

**AGENDA REPORT  
PLANNING AND ZONING COMMISSION MEETING  
September 22, 2016**

**SUMMARY**

A request by Crockett Engineering Consultants (agent) on behalf of Fred Overton Development, Inc. (owner) for approval of a 29-lot preliminary plat on R-1 (One-family Dwelling District) zoned land, to be known as "Creek Ridge, Plat No. 2", with an associated variance to Section 25-47 regarding street length. The 21.04-acre subject site is located west of the western terminus of Waltz Drive, south of the southern terminus of Heath Court, and addressed as 5420 Heath Court. **(Case #16-145)**

**DISCUSSION**

The applicant is seeking approval of a preliminary plat that would be a continuation of the existing Creek Ridge Plat No. 1 subdivision to the north. The subject property was originally shown as Lot 77 on the original preliminary plat Creek Ridge (attached) which was never final platted. The plat also includes previously platted lots from Creek Ridge, Plat No. 1 (Lot 26) and Creek Ridge, Plat No. 1A (Lot 27A), which are generally similar to Lots 26A and 27B as shown on the preliminary plat.

The proposed preliminary plat will create 24 new buildable single-family lots and 3 common lots. The previously platted lots (Lots 26A and 27B) have been modified, but are not consider new. The new lots would be accessed by the extension of Heath Court through the property, terminating at the south property line to provide connectivity to adjacent property in the future. The extension of Heath Court is discussed in greater detail below as such extension will require a variance to the maximum terminal street length permitted by Section 25-47.

It should be noted that the proposed preliminary plat combined with the existing platted lots of Creek Ridge will result in 101 lots being created off of a single access point. This total lot count is one (1) lot greater than that permitted by Section 25-54.1 of the code. While the applicant shows a future potential connection to an extended Waltz Lane no evidence has been provided that such roadway is public and the connection does not exist as of today. As such, this future connection is not permitted per Section 25-54.1 to be considered as a second means of access into the property. Without approval of a variance to the maximum number of lots off a single point of access the applicant will need to eliminate one development lot for this proposal to be code compliant. At this time, the applicant has not submitted a variance requesting permission to exceed 100 lots.

Such omission may be based upon the applicant's on-going discussions with the City's Parks Department about purchasing Lot 24 for park purposes. If such acquisition were to occur Lot 24 would not be considered a buildable lot; therefore, the total number of lots within the development would be 100 - the maximum permitted by code off the single access point. To assist in further facilitating these negotiations and not requiring a variance be submitted, staff would recommend that if the Commission desires to approve the requested variance and preliminary plat, that a condition be included within its recommendation to revise Lot 24 to be shown as a common lot.

**VARIANCE**

The applicant is requesting a variance to exceed the maximum length of a terminal street. Section 25-47 states that a terminal street length may have a maximum length of 750 feet. The applicant is proposing to extend Heath Court such that its length would be approximately 1,500 feet.

Per Section 25-42(2) (Street improvements - arrangement), cul-de-sacs should be short in length, and may be especially appropriate to avoid steep slopes, major creeks, floodplains, wetlands and other sensitive environmental areas. In contrast, the requested variance would allow Heath Court to traverse two extremely steep slopes, with a creek in between, requiring significant grading within these areas. The subdivision regulations further emphasize that while cul-de-sacs are permitted, they should not be used excessively, and they should be limited in scope. The proposed variance does not appear to be consistent with that goal, as the request is generally to allow the additional development of the property at the expense of steep slopes and creeks.

Additionally, it should be noted that a portion of Heath Court would be constructed with a 10% grade if the variance is approved. Section 25-44 of the Code permits streets with such grades; however, when allowed they can create issues for vehicles, such as those used for emergency response, or other heavy delivery or service vehicles. Additionally, in the winter, snow and ice can become more hazardous on steeply sloped streets, especially on slopes that face north, or include trees near the pavement that can obstruct sunlight from melting any accumulated snow.

Staff has supported cul-de-sac variances in the past for streets longer than 750 feet; however, in those instances staff typically supported the variance based on several criteria. First, the length of the cul-de-sac was not dramatically longer than the 750 feet. Second, the terminal street was being utilized to access property along a ridgeline which provided the most appropriate means of accessing developable land with the least amount of environmental impact. In these regards, the proposed design is not consistent with other requests that staff has supported.

While a denial of the variance would prevent the development of the subject property as proposed, it does not deny the ability of the property to develop in the future once appropriate connectivity can be secured. Furthermore, denial of the variance would not preclude the City and the applicant from continuing negotiations on the purchase of Lot 24. Staff has been informed that in addition to discussion on the potential purchase of Lot 24 there has been discussion on acquiring Lot 77A of Creek Ridge Plat, 1A. If both purchases were to occur, the acreage of Lot 24 could be combined with Lot 77A through a separate platting action. The remainder of the acreage shown within the proposed preliminary plat would still have frontage at the current terminus of Heath Court.

The proposed final plat has been reviewed by staff, and aside from the issues identified above, meets all requirements of the subdivision regulations.

### **RECOMMENDATION**

Denial of the variance to Section 25-47.  
Denial of the preliminary plat for "Creek Ridge, Plat No. 2".

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

- Locator maps
- Preliminary plat for "Creek Ridge, Plat No. 2"
- Variance Worksheet
- PREVIOUSLY APPROVED "Creek Ridge" preliminary plat
- PREVIOUSLY APPROVED "Creek Ridge, Plat No. 1" final plat
- PREVIOUSLY APPROVED "Creek Ridge, Plat No. 1A" final plat

<b>Annexation date</b>	1995
<b>Zoning District</b>	R-1 (One-family Dwelling District)
<b>Land Use Plan designation</b>	Neighborhood District
<b>Previous Subdivision/Legal Lot Status</b>	Lot 77 of Creek Ridge Preliminary Plat; Lots 27A of Creek Ridge Plat No. 1-A; Lot 26 of Creek Ridge Plat No. 1-A

**SITE CHARACTERISTICS**

<b>Area (acres)</b>	21.04 acres
<b>Topography</b>	Steep slopes along stream
<b>Vegetation/Landscaping</b>	Wooded over a significant portions of the property
<b>Watershed/Drainage</b>	Little Bonne Femme Creek
<b>Existing structures</b>	None

**UTILITIES & SERVICES**

<b>Sanitary Sewer</b>	City of Columbia
<b>Water</b>	Consolidated Water District #1
<b>Fire Protection</b>	CFD
<b>Electric</b>	Boone Electric

**ACCESS**

<b>Heath Court</b>	
<b>Location</b>	North of the site
<b>Major Roadway Plan</b>	NA; Local residential street
<b>CIP projects</b>	None

**PARKS & RECREATION**

<b>Neighborhood Parks</b>	In Secondary Priority Park Acquisition Service Area
<b>Trails Plan</b>	No trails adjacent to the site.
<b>Bicycle/Pedestrian Plan</b>	No plans for this site.

**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 June 14, 2016.

<b>Public information meeting recap</b>	Number of attendees: 6 (includes 1 applicant) Comments/concerns: Access to Waltz Dr from the site
<b>Notified neighborhood association(s)</b>	Walnut Brook Condominiums Homeowners Association; The Highlands Homeowners Association
<b>Correspondence received</b>	None at this time.

Report prepared by Clint Smith

Approved by Patrick Zenner