

**AGENDA REPORT
PLANNING AND ZONING COMMISSION MEETING
May 24, 2018**

SUMMARY

A request by A Civil Group (agent) on behalf McGary Properties, LLC and the McGary Family Trust, for approval of a three-lot final minor plat to be known as *McGary Subdivision Plat 3*. The 5.1-acre subject property is zoned A (Agriculture) and addressed 4217, 4301 and 4305 St. Charles Road. A design adjustment from Section 29-5.1(f)(1)(v) of the Unified Development Code to allow the platting of a tier lot with a stem less than thirty (30) feet in width in the A District is requested. **(Case #18-102)**

DISCUSSION

The applicant is seeking approval of a three-lot final minor subdivision. The proposed lots are a combination of survey tracts (Lots 2 and 3) and a previously platted lot (Lot 1). The plat will confer legal lot-status on Lots 2 and 3, and will adjust the rear lot-line of Lot 1 which was platted in 1989 as a stem lot. Lots 1 and 3 are presently improved with one single-family home each and Lot 2 has two single-family homes upon it. Lot 2 is proposed to contain more than 2.5 acres which is the minimum necessary to have to single-family structures on A (Agriculture) zoned parcels.

Lots 1 and 3 will contain less than 2.5 acres – the minimum lot size for the A (Agriculture) zoning district. A variance to allow the creation of lots no less than .5 acres within the A (Agriculture) district was granted for these tracts by the Board of Adjustment on September 28, 2017. The variance provides relief from Section 29-2.2(c)(2) of the Unified Development Code (UDC) pertaining the required minimum lot area. Under this proposed subdivision and consistent with the variance, Lot 1 will be 1.24 acres, Lot 2 will be 2.9 acres, and Lot 3 will be .8 acres.

As Lot 2 has never been formally platted, the creation of a new tier lot is subject to Planning and Zoning Commission review under the criteria outlined in Section 29-5.1(f)(1)(iii). While this plat will replat and reconfigure the rear property line of Lot 1, the tier lot status of previously platted property is not subject to review. Below are the three criteria for considering requests to create tier/stem lots. Staff's response is shown in **bold text**.

1. Use of a stem, or tier lot, must be the only feasible means of access due to extreme topographic conditions.

The proposed stem is not necessitated due to extremely steep slopes; however, the property does have topographical variation from St. Charles Road to the existing homes from south to north and east to west. Three homes (two on Lot 2) are presently accessed off the existing private drive which creates the stem component of the stem lot, and the private drive is the only practicable access to the land-locked property.

2. The stem portion of the lot leading to the buildable area cannot be longer than 250 feet, and must be 20 to 59 feet wide, and may not be included within any required yard area.

The proposed stem is 22 feet wide, 232.10 feet long, and is not included in any required yard area.

3. A tier lot must not endanger the public health, safety, and general welfare.

Permitting the creation of the stem lot would not endanger the public health, safety, or general welfare. The 22 foot private drive provides adequate access for emergency vehicles.

Tier/stem lots are an inferior design in comparison to lots which provide real public road access, which is why they are subject to heightened review. In this instance, however, the stem lot for the shared driveway between Lots 1 and 2 is not untenable given the subdivision is conferring legal lot status on existing residential lots rather than creating new or additional lots for development. The subdivision is not substantially revising the existing lot lines, and maintains the existing access. Additionally, St. Charles Road, as a Major Collector on the CATSO Roadway Plan, is a restricted roadway for new residential driveways, so additional driveways are undesirable. The Fire Department has reviewed the proposed plat and requires sprinkler systems or access to a fire hydrant with sufficient flow within 500' of all the homes; this is met by the hydrant located at the southeast corner of Tower Drive and St. Charles.

Design Adjustment

The Commission may recommend approval of a design adjustment if it determines that the following criteria have been met (Section 29-5.2(b)(9)):

- 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 applicant is requesting a design adjustment from Section 29-5.1(f)(1)(v), which requires a minimum width of 30 feet for stem lots in special use districts such as the A (Agriculture) district. The minimum width standard for stems in all other districts is 20 feet. The stem for Lot 2 is 22 feet in width, and the stem for Lot 1 is 20.03 feet.

The intent of the heightened standard for special use districts is to provide enhanced access for zones typically traversed by large trucks or machinery (e.g. industrial, agricultural and open space uses). As the proposed lots in this subdivision are developed as residential and have been granted a variance to be smaller than the minimum for A-zoned property, the potential for vehicles and equipment related to agricultural pursuits is greatly diminished.

After review of the conditions inherent to this area, the variance granted by the Board of Adjustment, the information submitted by the applicant, and the subsequent highest and best use of the property remaining residential staff supports the approval of the design adjustment. The request is not inconsistent with the Comprehensive Plan, is not detrimental to public safety or injurious to other

properties, and does not negatively affect the circulation of the site. Staff further supports this design

adjustment as it believes there is generally a unique design feature for this site in that existing access is already provided via the private driveway, and the City restricts residential access on St. Charles Road as a Major Collector. The dedication of additional right-of-way to meet the Major Collector standard (33' half-width) and the dedication of the required ten (10) foot utility easements along the St. Charles frontage further bring this area into compliance with the subdivision requirements of the UDC. Sidewalks shall also be constructed.

RECOMMENDATION

The proposed plat has been reviewed by staff and is found to comply with the provisions of the UDC with the exception of the requested design adjustment. Staff supports the design adjustment and subsequently approval of the plat. Staff proposes the following motions for approval of this request:

1. Approval of the design adjustment to Section 29-5.1(f)(1)(v), to permit creation of a stem lot with less than 30 feet of stem width in the A district; and
2. Approval of the McGary Subdivision Plat 3.

SUPPORTING DOCUMENTS (ATTACHED)

- Locator maps
- Final Plat
- Design Adjustment Request

SITE CHARACTERISTICS

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|-------------------------------|--|
| Area (acres) | 5.1 acres |
| Topography | Rolling |
| Vegetation/Landscaping | Turf and Landscaping; Wooded to the north and west |
| Watershed/Drainage | Hominy Branch |
| Existing structures | Developed site with multiple structures |

HISTORY

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| Annexation date | 1969 |
| Zoning District | A (Agriculture) |
| Land Use Plan designation | Neighborhood District |
| Previous Subdivision/Legal Lot Status | McGary Subdivision platted Lot 1; The remaining property is unplatted |

UTILITIES & SERVICES

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|------------------------|---|
| Sanitary Sewer | City of Columbia |
| Water | PWSD #9 |
| Fire Protection | City of Columbia |
| Electric | City of Columbia service area; Boone Electric service |

ACCESS

| St. Charles Road | |
|---------------------------|--|
| Location | South side of site |
| Major Roadway Plan | Major Collector (3-foot half-width required); Unimproved and City maintained |
| CIP projects | N/A |
| Sidewalk | Sidewalks required. |

PARKS & RECREATION

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|--------------------------------|--|
| Neighborhood Parks | NA |
| Trails Plan | Approx. 1,000' east of the Hominy Branch Trail |
| Bicycle/Pedestrian Plan | NA |

PUBLIC NOTIFICATION

All property owners within 185 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 April 17, 2018. 11 postcards were sent.

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| Public information meeting recap | Number of attendees: 2 (property owner and agent) Comments/concerns: No comments |
| Notified neighborhood association(s) | NA |
| Correspondence received | None to date. |

Report prepared by Rachel Bacon

Approved by Patrick Zenner