

EXCERPTS
PLANNING AND ZONING COMMISSION MEETING
COLUMBIA CITY HALL COUNCIL CHAMBER
701 EAST BROADWAY, COLUMBIA, MO
November 9, 2017

Case No. 17-119

A request by Brush and Associates (agent) on behalf of Elias & Elias, LLC (owner) for approval of a 31-lot preliminary plat on R-1 (One-family Dwelling District) zoned land, to be known as Mill Creek Meadows Subdivision Plat 1, and a design adjustment from 29-5.1(b.2.iii), which requires areas identified as sensitive land not to be included on lots intended for development. The 15.57-acre subject site is generally located on the east side of Old Mill Creek Road, approximately 3,000 feet south of Nifong Boulevard, and addressed as 4700 S. Old Mill Creek Road.

MR. STRODTMAN: Moving on to our first Subdivision item of the evening, Case Number 17-119. At this time, I would ask any Commissioner who has had any ex parte communications prior to this meeting related to Case 17-119, please disclose that now so all Commissioners have the same information to consider on behalf of this case in front of us. I see none.

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 preliminary plat for Mill Creek Meadows Subdivision Plat 1 and the requested design adjustment.

MR. STRODTMAN: Thank you, Mr. Smith. Commissioners, any questions for staff? Yes, ma'am.

MS. RUSHING: Just to clarify. This street here, is it going in the future east to connect to Sinclair or north to connect to Nifong or neither?

MR. SMITH: The roadway here reflected on the preliminary plat?

MS. RUSHING: Uh-huh.

MR. SMITH: The possible extension of that would continue to the east, and if I can go back here. Yeah. You'll see, basically, a -- in this location, and I wish I had the street names on there, but I believe this is Southampton here, which is identified as a neighborhood collector.

MS. RUSHING: Okay.

MR. SMITH: It's identified as the logical connecting point for an extension of a street through the subdivision here on the subject property. So that -- that intersection would likely take place out here on

Sinclair.

MS. RUSHING: Okay. Thank you.

MR. STRODTMAN: Any additional questions? Ms. Loe?

MS. LOE: Well, to follow up on that question. Subdivision standards in 29-5.1 under avoidance of sensitive lands also identify street crossings of sensitive land areas are minimized to the maximum extent practicable. So we've talked about this lot being in the floodplain, but I, too, am curious about why this road is extending into the floodplain and flood way as shown in the preliminary plat?

MR. SMITH: And that is something that we did discuss internally and it is a conscious decision to show the extension of that street through that area. Unfortunately, to cross any streams, you will be affecting floodplain areas, and so we have to evaluate whether or not this location makes sense in the context of connectivity overall for the area.

MS. LOE: Right. So this does not show up on CATSO.

MR. SMITH: That's correct. It is not on CATSO. It has been discussed at CATSO previously as a -- as a somewhere that might be added in the future. So the decision at this time --

MS. LOE: The CATSO crossing right now east to west goes below the floodplain, so it avoids the floodplain area. So --

MR. SMITH: The CATSO crossing right now --

MS. LOE: -- I'm a little bit conflicted about approving something that goes through the flood way when CATSO appears to have avoided doing that.

MR. SMITH: I believe CATSO is -- shows, though, the further extension of Old Mill Creek straight south, as well. And so at some point in that location, a stream crossing would be needed to fulfill the goals of having that connection going south, as well. It is a difficult intersection and the roadway curves the way it does for a reason and because Mill Creek does come through there diagonally. So I think with the extension of Old Mill Creek going south connecting possibly with a extension that would curve along to the east, and I don't have the full map here, but back towards Sinclair, the next step then would be to look at the locations of connectivity along that stretch where you have over a mile or two, I think, between any type of east-west connectivity if you went from Vawter School down to where Old Mill Creek extended would curve back to Sinclair. And if you look at, basically, the street design standards, you're looking at some sort of collector connection every, I believe, is it mile or perhaps half-mile.

MS. LOE: CATSO shows it going over at Crabapple extending across, and where Old Mill Creek Road, it's much narrower where that comes across than where this road appears to be running to the east.

MR. SMITH: This wouldn't be in substitute of Crabapple. This would be in addition to Crabapple.

MS. LOE: I understand that.

MR. SMITH: So that is something we're aware that is not on CATSO. We did consult with some of our representatives on CATSO, and they did give us the information that this has been discussed. So the preliminary plat does not require the road to be built. At this point, they would construct the roadway

for the time being to a temporary turnaround on the east side of the property. The decision to make a crossing would most likely require City financing at some point, and so a decision would have to be made with -- with the City's involvement whether or not to do the crossing at that point in time and whether or not that connection was warranted. Given the potential future development of the Sinclair Farm to the east, I think a connection is going to be part of that conversation. I don't know if that's going to be the final decision, but at this stage it does, in our regard, does make sense to include it so that it at least is part of that conversation when we get to that point. If it's not and the terminus is shown, then the final plat really won't be able to accommodate a connection at all in the future.

MS. LOE: The turnaround appears to be shown in the flood way.

MR. SMITH: That is true. We'll have to look at that and see if that's --

MS. LOE: And I'm just -- I'm curious because it seems to contradict the standard I cited earlier.

MR. SMITH: Uh-huh.

MS. LOE: To move on to another point, it says if any lot intended for development includes designated sensitive areas, the subdivision shall restrict construction of permanent structures to a designated building area, which it does not include, and the sensitive area shall be permanently protected by designation within a preservation easement. In the application we saw or the letter we saw, it does not appear to do that, nor are we getting a designated footprint. Can you just comment on why those steps don't appear to have been followed?

MR. SMITH: That might have been something that was overlooked in this context. I think we could have the building envelope shown on the preliminary plat. I would say this was one of the first preliminaries that we did review when it came in with the new UDC. It was delayed for portions of time as we kind of worked through the sensitive land area requirements, and they have been kind of evolving as we're going. So that might have been something that was overlook at the point when we did look at this small bit of sensitive area. So it's something we could go back and very well request that the applicant put the building envelope on the lot. I don't think that would be too much to ask at that point, and then we could have a preservation --

MS. LOE: Well, actually, the letter says that that sensitive area will no longer be in the floodplain because it's going to be modified by the easement and driveway construction. So it appears that we're not protecting the sensitive area at all.

MR. SMITH: And that's, again, in the context of having the road extension. So there's -- there is competing ideals there. There's the --

MS. LOE: I agree.

MR. SMITH: -- whether or not to extend the roadway and perhaps provide the ability to make that connection in the future with also addressing the need to preserve the sensitive areas.

MS. LOE: Just, finally, these issues all seem to be brought up by the addition of that lot. If that lot wasn't there, the road wouldn't be extending into the floodplain. We wouldn't be having a lot platted in the floodplain area. Correct?

MR. SMITH: That is correct. If you eliminated the lot, then there would be no developable lots that included floodplain. The roadway would still, at least in the instance where we're recommending that the road be shown as connecting to the property to east, which is undeveloped at this time, that roadway would still be reflected on the plans. Whether or not the temporary turnaround is still in the same location could be looked at when we have final design plans. I don't know if that's the exact location that would be at that point, but roadway plans are not required to be submitted or approved with a preliminary plat. Yeah. And Mr. Zenner brings a good point as far as the building envelope goes because the red area that is a sensitive area is actually located completely within easement and would be completely within the front-yard setback. So, essentially, the front-yard setback is the building envelope in this case, but the --

MS. LOE: I understand. I'm simply going through our ordinance and identifying what is tripped when a lot is platted with sensitive areas and asking why these steps don't appear to have been followed if -- I mean, if there is a justification for that, I would appreciate that maybe we should -- that could be identified --

MR. SMITH: Well, I'll go back to your first --

MS. LOE: -- because we're setting precedent at this point.

MR. SMITH: I'll go back to your first thing. First, as far as the extension of streets being minimized, when you cross a stream, there's -- there's no possibility to minimize or eliminate the need to encroach within that sensitive area. So in this case, staff did make the decision that we're going to require that -- them show the connection going east. So we cannot eliminate the impact when we're requiring them to meet the connectivity requirement.

MS. LOE: Why is the City requiring the connection to the east if it's not on the CATSO plan?

MR. ZENNER: Because part of our -- part of the overall transportation network planning policies and philosophy that we have is that we have roadway connections of major collector streets every one-half mile in order to disperse traffic throughout the road network. At this point, this road location, due to the development to the north of it, is actually exceeding that by almost double. And then the next major connection that would be provided is further to the south on the backside of Mill Creek Manor, which would basically be traversing, as well, the Sinclair Farms' property further down Sinclair Road. If this connection were not provided, we would be probably two-and-a-half to three miles between having an east-west connection from Vawter/Nifong down to the Old Mill Creek connection that is proposed, which I don't believe is the extension of Crabapple. Crabapple, I believe, has an offset before it comes into Mill Creek Manor. So we have to look at things from the perspective of future development. Part of what our role is is not all maps that we have created or all plans show every road network and connection that's necessary. When opportunities present themselves, such as this development proposal where we have our traffic engineering and our CATSO partners participating in the review, this connection points itself out as being a connection that we believe is important. We realize it contradicts the code, but the connection for the purposes of future connectivity to undeveloped property of significant acreage to the east is necessary. And without this connection, we further thwart the ability to be able to create the uniformity

that we have existing in our others throughout the community of having roughly connections every one-half mile. So that -- that's where that conflict is created. It's not a CATSO improvement at this point. It likely would be reevaluated at a point that CATSO believes it's necessary when we have more development data for the Sinclair Farms property, and add the east-west roadway connections. At this point, we have very little information about how Sinclair Farms may develop. There has been very little effort to jointly plan the development of that property between the University of Missouri and the City. So we have to provide every opportunity we can to ensure that the connections that we know we will need, based on our road network, are available. Otherwise, we create real problem for ourselves in the future. We create bottlenecks and additional traffic problems on the network that's not sufficient to support what may happen as the infill in this particular area occurs. The justification, I believe, Ms. Loe, that you're looking for may not be in the staff report, but I can guarantee you, as part of the review of this project, we looked at all of the scenarios and all of the reasons for why this 300 square feet was not to be considered as a separate defined parcel. As Mr. Smith just pointed out, it is fully encumbered by utility easements as well as the front setback. There is a practice aspect here, why create an easement in an area when, in fact, it's covered by a defacto easement that's not buildable. It's not something that we are trying to avoid, it's we are looking at things from the practical applications perspective of our other code requirements. If it's something that the Commission desires to have pointed out in the staff reports to justify why we are making decisions that seem administrative, we will more than happily try to put that into your reports in the future. So I think as we pointed out when we dealt with our last and our first request with sensitive feature waiver, the floodplain is a developable portion of property. It has historically been developable within the City of Columbia. There are extents to which development of the floodplain may be not wise, and in other instances, the development of the floodplain may not be seen as much of an obstacle. However, the floodplain can be raised and it could be removed. And in this particular instance, if this roadway is extended or any grading or any other type of utility work is made, it's likely that this floodplain area would be removed. And that could happen before this plat is approved or it can happen afterward. So if the applicant wants to go ahead and go through the process of elevating this, which he is entitled to do, he could do it now and come back in with this exact same plat and we wouldn't be having this discussion. At least the applicant has proposed the request at this point. I believe we, as a staff, have identified how it's being handled and addressed, and how the applicant is actually giving land to offset the impact that he is creating that's outside of the sensitive features that he did not have to otherwise give. So based on those conditions, that is why our staff supports the request that's at hand. We realize that you might take exception to that, but that's our justification. We believe it's a practical and a reasonable swap, and it doesn't diminish the impact or the ability of the code to be functional.

MR. SMITH: And I might just add, just from a regulatory standpoint, it is in the code that we should require the extension of streets to unimproved lands that are adjacent to a property. But part of the ways we can look at that is if it does disturb sensitive areas. And so that could be a justification why we don't make that extension, but it shouldn't be the sole reason we don't make the extension. If that

extension is warranted for future connectivity, then, well, I think we will still recommend that. And, too, I'll just echo something Mr. Zenner — well, he may not have even touched on it, but part of the reason this was delayed, we did go through several iterations of this and, again, this was one of the first ones we reviewed, and so there was significant changes. And I think if the Commissioners had seen the first drafts, they would, I think, see how -- how much it did change along those lines as far as reducing the lots that are there now to get them out of the sensitive areas. And so we did come down to this -- this final little area that wasn't removed and they did ask for that design adjustment, but they did make significant changes to the original design, which was -- was required by the code, and we did work with them through that process. So we -- we looked at this as kind of a small area that, again, the future of it is a little bit up in the air given the location next to that roadway and with the bridge extension. And so that is where we came to our decision to -- to go ahead and recommend approval. And it may not be the exact area where the roadway might go again with the turnaround. There could be some changes there when we have design plans in the future, so some of it unknown and we'll possibly have another look at this when it comes in for final platting, as well.

MR. STRODTMAN: Mr. MacMann?

MR. MACMANN: Thank you, Mr. Chairman. A comment and maybe a request -- maybe two requests. This harkens back to the school we approved on the other side of the Sinclair property, and we noted at that time and we approved the school, while that in its footprint met all of the requirements, it had an impact in the area much greater than just that. It met the requirements when we passed it, and I believe Commissioner Loe and I and others indicated that we need to think about the area impact. Coming forward to today, we have a situation whereby, and I believe the 300 feet is symbolic. The 300 feet, in and of itself, could probably be managed. We have an area of environmental sensitivity that has created -- with the new code has created a conflict whereby that -- I understand Mr. Zenner's transportation points exactly. I do, but at the same time, we're running into a water issue. And we've spent the last five years dealing with storm water and sewer and trying to mitigate those issues. And while I agree with you that it's in your administrative power to do that, I think we might need to plan a little more carefully moving forward. That's the end of my comment for now. Thank you.

MR. STRODTMAN: Ms. Rushing?

MS. RUSHING: If this were not being looked at as part of a collector street, how long could that street be?

MR. SMITH: How long could the street be?

MS. RUSHING: Uh-huh. If it's -- ends in a cul-de-sac, so --

MR. SMITH: Oh. If it ended in the cul-de-sac. Three hundred feet or a maximum of 700 feet -- or 750 feet, I think, if it met certain conditions.

MS. RUSHING: So, they would lose a number of lots?

MR. SMITH: Possibly, yes.

MS. RUSHING: Yeah.

MR. SMITH: I'd have to do the measurement, but they might be able to accommodate it.

MS. RUSHING: The -- it says it shows the lots as being roughly 70 feet wide, so ten, eleven lots in, it looks like they -- it looks like they would lose a few lots.

MR. SMITH: If they -- if they pulled it back and they could redesign the lots so they were more around the cul-de-sac, I think they might bet pretty close.

MR. STRODTMAN: Any additional questions, Commissioners? As in past practices, this is not a public hearing, but if there's anybody in the audience that would like to come forward and give us any relevant information about this case, we would welcome that at this time. Just give us your name and address, please.

MR. BRUSH: My name is Dan Brush with Brush and Associates, 506 Nichols Street. I'm the engineer on the project. Basically, it sounds like we pretty well hashed out everything I was going to talk about except for the sensitive area. In looking at the grades and so forth, if the road is to be extended, our -- our original design we started out with was a cul-de-sac coming back and staying out of that area. But through the iterations we've done, we've ended up where we are today. I anticipate that the grade on that road is going to have to come up about five feet. Basically, that little 300-square-foot or whatever area is going to up with fill material on it just to go ahead and grade out the slopes anyway for the road. It won't be in a floodplain at that point in time, and that is the reason for our request is that it basically will not function as a sensitive area, which is why we offered to go ahead and replace it with other area that would function in that -- in that way. Other than that, I would be happy to answer any questions that you might have of me.

MR. STRODTMAN: Commissioners, any questions of this -- of this speaker? Yes, ma'am.

MS. RUSHING: What size residences do you see being built on these lots?

MR. BRUSH: Probably anywhere from a, you know, 1,800 to 2,500 square foot, somewhere in there, would be a guess. I have not talked to the owner about what he is actually looking to market it at.

MS. RUSHING: And is it going to be clear to future purchasers that this is a proposed connector and not just a dead-end street?

MR. BRUSH: That's correct.

MS. RUSHING: Okay.

MR. STRODTMAN: Any -- Mr. Stanton?

MR. STANTON: What was your main reason from walking away from the cul-de-sac design? City? Okay.

MR. STRODTMAN: Mr. MacMann?

MR. MACMANN: Just a comment. Mr. Brush, I just want to let you know that I appreciate your swap. I think it's more than even and I understand the fitting things in. We have an ordinance conflict that I don't think we've -- it's new. We knew we'd run into these -- that we haven't fully resolved yet, so you're doing your deal. I think it's a fair enough swap, just to let you know.

MR. BRUSH: Thank you.

MR. STRODTMAN: Any additional questions? Thank you, Mr. Brush?

MR. BRUSH: Thank you.

MR. STRODTMAN: Any additional speakers like to come forward? I see none. Commissioners, questions, comments, additional information needed? A motion? Mr. Stanton?

MR. STANTON: As it relates to Case 17-199 [sic], Mill Creek Meadow Subdivision Plat 1, preliminary plat design adjustments, I move to approve the preliminary plat and -- and request the design adjustments.

MR. TOOHEY: I'll second that.

MR. STRODTMAN: Thank you, Mr. Stanton, for that motion to approve, and seconded by Mr. Toohey. Do we have any discussion needed on that motion? Ms. Loe?

MS. LOE: I would just like to comment that we have had a similar question come up in a previous case, and I'm struggling with some real consistency questions here and my vote is going to reflect that.

MS. RUSHING: And I have the same problem with a very similar proposal and that it was put before us in a different form.

MR. STRODTMAN: Any additional questions or discussion needed on that 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. Burns, Mr. Harder, Mr. Stanton, Mr. Strodtman, Mr. Toohey. Voting No: Ms. Loe, Mr. MacMann, Ms. Rushing. Motion carries 5-3.

MS. BURNS: Five to three, motion carries.

MR. STRODTMAN: Thank you, Ms. Burns. Recommendation for approval will be forwarded to City Council for their consideration.

MR. ZENNER: Mr. Chairman, if I may?

MR. STRODTMAN: Yes, Mr. Zenner?

MR. ZENNER: In accordance to the Unified Development Code procedures, any preliminary plat or final plat that is -- has an associated design modification with it will be processed as an ordinance, not a resolution, meaning it is a two-reading process. So this item will cycle onto the December -- second meeting in December for City Council. It will have two readings prior to being approved. And as not being approved by 75 percent of the Planning and Zoning Commission, it will be under old business, as well.

MR. STRODTMAN: Thank you for bringing that to our attention, Mr. Zenner.