

**AGENDA REPORT  
PLANNING AND ZONING COMMISSION MEETING  
January 23, 2025**

**SUMMARY**

A request by Crockett Engineering (agent), on behalf of BC Investments of Columbia LLC (owner), for approval of a design adjustment from Sec. 29-5.1(g) of the UDC in regards to required dedication of utility easements. A concurrent 22-lot final plat to be known as "Tuscany Ridge, Plat No. 4" is associated with this request. Planning and Zoning Commission action is limited to the requested design adjustment as the proposed final plat is substantially compliant with the previously approved preliminary plat for Tuscany Ridge. Pursuant to Sec. 29-5.2 of the UDC, a recommendation of approval on the submitted final plat shall be withheld unless the requested design adjustment is recommended for approved by the Planning and Zoning Commission and approved by City Council. The 5.78-acre subject site (Tuscany Ridge, Plat No. 4) is located along in the southwest corner of the overall Tuscany Ridge subdivision and is commonly addressed as 5217 Brown Station Road.

**DISCUSSION**

The applicants are seeking approval of a 22-lot final plat containing 5.78-acres that will be known as "Tuscany Ridge, Plat No. 4" which is located at the west end of Pompey Drive within the overall Tuscany Ridge subdivision. The proposed final plat represents the fourth phase of platting consistent with the Tuscany Ridge Preliminary Plat, which was approved by City Council in April 2006. The plat extends Pompey Drive to the west, and establishes stubs to the north and south before intersecting with a planned major collector roadway, to be known as Venetian Parkway.

In the course of reviewing the subdivision plat for this phase of development, staff noted that the standard 10-foot utility easement along the western roadway frontage of Venetian Parkway was not provided as required by Sec. 29-5.1(g)(4) & (5) of the UDC. Provision of this standard easement is to ensure that a consistent location for public and/or private utilities is established on properties undergoing subdivision. This easement is reserved for the placement of public facilities such as fire hydrants, sewer mains, and water mains and private infrastructure features such as cable, telephone, fiber optic or natural gas services supporting each individual lot.

The submitted final plat for Phase 4 is consistent with the 2006 Preliminary Plat and all subdivision standards of the UDC, with the exception of the omission of the 10-foot utility easement along the west side of Venetian Parkway. The Tuscany Ridge Preliminary Plat depicted the Venetian Parkway right-of-way as being directly along on the western boundary of the overall development tract. There was no provision on the preliminary plat for the required 10-foot utility easement along the western frontage of Venetian Parkway that abuts the former the Boone County Fairgrounds Property now known as the Northeast Regional Park. To address this omission, the applicant errantly recorded the 10-foot utility easement shown on the attached final plat.

Given the applicant has no property ownership rights to this land, the easement was deemed invalid by the City's Legal Department and is in the process of being addressed within the public records. In discussion with the City about its ability to record the easement shown on final plat given its ownership of the acreage, it was concluded that such action was not permissible either. This conclusion was arrived at based on the Doctrine of Merger which states that an owner of land cannot otherwise dedicate an easement unto themselves.

In exploring alternative methods of providing the required easement to avoid the requested design adjustment, it was concluded that such options would require relocation of Venetian Parkway at least 10-feet east of its current location. However, this method would then have a ripple effect on the adjacent lots to the east, requiring a redesign of the existing roadway profile for Venetian Parkway and create conflicts with an existing sewer easement along the proposed right of way's eastern boundary.

Given these challenges, it was concluded that this request was a necessary prerequisite to achieve UDC compliance prior to Council considering approval of the final plat for Phase 4. It should be noted that the attached final plat is not submitted for Planning Commission approval, but rather as a contextual exhibit with this request. There are outstanding review comments on the final plat, that in addition to this request's outcome, are still pending resolution. Therefore, in conjunction with the final plat, the applicant is seeking a "full" waiver of the provisions of Sec. 29-5.1(g)(4) & (5) with respect to utility easement dedication on the western roadway frontage of Venetian Parkway. Section 29-5.2(b)(9) of the UDC provides five evaluation criteria for the Planning Commission and Council to consider when evaluating a design adjustment request. Each criterion **(in bold)** and its associated staff analysis are outlined below.

***i. The design adjustment is consistent with the city's adopted comprehensive plan and with any policy guidance issued to the department by council;***

The requested design adjustment is not consistent with the Columbia Imagined priority placed on providing adequate and equitable infrastructure with new development. However, the proposed plat is consistent with the governing preliminary plat which predates the comprehensive plan. The utilities needed to serve the proposed lots within the phase of development will be located on the east side of Venetian Parkway and city staff has indicated that any future infrastructure installations on the west side of the road would not require an easement given City ownership of the land. **[SUPPORTED]**

***ii. 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;***

No significant adverse impacts are anticipated from approval of the design adjustment. City ownership of the abutting property would allow for any future infrastructure installations deemed necessary along the west side of Venetian Parkway to be installed without the subject easement. Transfer of the property to a private party is not anticipated in the foreseeable future. **[SUPPORTED]**

***iii. 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;***

The requested design adjustment would have no impact on circulation in terms of pedestrian or vehicular safety or connectivity. The street and sidewalks are accounted for within the right-of-way for Venetian Parkway. **[SUPPORTED]**

- iv. ***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.***

Unfortunately, provision of the easement was not accounted for during the preliminary platting phase of the overall Tuscany Ridge subdivision. The proposed final plat for Phase 4 is consistent with the approved preliminary plat. The requested design adjustment would acknowledge a unique development feature in that the abutting property is city-owned. All utilities needed to serve the proposed lots within Phase 4 are to be installed on the east side of Venetian Parkway, so no easement is necessary on the western street frontage. **[SUPPORTED]**

- v. ***The design adjustment will not create adverse impacts on public health and safety.***

No significant adverse impacts on public health and safety are anticipated by granting the waiver. The property is properly served by all necessary infrastructure. Furthermore, the adjacent city-owned parkland is served from other points of utility access and the future roadway corridor to be created by Venetian Parkway's construction is not, at this time, identified as being necessary to permit further improvement of that property. **[SUPPORTED]**

### **Conclusion**

Staff does not anticipate any adverse impacts from approval of the design adjustment. Infrastructure needs are being addressed on the subject parcel from the east to the west. There is no immediate need for any services on the west side of Venetian Parkway to serve the Northeast Regional Park property. As such, granting the design adjustment would not create any significant negative impacts on the public or neighboring properties. Furthermore, it should be noted that utility corridors permitting potential "looping" of future utility infrastructure to the north and south of the Tuscany Ridge subdivision are possible with future extensions of major public roadway such as Waco Road and E. Starke Avenue/Benedict Road.

### **RECOMMENDATION**

Approve the requested design adjustment from Section 29-5.1(g), specifically subsections (4) & (5), with regard to required dedication of the standard 10-foot utility easement on western frontage of Venetian Parkway.

### **SUPPORTING DOCUMENTS (ATTACHED)**

- Locator maps
- Design Adjustment Worksheet
- Proposed Final Plat (Tuscany Ridge, Plat No. 4)

### **SITE CHARACTERISTICS**

<b>Area (acres)</b>	5.78 acres
<b>Topography</b>	Gently sloping east to west
<b>Vegetation/Landscaping</b>	Cleared
<b>Watershed/Drainage</b>	Perche Creek
<b>Existing structures</b>	None

## **HISTORY**

<b>Annexation date</b>	1969
<b>Zoning District</b>	R-1 (One-family Dwelling)
<b>Land Use Plan designation</b>	Employment, Open Space, Neighborhood
<b>Previous Subdivision/Legal Lot Status</b>	Not a legal lot, survey tracts

## **UTILITIES & SERVICES**

All utilities and services provided by the City of Columbia.

## **ACCESS**

<b>Pompey Drive</b>	
<b>Location</b>	East side of property
<b>Major Roadway Plan</b>	Residential Street
<b>CIP projects</b>	None
<b>Sidewalk</b>	Sidewalks required

<b>Venetian Parkway</b>	
<b>Location</b>	West side of property
<b>Major Roadway Plan</b>	Major Collector
<b>CIP projects</b>	None
<b>Sidewalk</b>	Sidewalks required

## **PARKS & RECREATION**

<b>Neighborhood Parks</b>	Smith Park, Brown Station Park, Atkins Park, Northeast Regional Park
<b>Trails Plan</b>	Within half-mile Lake 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 of this pending request on December 30, 2024. Six letters were distributed, and an ad was placed in the Tribune on January 7, 2025.

Report prepared by Rusty Palmer

Approved by Patrick Zenner