

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

December 7, 2017

Case No. 18-29

A request by Allstate Consultants (agent) on behalf of Elvin E. Sapp Revocable Trust (owner) for approval of a five-lot preliminary plat to be known as Bluff Creek Estates Plat 9, and a design adjustment to 29-5.1(f.2.ii) to allow more than 30 lots from a single point of access. The request is a revision to a portion of the existing preliminary plat of Bluff Creek Estates Phase 1. The 6.17-acre subject site is located on the east side of Bluff Creek Drive, approximately 2,400 feet north of Grindstone Parkway.

MR. STRODTMAN: At this time, I'd like to ask any Commissioner who has had any ex parte communications prior to this meeting related to Case 18-29, please disclose that now so all Commissioners have the same information to consider on behalf of this case in front of us. Thank you, Commissioners.

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

Staff report was given by Mr. Clint Smith of the Planning and Development Department. Staff recommends:

- Approval of the revised preliminary plat of Bluff Creek Estates Plat 9; and
- Denial of the design adjustment.

MR. STRODTMAN: Thank you, Mr. Smith. Commissioners, any questions of staff? Ms. Loe?

MS. LOE: Mr. Smith, is the previously approved plat plan, is that still valid?

MR. SMITH: It is. Per our old subdivision standards, once you final plat a portion of a preliminary plat, that preliminary plat became vested. It did not expire.

MS. LOE: So they could build the cul-de-sac plan?

MR. SMITH: That is correct. If they chose to move forward with the existing layout, it would not be considered a revised preliminary, it would be considered a final major, and that actually would go straight to Council. It wouldn't come back in front of the Planning and Zoning Commission unless they also still requested the design adjustment.

MS. LOE: Okay. But they don't need the design adjustment since it's already been approved?

MR. SMITH: They would still need the design adjustment because under the old code, 100 lots was the maximum. So that has still been exceeded even if we use the old subdivision regulations.

MS. LOE: So do they need the design adjustment to build any new structures on that road at this time?

MR. SMITH: At this time, that is correct, yes.

MS. LOE: Got it. The neighborhood collector, so on the CATSO plan, Bluff Creek Drive is identified as a neighborhood collector?

MR. SMITH: That's correct.

MS. LOE: Is it a type A or a type B?

MR. SMITH: I'm not sure. I'd have to review that. I believe it was probably built prior to the new standards in the appendix for the street design standards, but it probably falls within one of those two, and we could look it up if we have –

MS. LOE: Well, type B doesn't allow driveways, and the new proposal adds driveways to the collector. So it would be, I would think, critical to identify which one it falls under in order to approve one plan over the other.

MR. ZENNER: You said type B does not allow them?

MS. LOE: Yes.

MR. ZENNER: Just type A?

MS. LOE: Type A does.

MR. ZENNER: And based on the improvements that have been platted and the driveway connections, I would -- again, Ms. Loe, it was viewed as a type A, and when we created the two standards at the time we revised our street cross sections, this roadway existed and that decision is made by our traffic engineering department at this point, as we move forward, even with the two. But the development, as you see here on this aerial photograph, has direct driveway connections to Bluff Creek and, therefore, we would not be otherwise restricting them just because now we have a type A and a type B. We would be holding consistent.

MS. LOE: Thank you.

MR. STRODTMAN: Ms. Russell?

MS. RUSSELL: Would we be able to approve the design adjustment pending the approval by the fire department, or is the City Council going to just -- is that going to be part of City Council's decision regardless?

MR. SMITH: If you -- if you approve the design adjustment, then, no. That basically waives the requirement for them to need the second access point. If you don't approve the design adjustment, then they can still receive approval if they go to the fire department and get the approval from the fire department. So they don't need the design adjustment if they go that avenue. And at this point, we have -- there has not been a conversation yet on -- on what it would take for the fire department directly between the applicant and the fire department on what that would take, but there are some avenues there, I think, that are available.

MR. ZENNER: And if I am correct, Mr. Smith, that is specifically dealing with -- the preliminary,

as Mr. Smith has pointed out, the design adjustment is not a necessity for the preliminary. It is either approval of the design adjustment or authorization by the fire department for an alternative means would be necessary in order to secure final plat approval. So you could approve it -- we would probably recommend do not condition the preliminary plat on the authorization by the fire department, just --

MR. SMITH: Because that's already required by the --

MR. ZENNER: That's already required, and that would be a requirement should Council decide not to approve the design adjustment, as well, if that is the direction the Commission may be leaning in. The alternative that exists then to the applicant is seek approval from the fire service concurrent with the final plat, because the Council is going to be faced with the same question: Can you approve the preliminary plat without the design adjustment? Yes, you can, but they can't -- the applicant can't build anything until he complies with either the second access or the fire service grants them waiver or grants them permission otherwise by meeting another standard within the fire code.

MS. RUSSELL: Okay. Thank you.

MR. STRODTMAN: Mr. MacMann?

MR. MACMANN: Thank you, Mr. Chairman. Let's clarify a process for me here, would you please, Manager Zenner? Chief White hasn't seen this yet; is that correct?

MR. SMITH: No. The fire department has reviewed it. They have --

MR. MACMANN: And they've said no?

MR. SMITH: They have said it doesn't meet the UDC standards. And we had the conversation that -- on what it would take for them to grant approval through the International Fire Code. And at this point then, it would just be a matter of them receiving some sort of commitment or plans from the applicant in order to approve that alternative. So they've seen it and I think they have something in mind, but, at this point, the applicant has requested the design adjustment, and that is what we're processing.

MR. MACMANN: Okay. I wondered how we got here. That's why I asked that question. Thank you.

MR. STRODTMAN: Any additional questions of staff, Commissioners? I see none. As is in past practice, we'll open up this Subdivision Case 18-29 to anyone that's in the audience that would like to come forward.

MR. SHY: Mr. Chairman and Commission, I am Ron Shy at Allstate Consultants, and I, too, wonder sometimes how we got here. The design adjustments that are required for a subdivision that was platted preliminarily in 1992 seems unfortunate or unfair to a client to have to comply with the UDC at this point, but especially when you're -- you're reducing the number of lots from ten to five. I understand the situation with regard to driveways onto the road, but I looked at the staff report with regard to the significance of that and the significance of the meeting the criteria for -- for the design adjustment, and I think that significant -- based on the report is certainly different than what I would call significant as far as impact on this drive with these four lots. But, anyway, I just wanted to clarify that fact, plus that -- plus the developer would love to just build these four houses and be done with the design adjustment and,

hopefully, that's the way this turns out.

MR. STRODTMAN: Commissioners, any questions for this speaker? I see none. Thank you, Mr. Shy.

MR. SHY: Thank you.

MR. STRODTMAN: Thank you. Any additional speakers like to come forward? I see none. Commissioners, discussion? Additional questions from staff? A motion? Ms. Loe?

MS. LOE: Just clarification. On the neighborhood collector, it's option A that permits driveways, not option B. For me, the biggest concern was clarifying that the collector or that the lot rearrangement, that did seem to me to be a change, but I guess I do consider this to be a life safety issue, and it is the fire code that it's tripping, so I don't feel comfortable waiving or approving the design adjustment without the fire department input. So I would make a motion if -- so I would move in the case of 18-29 to approved the revised preliminary plat of Bluff Creek Estates Plat 9, and deny the design adjustment.

MR. STANTON: Second.

MR. STRODTMAN: Thank you, Ms. Loe. We've -- Ms. Loe has made a recommendation -- a motion on Case 18-29, and it has received a second by Mr. Stanton. Commissioners, is there any discussion needed on this motion? I see none. Ms. Burns, when you're ready.

MS. BURNS: Yes.

Roll Call Vote (Voting "yes" is to recommend approval.) Voting Yes: Ms. Loe, Mr. Harder, Mr. MacMann, Mr. Stanton, Mr. Strodtman, Ms. Rushing, Ms. Russell, Ms. Burns. Motion carries 8-0.

MS. BURNS: Eight to zero, motion carries.

MR. STRODTMAN: Thank you, Ms. Burns. Our recommendation for approval of Case 18-29 --

MR. ZENNER: Mr. Chairman?

MR. STRODTMAN: Yes, Mr. Zenner?

MR. ZENNER: As a procedural matter for City Council, this is a preliminary plat with a requested design adjustment. It will be required approval by ordinance, which is a two reading process versus a single read for a resolution, which is standard. Council will have the authority to override the Planning and Zoning Commission's denial of the design adjustment by a super majority vote of five of the seven Council members.

MR. STRODTMAN: Thank you, Mr. Zenner.