable area.

MR. ZENNER: Buildable area, but not -- not by an architectural definition of what building envelope means. Our Code was not based upon an architect's perspective of how it was written. I apologize.

MS. LOE: I understand. It's simply we haven't defined that.

MR. SMITH: I could read the section real quick if it provides some additional clarity.

MS. LOE: That would be great.

MR. SMITH: It says, If any lot intended for development includes designated sensitive lands, the subdivision plat shall restrict construction of permanent structures to a designated building envelope area on that lot. So that way, it does kind of self-define within that section of the Code. So, basically, what we're showing graphically on there is the building envelope and there will be no construction outside of

that.

MS. LOE: And the section is?

MR. SMITH: 29-5.1(b)(2), and let's just go with that, (b)(2).

MS. LOE: Thanks.

MR. STRODTMAN: Thank you, Mr. Smith. Any additional questions of staff? Mr. MacMann?

MR. MACMANN: One quick clarification, because I do not recall. Can they go all the way up to the edge of this -- this building envelope? Can that building sit on the -- on that line?

MR. SMITH: It could, yes.

MR. MACMANN: Can --

MR. SMITH: Well, I would say that this is a good question.

MR. MACMANN: And, well, I'm going after this because I doubt anyone would do that, but what someone may do is run plumbing or sewage right up to that line --

MR. SMITH: Uh-huh.

MR. MACMANN: -- and I just -- I don't recall. Mr. Zenner, do you recall?

MR. ZENNER: The setback will come, so either the variation here is is that easement that's defining the preservation area becomes by default the setback for the property. So we do have setback requirements for every residential -- or every lot that's created regardless of its designation. An easement, if the easement that's being established on a parcel is greater than what that required setback is, the easement boundary becomes the setback, which means, yes, you still can build directly up to that easement line. There is no offset from an easement.

MR. MACMANN: All right. It's its own buffer?

MR. ZENNER: It -- yeah. That's exactly --

MR. MACMANN: That's what I thought. That's what I recall, but I just was not sure.

MR. ZENNER: So if there was a desire to ensure that, as we move forward, potentially using preservation easements, not parcels, that we want the setback that's in the underlying zoning district to apply for that easement line to create a offset so there is a buffer, that would require separate text change at a later date.

MR. MACMANN: All right. You and I are getting in the weeds, and I really appreciate this, but these people have business to do. I am done. Thank you, Mr. Strodtman.

MR. STRODTMAN: Thank you. Commissioners, any additional questions for staff? I see none. This is not a public hearing, but if there's anyone in the audience that would like to come forward and give us any information on this case, you're welcome to do that, and just please give us your name and address.

MR. STATES: Good evening, Commissioners. My name is John States; I reside at 2925 West Arrowhead Lake Drive. I am a member of the LLC and here with me tonight is Mr. Doniphan, who is also a member of the LLC. We're here seeking approval of this four-lot subdivision. We've worked a lot of hours with City staff and we greatly appreciate your all's efforts on this. I think maybe somebody said

being the first through with this has -- has been challenging, but we've made it, I think -- hopefully. We're here to answer any questions you might have, and look forward to --

MR. STRODTMAN: Commissioners, any questions of this speaker? I see none. Thank you, Mr. States. Any additional speakers like to come forward? I see none. Thank you. Something I was supposed to probably read earlier, but, Commissioners, at this time, if there's -- has -- if there's any Commissioner who has had any ex parte communication prior to this time on this case, if you would please disclose it at this time, that would be appreciative and relevant. If not -- I see none. Commissioners, any discussion, additional information needed? A motion? Mr. Anthony -- Mr. Stanton, sorry.

MR. STANTON: As it relates to Case 17-167, I move for approval of the final plat and design adjustments.

MR. MACMANN: Second.

MR. STRODTMAN: Show that Mr. MacMann seconds? Do you -- yes. Thank you, Mr. Stanton, for that motion of approval of Case 17-167. Mr. MacMann, thank you for that second. Commissioners, the motion is on the table with the proper second. Is there any further discussion needed? I see none. Ms. Burns, whenever you're ready for a roll call, please.

MS. BURNS: Yes.

Roll Call Vote (Voting "yes" is to recommend approval.) Voting Yes: Mr. MacMann, Mr. Stanton, Mr. Strodtman, Ms. Rushing, Ms. Russell, Mr. Toohey, Ms. Burns, Ms. Loe, Mr. Harder. Motion carries 9-0.

MS. BURNS: Nine to zero, motion carries.

MR. STRODTMAN: Thank you, Ms. Burns. Our recommendation for approval will be forwarded to City Council for their recommendation.