

EXCERPTS

PLANNING AND ZONING COMMISSION MEETING

AUGUST 18, 2016

Case 16-146

A request by Basinger Surveying (agent) on behalf of Peggy Hendren (owner) for a two-lot final plat to be known as "Hendren Hills Subdivision". The approximate 1.99-acre property is located on the north side of Proctor Road, approximately 580 feet east of Creasy Springs Road.

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

Staff report was given by Mr. Rusty Palmer of the Planning and Development Department. Staff recommends approval of the final minor plat for "Hendren Hills Subdivision".

MR. STRODTMAN: I've got a couple of questions. You just referenced the storm drain on the sidewalk.

MR. PALMER: Yeah.

MR. STRODTMAN: They're asking for relief from the sidewalk or relief from the storm?

MR. PALMER: They have submitted sidewalk plans -- sidewalk construction plans and also a turnaround for the building to the north. It's not within -- they don't have fire access within 150 feet, so they were required a paved turnaround and the sidewalks. And they've submitted both construction plans for that, but the storm-water requirements required a full storm-water plan and also some sort of storm-water mitigation measures, whether it be a BMP or retention basin or whatever. But that's what they're seeking relief from is the --

MR. STRODTMAN: And then my last question is, it looks like -- it looks like we have two different maps on the subject site. And the one that's on the big -- yes.

MR. PALMER: That one?

MR. STRODTMAN: Is this the correct map that shows that the house is completely inside the subject line, because the other one looks like the house is --

MR. PALMER: That's a good question actually.

MS. RUSHING: They have --

MR. STRODTMAN: Ms. Rushing?

MS. RUSHING: They have -- they had flags up when I was out there. And it looked like the flags were showing the property line right at the edge of that driveway -- the far edge of the driveway.

MR. PALMER: Yeah. The aerial -- and if I --

MS. RUSHING: So it's kind of between the two aerials.

MR. PALMER: Yeah. If you look at the assessor's website, it looks like the house is built across the lot line, but the -- the plan I have on the -- on the screen now is -- is accurate, so --

MR. STRODTMAN: The house falls completely with inside, no -- no on the --

MR. PALMER: And I think it's a ten-foot setback on the side yard; is that right -- or no setback on

the side yard? I don't want to be --

MR. ZENNER: The minimum is six-foot side yard setback, so --

MR. PALMER: So it's within that at least, I believe. Yeah.

MR. ZENNER: And the aerial photography, the assessor's record aerial photography, and the parcel boundaries, there is a known measurement or error tolerance to those property lines. So part of when we do our mapping, when you identify our maps, our maps are based off of the assessor's records which may or may not be actual property line locations. But the plats that we provide you show structurally the actual location in relationship to those property lines. So the front setback -- as Mr. Palmer indicated, the front setback that will be established for this platting action nonconforms the structure which currently today when it was built didn't have to comply with the front setback standard because it was built likely in the county at that point, or a much lesser standard that didn't exist when the road has been improved over time.

MR. PALMER: And again they're -- they're dedicating right-of-way there, too, so that's moving -- moving that 25-foot setback even farther back, so --

MR. STRODTMAN: Thank you. Any additional questions for staff? Mr. MacMann?

MR. MACMANN: Mr. Parker [sic], I have a question. The main lot where the barn is --

MR. PALMER: Uh-huh.

MR. MACMANN: -- where they're going to put the bees and bring in all the -- could they build a house on that later?

MR. PALMER: Yes. I don't see why not.

MR. MACMANN: Okay. Here's where I'm going. Right now, we're giving them -- proposing to give them a waiver on the storm-water issue. Will the storm-water -- would the storm-water issue be revisited if they built a home on that lot?

MR. PALMER: I believe so. It's over an acre on its own, so if --

MR. MACMANN: If they were -- that would be a redevelopment then?

MR. PALMER: If -- help me. If it's --

MR. MACMANN: Mr. Zenner?

MR. PALMER: If they tear it down and rebuild, is that redevelopment, or if they disturb --

MR. ZENNER: I believe they're -- and I'd have to go back into--

MR. MACMANN: Well, the accessory unit doesn't count as a dwelling?

MR. ZENNER: -- storm-water regulations. No. It's not a dwelling, and I'd have to go back into our storm-water regulations. I am -- I do not know specifically if a single-family residential structure is exempt. I believe anything that is greater -- anything that is greater than an acre is required to comply with storm-water --

MR. MACMANN: My concern is going --

MR. ZENNER: -- standards.

MR. MACMANN: -- we give them a waiver right now and do we give a house a waiver later on?

MR. ZENNER: I --

MR. MACMANN: That's my concern.

MR. ZENNER: I do not know, but that is not within the purview of the Planning Commission. The storm-water variance is a utilities department related waiver and variance request. We point it out as a point of --

MR. MACMANN: Information.

MR. ZENNER: -- information within this report, but to Mr. Strodtman's concern, all of the construction plans that are required as part of this final plat have been submitted. So the ability to be able to do anything with the property if you needed to get a permit on it would still require having to address the storm-water matter. So if the storm-water variance is denied because of the concern that you're raising, a BMP -- some type of BMP or some other management facility would have to be installed on the property which would likely then, at some other point, if there was a home coming in and required it to be expanded, it would be. That would be the logical extension. If it is not -- if it is waived and then the home comes in and creates an impervious threshold that requires storm-water compliance, I would imagine the home will trigger that. The building permit for the home will.

MR. MACMANN: All right. That's -- I just -- I wanted to see where we were going. Thank you very much.

MR. STRODTMAN: Any additional questions of staff? I see none. As is a normal practice, if there is anyone in the audience that would like to come forward and even though this is a subdivision and not a public hearing, give us your name and address and any relevant information for us, that would be appreciative.

MR. BASINGER: Gene Basinger, professional land surveyor. I prepared this plat. Office at 914 North College, Columbia. Pretty much, that plat stands on its own, but the reason for this plat is the lady who owns the property wants to divide off a small house and sell it because she's been using it for a rental property and she wants out of the rental business. And so she wants to buy it off and get rid of it, and she has no plans at this point in time for the rest of the property. She lives over in Parkade North and this property belonged to her and her husband, and her husband passed away a year ago. And so she's -- just wants to keep the property and as far as the rest of it is intact.

MR. STRODTMAN: Any questions for Mr. Basinger? I see none. Thank you, sir.

MR. BASINGER: Thank you.

MR. STRODTMAN: Anyone else? I see none. Commissioners, questions, comments? Any additional dialogue, a motion? Not all at once. Any comments, questions? Mr. Stanton?

MR. STANTON: In relation to Case 16-146, I move to approve the final minor plat for Hendren Hills Subdivision.

MS. RUSSELL: Second.

MR. STRODTMAN: Ms. Russell, thank you. Ms. Russell, thank you. Ms. Loe, may we have a roll call, please.

MS. LOE: Yes, Mr. Chairman. Case 16-146.

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

MS. LOE: We have nine votes for. The motion passes. Recommendation for approval will be forwarded to City Council.