

**AGENDA REPORT  
PLANNING AND ZONING COMMISSION MEETING  
April 18, 2019**

**SUMMARY**

A request by Crockett Engineering (agent) on behalf of T-Vine Enterprises, Inc. (owner) for a two-lot final subdivision plat to be known as "Tuscany Estates" and a design adjustment requesting relief from the requirement to build a sidewalk alongside Oakland Gravel Road per Section 29-5.1(d) and Appendix A of the UDC. The 22.02 acre property is zoned R-1 (single family dwelling) and FP-O (flood plain overlay) and is located east of N. Teresa Drive, north of the Bear Creek and south of Oakland Gravel Road. (#79-2019)

**DISCUSSION**

The applicant is seeking approval for a two-lot final subdivision plat for 22.02 acres. The property has frontage on Oakland Gravel Road east of Gregory Heights Subdivision, a County subdivision, and north of Bear Creek and the jointly-owned Adkins Park (Boone County and City of Columbia). The property is zoned R-1 (single family dwelling district), which would allow a single home on each approximately 11-acre lot. FP-O (flood plain overlay) zoning runs alongside Bear Creek within the southern and eastern portions of the plat, and the City stream buffer regulations apply (Chapter 12A, Article X of the City Code of Ordinances). The applicant has expressed a desire to market the two properties as farmettes.

This property was originally part of Preliminary Plat #2 of Tuscany Ridge (2007), now expired, which included 173 residential lots and a 14-acre park on approximately 65 acres of property northwest and southeast of Bear Creek and along an extension of Waco Road west of its current terminus at Arbor Pointe Parkway. The southeastern portion of that preliminary plat, approximately 40 acres, will remain unplatted and is not anticipated to be developed at this time. All City utilities and services are available to serve the subject property of this platting action.

Individual driveway access to the two proposed lots will be provided from Oakland Gravel Road, an unimproved neighborhood collector maintained by Boone County (no curb and gutter) pursuant to the authority granted per Section 29-5.1(f)(2)(iii) of the UDC to the Director of Community Development. The CATSO 2040 Long Range Transportation Plan does not presently list improvements to Oakland Gravel Road in this area.

The existing right of way corridor (66') is sufficient for the roadway classification should improvements occur in the future. A Boone County Driveway Permit will be required for each driveway. The plat dedicates a 20' utility easement along Oakland Gravel Road and provides a 10' trail easement along the north side of Bear Creek.

The applicant is seeking a design adjustment from the requirement to build a sidewalk along the Oakland Gravel Road frontage of the site, approximately 1,200' in length, per Section 29-5.1(d) and Appendix A of the UDC. The criteria below are used when evaluating whether to grant the requested waiver and include analysis of the criteria from Policy Resolution (PR) 48-06A (listed first) and followed by an overview of the request's compliance with the UDC's standard design adjustment criteria. Staff's evaluation is listed after each condition, followed by their determination if the condition is met (shown in CAPS and BOLD)

## Design Adjustment - Sidewalk on Unimproved Street

The requested design adjustment is from Section 29-5.1(d) and Appendix A of the UDC, which mandates sidewalk construction as a required element associated with the permitting of new construction along a collector street. The applicant's justification for granting the design adjustment, which includes responses to both the standard design adjustment criteria and PR 48-06A, is attached to this report. Applicant responses to the criteria of PR 48-06A, in addition to the UDC design adjustment criteria, is included since Oakland Gravel Road is unimproved (no curb or gutter). PR 48-06A considers the following policy guidance factors when considering waiving sidewalk construction along such streets:

### **1. The cost of constructing the sidewalk relative to the cost of the proposed development;**

*The applicant estimates the cost to build the sidewalk to be \$21,000, with the cost of the total site development anticipated to be \$46,000. The cost to build two homes is not included at this time. If it is determined that a fee-in-lieu of construction is required for approval, that fee would be \$60.91 per linear foot of sidewalk, or approximately \$73,000. It appears to be more efficient for the applicant to build the sidewalk then pursue the cost of fee-in-lieu. **NOT SUPPORTED.***

### **2. Whether the terrain is such that sidewalks or walkways are physically feasible;**

*The terrain is generally flat, but some challenges are noted due to the nature of the unimproved street and a creek crossing. However, sidewalks appear to be feasible. **NOT SUPPORTED.***

### **3. Whether the sidewalk would be located in a developed area, on a low traffic volume local street without sidewalks;**

*It appears that this area is somewhat developed, with the Gregory Heights subdivision directly to the west (County, no sidewalks), and the Willow Brook subdivision across Oakland Gravel to the north and west (County, internal sidewalks present). The property directly to the north across Oakland Gravel maintains a rural character and the property to the south is joint City/County park property.*

*Oakland Gravel is not considered a local street; it is classified as a neighborhood collector and is expected to accommodate higher volumes of traffic than local streets. While Oakland Gravel is entirely without sidewalks in the vicinity of the subject site, pedestrian access to the Bear Creek Trail, if the trail is extended, would be an amenity to those living in the nearby subdivisions. This segment of the trail is a tertiary project in the Parks and Recreation Department's 2013 Trails Plan; the trail's northern terminus is presently Blue Ridge Road/Albert Oakland Park. The 3-5 year Capital Improvement Program lists extension of the Bear Creek Trail to Lange Middle School, and the 6-10 year listing includes extension to the Fairgrounds/Central Missouri Events Center. Extension north of the Central Missouri Events Center is not planned in the CIP at this time. **NOT SUPPORTED.***

### **4. Current or future parks, schools or other pedestrian generators near the development for which a sidewalk or walkway would provide access.**

*The applicant is providing a 10-foot trail easement along Bear Creek, which provides the two lots proposed in this development access to the Adkins Park property immediately to the south and the Central Missouri Events Center property south of the park. This trail easement will provide benefits to the surrounding area and nearby residential subdivisions by connecting to these park properties and the greater trail system should the Bear Creek Trail be extended north in the future. Providing additional*

*pedestrian connectivity via a sidewalk to this trail easement is desirable and by consenting to grant the trail easement it makes it harder for staff to support the requested sidewalk design adjustment. It should also be noted that there are no present plans to fill sidewalk gaps from the existing neighborhoods west of this property to the subject site should the sidewalk be required to be built. Such lack of sidewalk network connectivity may be a planning consideration to note if the trail is ultimately extended through the subject property in the future. **NOT SUPPORTED.***

#### Design Adjustment – UDC Criteria

The Commission may recommend approval of a design adjustment if it determines that the criteria listed in Section 29-5.2(b)(9) have been met. Overall, sidewalks are consistent with the City's Comprehensive Plan, and since sidewalks are pedestrian infrastructure, pedestrian circulation may be impacted by waiving sidewalk installation.

- 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.**

If the sidewalk is built, there will be a safer pedestrian experience for people traveling along Oakland Gravel Road, with potential long-term benefits of pedestrian connectivity to the Bear Creek Trail if the trail is ultimately extended to this area. The City's subdivision standards, including the requirements to build sidewalks, were heavily vetted throughout the development of the UDC, and without specific and highly significant reasons, deviations from the subdivision requirements do not serve the larger public good and the City's obligation to plan for the future.

Therefore, following staff review of the requested design adjustment and in light of the analysis of four unimproved street and five standard design adjustment criteria, staff does not support the approval of the sidewalk waiver. If granted, the design adjustment may have negative effects on public health and safety, be injurious to other properties in the area, and will provide accommodation to this site not afforded to other similarly situated developments.

The subdivision plan has been reviewed by internal and external staff and is believed to be compliant with all other subdivision requirements, except the requested design adjustment, of the UDC and other applicable city requirements subject to minor technical corrections. Sidewalks are not shown on final plats but are required to be built prior to the issuance of building permits. As such, the Commission may approve the final plat while also denying the design adjustment.

In this scenario, the applicant would be required to build the sidewalk or pursue payment of a fee-in-lieu of construction before City Council. Should the Commission find the criteria to waive the installation of sidewalk are satisfied, the Commission may approve both the final plat and the design adjustment.

**RECOMMENDATION**

1. Denial of the requested design adjustment to Section 29-5.2(b)(9) and Appendix A pertaining to the building of sidewalks;
2. Approve the final plat subject to minor technical corrections and the understanding that sidewalk will be required prior to issuance of a “certificate of occupancy” for any structures on the lots or Council approval of the design adjustment.

**Alternatively**, the Commission may grant the design adjustment if they believe the criteria have been met and approve the final plat, subject to minor technical corrections.

**SUPPORTING DOCUMENTS (ATTACHED)**

- Locator maps
- Final Plat
- Design Adjustment Request Worksheet from applicant

**SITE CHARACTERISTICS**

<b>Area (acres)</b>	22.02
<b>Topography</b>	Generally flat
<b>Vegetation/Landscaping</b>	Tree coverage along Bear Creek
<b>Watershed/Drainage</b>	Bear Creek
<b>Existing structures</b>	Vacant

**HISTORY**

<b>Annexation date</b>	2007
<b>Zoning District</b>	R-1 and FP-O
<b>Land Use Plan designation</b>	Open Space
<b>Previous Subdivision/Legal Lot Status</b>	Not a legal lot

**UTILITIES & SERVICES**

<b>Sanitary Sewer</b>	City of Columbia
<b>Water</b>	City of Columbia
<b>Fire Protection</b>	City of Columbia
<b>Electric</b>	City of Columbia

**ACCESS**

<b>Oakland Gravel Road</b>	
<b>Location</b>	North side of site
<b>Major Roadway Plan</b>	Neighborhood Collector (unimproved & Boone County maintained). 60' ROW (30' half-width) required; existing ROW is 66'.
<b>CIP Projects</b>	None
<b>Sidewalk</b>	Required

**PARKS & RECREATION**

<b>Neighborhood Parks</b>	Directly north/abutting Atkins Park
<b>Trails Plan</b>	Future Bear Creek Trail alignment connection to Atkins Park and the Central Missouri Events Center/Fairgrounds (timing and cost unknown); trail connection north to the Fairgrounds is in the 6-10 year CIP
<b>Bicycle/Pedestrian Plan</b>	None

**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 of a public information meeting, which was held on March 12, 2019. 30 Postcards were sent.

<b>Public information meeting recap</b>	Number of attendees: 4 (including applicant) Comments/concerns: No concerns regarding subdivision action or request for sidewalk design adjustment; general questions about status of Oakland Gravel Road
<b>Notified neighborhood association(s)</b>	None
<b>Correspondence received</b>	Staff followed up via phone with public info attendees regarding Oakland Gravel Road (no present plans for improvement).

Report prepared by Rachel Bacon

Approved by Patrick Zenner