

**AGENDA REPORT  
PLANNING AND ZONING COMMISSION MEETING  
April 8, 2021**

**SUMMARY**

A request by Crockett Engineering (agent), on behalf of Summit Medical Supplies LLC and William E. Stricker (owners), seeking approval of a 65.35-acre preliminary plat that includes 113 single family residential lots, 5 common lots, and one 3.59-acre lot that may be developed at a later date. The request includes a design adjustment from Chapter 29-5.1 of the UDC, pertaining to the requirement to construct sidewalks adjacent to public roadways. The subject acreage is located at the southeast corner of E. Gans Road and S. Bearfield Road, addressed 2550 E. Gans Road and 2700 E. Gans Road. **(Case #89-2021)**

**DISCUSSION**

The applicant is seeking approval of a preliminary plat that proposes the development of 113 residential lots, 5 common lots, and one additional 3.59-acre lot (see discussion below) on approximately 65.35 acres of land located at the southeast corner of E. Gans Road and S. Bearfield Road, addressed 2550 and 2700 E. Gans Road. The request also includes a design adjustment from Chapter 29-5.1 of the UDC relating to the location of the required sidewalk adjacent to S. Bearfield Road at the southwest corner of the development acreage. Chapter 29-5.1 requires placement of the sidewalk within the road right-of-way; however, the applicant is requesting an alternative location which is generally depicted on the preliminary plat.

A concurrent request (Case # 91-2021) for permanent City zoning, upon annexation, is before the Planning Commission on the April 8 agenda under separate cover. The requested permanent zoning is R-1 (One-Family Dwelling District) and the proposed preliminary plat illustrates lots consistent with the dimensional standards for that district. Procedurally, the Planning and Zoning Commission will make separate recommendations on the requested permanent zoning and the preliminary plat. This report provides an evaluation of the preliminary plat. The report for Case # 91-2021 evaluates the requested permanent zoning.

The subject acreage is presently two lots located in unincorporated Boone County zoned Boone County A-1 (Agriculture). It is bordered on the west by S. Bearfield Road and a separately owned property which has the appearance of a "notch-out", to the north by E. Gans Road, to the east by two properties, and to the south by the Rock Bridge Memorial State Park. Contiguousness to the City's corporate boundary is provided by the undeveloped tract of land at the northeast corner of E. Gans Road and S. Bearfield Road that was annexed into the City in 2004.

The applicant has indicated in their correspondence they may come forward with a request for PD (Planned Development) zoning and a Planned Development (PD) plan for the 3.59-acre lot (Lot #179) immediately at the southeast corner of E. Gans Road and S. Bearfield Road in the future. At this time they have no specific plans for the lot and seek to have it zoned R-1 similar to the balance of the development acreage. Any future rezoning request for Lot #197 would be subject to additional analysis and a public hearing.

The preliminary plat shows two points of access to E. Gans Road ("Celosa Drive" and "Whisper Drive"; running north/south) and one point of access to S. Bearfield Road ("Stormy Drive"; running east/west and stubbing into the property immediately adjacent to the east). There are two one-lot deep east/west streets that stub to the abutting properties to the east and west as well ("Misty Flower Lane" and

“Needle Rush Lane”). Internal connectivity is provided by two additional east/west cross streets (Buttercup Lane” and “Spartina Lane”) and one additional internal north/south street (“Rain Lily Lane”). The connectivity index is 1.79 which meets the required index of 1.65 or more per Chapter 29-5. The street names have been vetted by Joint Communications and have preliminary approval. No residential driveways will be allowed onto E. Gans Road or S. Bearfield Road. The relationship of the proposed subdivision with regards to the Gans Road Study as well as the larger roadway network and other non-motorized connectivity considerations are discussed in detail within subsequent paragraphs.

The lot layout, street design, and dimensions of the lots proposed have been evaluated against their respective standards established by the UDC and located in Chapters 29-4, specifically Table 4.1-1, and 29-5 and have been determined to be compliant. The internal roads are designed as standard local, residential streets with 28’ of pavement within 50’ right-of-way. Sidewalks will be built on both sides of all internal streets. External sidewalk will be required along E. Gan Road and the S. Bearfield Road frontages (see additional discussion on the proposed alternative location of the S. Bearfield Road sidewalk under the analysis of the design adjustment). Easements for utilities including the standard 10’ utility easement adjacent to all roadways will be dedicated at the time of final platting as will be all right of way for the proposed public streets within the development and additional half-width right of way for E. Gans Road and S. Bearfield Road.

The R-1 zone requires a minimum lot area of 7,000 sq. feet and 60 feet of lot width at the building line. The proposed residential lots range in size from 8,520 sq. feet to 3.59 acres; the majority of the residential lots are roughly between 10,000 and 14,000 sq. feet in size north of Stormy Drive (the gross density is approximately 2.5 dwelling units per acre), though there is some variation. Exclusive of Common Lot 5, which is 7.22 acres, the 8 residential lots south of Stormy Drive range from 1 to 1.76 acres in size. The five common lots comprise approximately 12 acres and will be dedicated to the home owners’ association to be used for greenspace, amenities, signage and storm water management purposes. The property is subject to storm sewer and water quality regulations per the City’s Storm Water Manual and design regulations. Proposed detention/bio-retention features are shown on lots C2, C3 and C5.

A larger-picture discussion of the proposed density of the project is presented in subsequent analysis below; in terms of design considerations, Lot C5 provides a buffer of a minimum of 150’ and a maximum of 400’ of perimeter setback from the rears of the 8 lots south of Stormy Drive to the edge of the Rock Bridge Memorial State Park. Lots C3, C4 and C5 also provide buffers (collectively) between 100 and 340’ from the proposed residential lots to S. Bearfield Road at southwest corner of the proposal.

The subject acreage is included within the Urban Services Area (USA) boundary, an aspect which will be described more fully in the staff memo to the Council for the annexation request, but is relevant to note as the property is able to be served by City sewer. The applicant has stated the design of the sanitary sewer service would serve all proposed lots via a gravity sewer that connects to sewer mains in the Bristol Lake development, which has connection to the Clear Creek Pump Station without any treatment capacity concerns. The property is within the City’s water service area. Electric distribution will be supplied by Boone Electric and natural gas by Ameren.

Compliance with the City’s climax forest and significant tree preservation, as regulated by Chapter 29-4.4 of the UDC, will be required in addition to the aforementioned stormwater and water quality regulations of Chapter 12A of the City Code. As described in later portions of this report, there is public concern with the potential impact of the proposed development on the Gans and Clear Creeks as well as City and State parks property. Internally within the preliminary plat, there are no protected streams requiring stream buffers per Chapter 12A, Article X of the City’s Code of Ordinances.

Note: Please see the staff report for Case #91-2021 (the assignment of permanent zoning upon annexation request) for additional discussion and analysis of the land-use context of the area, the Future Land Use Map (FLUM) designation for the property according to the Columbia Imagined Comprehensive Plan, and additional information on the Urban Services Area (USA)

### **Design Adjustment**

The applicant has requested a design adjustment Chapter 29-5.1 of the UDC in regards to the location of the sidewalk adjacent to S. Bearfield Road at the southwest corner of the preliminary plat. Specifically, 29-5.1(d)(ix) requires sidewalks to be constructed to standards and specifications adopted by the Council; such specifications include placement within the ROW as shown in Appendix A of the UDC. With the exception of the design adjustment for the Bearfield Road sidewalks as shown on Common Lots 4 and 5 (denoted as C4 & C5), all sidewalks are anticipated to be in the specified location and constructed per adopted standards. Within Lots C4 and C5, the applicant has requested to place the sidewalks in roughly the center of the 100' wide common lots in sidewalk easements.

The applicant has indicated in the design adjustment worksheet and in response to staff comments that the alternative location is requested to place the sidewalk behind trees along the corridor in efforts to maintain a tree buffer between the existing S. Bearfield ROW and the sidewalk and was further sought to address requests from neighboring property owners in terms of tree preservation and property buffering.

When evaluating the requested waiver, or in this case, alternative location from the standard UDC requirements, staff considers many factors. While working with neighbors on design compromises *is highly encouraged*, staff must look at the potential impact that granting a design adjustment has on the general public as a whole and its long term effects. A sidewalk that is as much or more than 50' away from the public right of way brings concerns for public use and safety.

Sidewalks are typically placed within the ROW so that they are easily accessible both physically and visually to the public. Moving pedestrian facilities further away from a typical design location creates the feeling that the sidewalk belongs to those living on the private property, not the public users of the streets. Beyond feelings of exclusiveness which arise, there are functional maintenance concerns (despite the benefit of an easement) which also begin to arise, and there are significant Crime Prevention through Environmental Design (CPTED) concerns in terms of visual safety for users.

Simply put, if pedestrians are visible to motorists and residents along the roadway and vice versa, the facility feels safer due to the "eyes on the street" phenomenon described in environmental psychology research. The long term impact may be that the facility which is intended to serve the public does not serve them because they do not feel like it is safe or available for use. The proximity to the trailhead at the end of S. Bearfield Road has also been taken into account as a desirable pedestrian destination and generator. As such, given the larger purpose for public infrastructure to serve the public both in terms of non-motorized transportation and safety, staff is unable to recommend support of the design adjustment.

### **Additional Considerations**

#### **Transportation Improvements & Traffic Study**

In 2009, working with the City, Boone County published the Gans Road Preliminary Engineering Study which looks at Gans Road as an additional east-west connector between Providence Road/MO-163 and US 63. It calls for a divided roadway and with roundabouts typically at intersection nodes, including the intersection of E. Gans and S. Bearfield Road. The construction and funding timeline for the

extension (west of Rock Quarry to MO-163) and/or improvements of the existing unimproved sections of E. Gans Road are not presently known; and as of present, the sections of these roadways adjacent to the preliminary plat are under the maintenance and jurisdiction of Boone County. However, per an agreement between the City and County, maintenance responsibilities may transfer to the City as roadway frontage percentages change over time as a result of annexation actions.

Due to the present maintenance responsibilities being that of the County, both the preliminary plat and the traffic study for Canton Estates were reviewed by City and Boone County traffic engineering staff, and future access to these roadways will be coordinated and permitted by the County. The preliminary plat is believed to be compliant with the design components of the Gans Road Study in terms of ROW/lane width, including the accommodation of the future roundabout at the intersection of E. Gans Road and S. Bearfield Road. The traffic study also presented an evaluation of the potential trips generated by the subdivision, modeling both single family homes and multi-family homes at the corner lot (#197) as potential future uses (as noted above under the present zoning request, only single family uses would be permitted and any future rezoning requests would be subject to additional review and public processes).

The traffic study found the level of service of each roadways to be sufficient with the trip impacts proposed in the study. However, the Council may consider the unknown timing of improvements and the present unimproved condition of the roadways in their consideration of the annexation request. While the roadways may function presently, and under the proposed development scheme (and actually at a higher intensity than the present zoning request would permit), there may be additional safety concerns inherent to unimproved roadways for the proposed new users, as well as impacts to existing users. Additionally, the area is not presently served by transit, and will be challenging for non-motorized travelers until roadway improvements or additional development-related connections are made.

#### Public Input and environmental concerns

In terms of public input revived on this and Case # 91-2021, there is significant public concerns regarding the proximity of the proposal to the Gans Creek Wilderness Area located within the Rock Bridge Memorial State Park and the City's Gans Creek Recreation Area. To provide clarity for the record as some of the correspondence appears uncertain or conflating the respective areas, this proposal is on private property adjacent to the State Park, and near the City's recreation area (which is to the west with a privately-owned property in-between), and is not on property under ownership of either the City or the State. Additionally, the approximately 65-acres within this proposal is not encumbered by any special environmental protection instruments (e.g. conservation easement, etc.) or requirements. The overall density of the proposal is fewer than two dwelling units per acre and in terms of the average residential subdivision found in the City limits this development would be considered lower density, even for the R-1 single-family zone, which often sees densities closer to four dwelling units per acre. Though staff notes density may be a relative term understood in different ways by different persons in different contexts.

The southern portion of the proposed preliminary plat is directly adjacent to the State Park, which contains the Gans Creek Wilderness Area which is directly accessed via the Wagon Wheel Trail Head at the southern terminus of S. Bearfield Road. Public feedback has cited concerns relating the proposed development's impact on the environmental quality of the park and its user's experiences give possible increases in noise and traffic, environmental impacts to the Clear and Gans Creeks, and impacts on animal habitats. Public correspondence is included as an addendum to this report.

It should be noted that the larger watershed of the area, of which both the Clear Creek and Gans Creek fall within, is the Bonne Femme watershed. The Gans Creek is roughly 900 feet from the southeast boundary of the preliminary plat; Clear Creek is approximately 1 mile to the west.

The Friends of Rock Bridge State Park, an advocacy group, have met with the applicant and submitted comments critical of the proposal. While they note the 8 larger lots and common lot C5, on the southern end of the proposal, are more aligned with their recommendations in terms of density and environmental setback considerations, they still remain concerned with the number of lots/overall density of the proposal and its potential negative impact to the Park and its users due to impervious surfaces, runoff, environmental degradation, and other aspects (see attached correspondence). Other neighbors in the area and park users have also cited similar concerns. Additionally, some comments have expressed concern that more people will be inclined to use the park if they live near it.

While there are potential carrying capacity issues that may arise in terms of the popularity of the adjoining natural areas, caution should be exercised in concluding that these matters should be addressed through limiting development opportunities upon private property. Alternative means of managing usage of public spaces like the State Park must be explored by those responsible for their management such that equitable solutions are identified that place limitations, if needed, on not only today's users but those that may come in the future as well.

Also cited in public comment is the Boone Femme Watershed Plan, which was adopted by a policy resolution of the City Council in November of 2007. The Plan provides guidance on development within the Boone Femme Watershed, and was provided to the applicant during the review process. It should be noted that from a regulatory perspective, this Plan has largely been implemented with significant environmental tools such as the City's stream buffer and stormwater regulations – each adopted after and in large parts in response to the recommendations of the plan. Furthermore, many of the provisions of the UDC are also responsive to the goals of the plan and provide the regulatory framework for real-world implementation. Other tools called for by the Plan, such as a Transfer of Development (TDR) program have been discussed within the Columbia Imagined Plan and others, but have not been implemented at this time.

#### *Project Density and UDC Compliance*

When tasked with considering the density as proposed in the preliminary plat's layout, the Commission may consider larger policy objectives, though staff notes the technical analysis of a preliminary plat must first consider whether the dimensional standards match the underlying zoning, and any required environmental buffers or protection aspects required by the UDC. In consideration of both of these aspects, the proposed preliminary plat is believed to be compliant with the UDC should the R-1 zoning be approved. The provision of larger lots adjacent to the State Park, and a voluntary perimeter setback of or exceeding 150', is also considered appropriate given the context of the area, though not required by the City's existing regulatory framework.

The proposed density of the project is not out of keeping in terms of the density and character of the nearest property within the City limits which consists of the Bristol Lake neighborhood (zoned PD) to the north across E. Gans Road. The City's Gans Recreation Area is a ¼ mile to the east and is zoned R-1, but is of course developed as a 294-acre park. As such, the County-zoned properties immediately adjacent to the proposal are mostly large, rural residential lots in character, though the County Bearfield Subdivision on E. Bearfield Subdivision Road on the west side of S. Bearfield Road is a residential subdivision of 28 (+/-) ¼ - acre lots.

A bigger-picture analysis which may be undertaken by the Council is whether the context of the area supports densities typically permitted by the UDC for property in the City within a standard zoning classification, and if not, weigh the provision of City services and utilities via annexation if lower density is deemed more appropriate. Additionally, the Council may consider the role of the City's regulatory framework in light of recommendations made by non-City entities, as well as the on-going review of City goals, policies and requirements related to development.

## **Summary**

Overall, the preliminary plat as proposed – with the exception of the design adjustment – is believed to meet the regulatory framework applied to all preliminary plats of property in the R-1 zone which is also requested for this property. As mentioned above, additional analysis may be undertaken as part of the related, but separate requests for annexation and zoning. Staff is unable to support approval of the preliminary plat without the condition that the preliminary plat be approved with standard sidewalk locations as described by Chapter 29-5.1 and promulgated by Appendix A of the UDC. Should the design adjustment be withdrawn, staff would support approval of the preliminary plat.

## **RECOMMENDATION**

- 1.) Denial of the design adjustment to Chapter 29-5.1 requesting a non-standard location for portions of sidewalk adjacent to S. Bearfield Road in Lots C4 and C5 as generally depicted on the Canton Estates Preliminary Plat; and
- 2.) Denial of the preliminary plat for *Canton Estates*.

## **SUPPORTING DOCUMENTS (ATTACHED)**

- Locator maps
- Preliminary Plat
- Design Adjustment Worksheet
- Supportive Public Correspondence
- Opposition Public Correspondence

## **SITE CHARACTERISTICS**

<b>Area (acres)</b>	65.36
<b>Topography</b>	Rolling
<b>Vegetation/Landscaping</b>	Wooded
<b>Watershed/Drainage</b>	Gans Creek
<b>Existing structures</b>	2 dwellings, accessory structures

## **HISTORY**

<b>Annexation date</b>	NA
<b>Zoning District</b>	County A-1 (Agriculture)
<b>Land Use Plan designation</b>	Neighborhood
<b>Previous Subdivision/Legal Lot Status</b>	None

## **UTILITIES & SERVICES**

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

## **ACCESS**

<b>S. Bearfield Road</b>	
<b>Location</b>	Along the west side of the property
<b>Major Roadway Plan</b>	Neighborhood Collector; Boone County maintained (33' half-width from centerline shown).
<b>CIP projects</b>	None
<b>Sidewalk</b>	Sidewalks required

<b>E. Gans Road</b>	
<b>Location</b>	Along the north side of the property
<b>Major Roadway Plan</b>	Minor arterial; Boone County maintained (50' half-width)
<b>CIP projects</b>	Gans Road Interchange at 63 complete
<b>Sidewalk</b>	Required

## **PARKS & RECREATION**

<b>Neighborhood Parks</b>	¼ mile to the east is the City's Gans Recreation Area, to the east and to the northeast is the Phillips Park; to the south is the Rock Bridge State Park
<b>Trails Plan</b>	None adjacent to site
<b>Bicycle/Pedestrian Plan</b>	None adjacent to 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 this pending request on February 15, 2021. Additional correspondence was provided March 4 to update neighbors of a change in the hearing schedule. Following correspondence from neighbors, the notice list was expanded from 11 to 14 addresses.

Report prepared by Rachel Smith

Approved by Patrick Zenner