

**AGENDA REPORT  
PLANNING AND ZONING COMMISSION MEETING  
March 9, 2023**

**SUMMARY**

A request by Simon & Struempf Engineering (agent) on behalf of JR2 Development, LLC (owners) for a revised preliminary plat expanding the approved Fox Creek Subdivision to 121 lots, and a design adjustment to Sec. 29-5.1 of the UDC pertaining to the maximum permitted block length. A concurrent request seeks the annexation of the property and permanent R-1 (One-Family Zoning) on the subject tract. **(Case # 94-2023)**

**DISCUSSION**

The applicant is seeking approval of a revised preliminary plat on property located on the west side of Highway PP, west of the approved Fox Creek Subdivision Plat 1. Associated with this requested revision is a design adjustment from Section 29-5.1(c)(ii) of the UDC pertaining to the maximum block length. A concurrent request (Case # 97-2023) proposes to permanently zone and annex an additional 16.52 acres immediately north and south of Phase II of the Fox Creek Subdivision Preliminary Plat, which was approved in 2016. The revised plat would replace and rearrange Lots 37 through 78, expanding into the additional acreage for a total of 84 lots in the revised Fox Creek Subdivision Preliminary Plat No. 2. This revision would result in a total of 43 additional residential lots, and 4 common lots.

At the time of application, in response to concept review comments, the applicant submitted a second design adjustment relating to the provision of stub streets extending into the properties located to the north and southwest of the proposed revised preliminary plat acreage. This requirement was based upon the provisions of Section 29-5.1(c)(3)(i)(H) of the UDC which states:

*When a new subdivision adjoins unplatted or undeveloped land, the new streets shall be carried to the boundaries of such land unless vehicular access is unnecessary or inappropriate due to existing or proposed development with incompatible traffic generation on the adjacent platted or unplatted lands or designation of sensitive areas. A temporary turnaround approved by the director of public works shall be installed at the point where the properties connect, except when the terminus of the street is less than one hundred fifty (150) feet from an intersecting street right-of-way.*

The applicant provided the following responses, shown on the attached design adjustment worksheet, relating to this matter:

- Both stubs would connect to developed properties, with a built subdivision (Maryland Heights Subdivision) and a number of estate lots to the west, and a deep, narrow estate lot to the north containing a home and outbuildings (Patterson Tract).
- The revised preliminary plat now encroaches into the western end of the Patterson Tract, utilizing the undeveloped portion of the property to accommodate three additional development lots, a common lot for stormwater facilities, and a vehicular turnaround for Bobwhite Ct.
- The southern properties west of the subject tract are also developed, and individually offer little further development potential. Comprehensive westward development and vehicular connections would require conglomeration of up to ten properties; all of which maintain access

to Mexico Gravel Road. This frontage would provide ample opportunity for vehicular connectivity in the event the tracts are redeveloped, which is unlikely for the foreseeable future.

- A similar waiver was granted with the approved Fox Creek Preliminary Plat, which was approved in 2016, for a connection from the Patterson Tract to the north.

Upon further review of the status of the adjoining properties it was determined that the submitted request for relief was not required. This finding was made after verification that the adjoining properties to the north and southwest **do not meet** the “unplatted or undeveloped land” criteria of Section 29-5.1(c)(3)(i)(H). The parcels to the north is developed, and that to the southwest is platted and developed.

Given these findings, the staff’s request for stub street installation **cannot be required** and the requested design adjustment is not necessary. Staff believes the benefits of providing such connections would result in the proposed development being brought into greater compliance with the general connectivity provisions of the UDC and would support principals of connectivity identified in the Comprehensive Plan. Notwithstanding these benefits, staff acknowledges that there are obstacles to these connections given topography and current development patterns. A westerly extension of Pheasant Street property would traverse Lot C201, along the southern boundary, potentially impacting a natural drainage corridor and a number of significant trees. The stub to the north would terminate roughly 100 feet from an existing garage on the Thomas and Donna Bell property that would be require demolition for any future extension of the roadway.

These desired extensions would only become activated upon possible redevelopment, annexation, and connection of the adjoining properties to the City’s sanitary sewer. When and if these conditions would occur is unknown; however, planning in advance for them is desirable. If the applicant were amenable to providing the connections they may do so voluntarily; however, based upon their submitted design adjustment responses it would appear that this is not desired.

As noted, the applicant is seeking an additional design adjustment from Section 29-5.1(c)(ii) of the UDC as it relates to the maximum permitted block length, given the site’s topographical conditions. The UDC establishes a maximum block length of 600-feet and the proposed revised preliminary plat will result in a block length nearly double of that allowed. The applicant’s justification for this request along with staff’s evaluation thereof, are outlined below.

Section 29-5.2(b)(9) of the UDC provides a basis for evaluating the requested design adjustments, and states that the Commission may recommend approval of a 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;
5. The design adjustment will not create adverse impacts on public health and safety.

### **Design Adjustment from Section 29-5.1(3)(ii)**

Section 29-5.1(3)(ii) states the following:

*Streets shall intersect at intervals not exceeding six hundred (600) feet or less than two hundred fifty (250) feet. Blocks shall have sufficient depth to provide for two (2) tiers of lots of appropriate depth. The director may approve exceptions to block depth when blocks are adjacent to major streets, railroads, waterways, or other sensitive environmental areas (e.g., steep slopes, waterways).*

The 2016 approved Fox Creek Subdivision Preliminary Plat included a partial loop street of 635 feet in length, which was deemed necessary to address topographical relief across the site from east to west internal to the western half of the Fox Creek property. The current request seeks to extend this waiver to include the expanded loop, which is now proposed to fully connect back to Forester Drive from the south. Forester Drive acts as the primary access to the subject area, connecting to PP via Starling Road. Webster Grove Road acts as a divider for the Pheasant Street loop, leaving the 635-foot block to the north, and creating another block to the south of roughly 690 feet in length. The applicant gives the following rationale for approval of design adjustment:

- The loop street provides a solution to avoid significant grade changes on the property when connecting the existing stub of Forester Drive, west to the stub of Webster Grove Road.
- The proposed loop is a modification of an existing condition on the approved preliminary plat, which actually provides a second connection back to Forester Drive, improving access and connectivity in terms of both general traffic and emergency services.

Staff agrees that approval of the design adjustment is consistent with the comprehensive plan, and mimics an approved condition of the previous preliminary plat on the property. Allowing a block length exceeding 600 feet in this instance does not pose any negative impacts to neighboring properties, and in fact, would diminish the likelihood of substantial cut-through traffic for motorists traveling between PP and Wyatt Lane or Thompson Road by making the path more indirect. The gradual slope provided by the longer blocks and the loop street arrangement also mitigates safety concerns such as sight distances and accessibility during inclement weather. The design adjustment will not create any adverse impacts on public health or safety. Staff supports the waiver of the block length component of Section 29-5.1(3)(ii).

The preliminary plat has been reviewed by all appropriate staff and is found to be compliant with the UDC with the exception of several technical corrections pertaining to typographical errors (legal description and missing lot labels) as well as the provision of a note on the plat agreeing to closure of the Patterson's private sewage lagoon on Lot 285. The sewage lagoon closure note will ensure the newly-annexed property is served by City sewer which is immediately available to the south via the

existing city sewer lift-station that was constructed to support the Fox Creek Subdivision. These technical corrections will need to be addressed prior to forwarding the preliminary plat to Council for approval.

**RECOMMENDATION**

Approval of the *Fox Creek Subdivision Preliminary Plat No. 2*, and the requested design adjustment from Section 29-5.1 of the UDC pertaining to the maximum block length, pursuant to minor technical corrections.

**ATTACHMENTS**

- Locator Maps
- Proposed *Fox Creek Subdivision Plat No. 2*, Preliminary Plat
- Approved *Fox Creek Subdivision*, Preliminary Plat
- Design Adjustment Worksheets

**SITE CHARACTERISTICS**

<b>Area (acres)</b>	26.34 acres
<b>Topography</b>	Gently sloping to the east, ridge across southern parcel
<b>Vegetation/Landscaping</b>	Pastureland
<b>Watershed/Drainage</b>	Perche Creek
<b>Existing structures</b>	Home & two outbuildings at extreme NE corner of parcel

**HISTORY**

<b>Annexation date</b>	NA, 2016 (existing Fox Creek Subdivision)
<b>Zoning District</b>	Boone County A-2 (Agriculture), R-1 (One-Family Residential)
<b>Land Use Plan designation</b>	Neighborhood District
<b>Previous Subdivision/Legal Lot Status</b>	Survey tracts

**UTILITIES & SERVICES**

<b>Sanitary Sewer</b>	City of Columbia
<b>Water</b>	City of Columbia
<b>Fire Protection</b>	Boone County Fire Protection District. Upon annexation shared with City of Columbia as primary provider.
<b>Electric</b>	Boone Electric

**ACCESS**

<b>Highway PP</b>	
<b>Location</b>	East side of parcel
<b>Major Roadway Plan</b>	Major Arterial
<b>CIP projects</b>	None
<b>Sidewalk</b>	None installed. Would require installation as part of site development

**PARKS & RECREATION**

<b>Neighborhood Parks</b>	Indian Hills Park
<b>Trails Plan</b>	Indian Hills Trail
<b>Bicycle/Pedestrian Plan</b>	N/A

**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 via public information postcards on October 7 of the pending action. Property owner letters were sent February 15<sup>th</sup> and an ad was placed in the Columbia Daily Tribune on the February 21<sup>st</sup> advertising the public hearing relating to the permanent zoning of the property.

<b>Notified neighborhood association(s)</b>	Garden City HOA
<b>Correspondence received</b>	Attached to zoning case (97-2023)

Report prepared by Rusty Palmer

Approved by Patrick Zenner