AGENDA REPORT
PLANNING AND ZONING COMMISSION MEETING
January 18, 2024

SUMMARY

A request by A Civil Group (agent), on behalf of Kay and Jack Wax (owners), for approval of an 8-lot Preliminary Plat of R-1 (One-Family Dwelling) zoned property, to be known as Russell Subdivision Phase 7 and design adjustments from Appendix A, A.1(c)(1)(ii)(B) and sec. 29-5.1(d) of the UDC pertaining to required right of way width and sidewalk installation, respectively. The 3.2-acre subject site is located northwest of the intersection of Russell Boulevard and Rollins Road and includes the address 709 Russell Boulevard. **(Case # 21-2024)**

This matter was originally presented at the Planning Commission's December 21, 2023 meeting and tabled by the applicant.

DISCUSSION

Background & Preliminary Plat Update

The matters presented within this report were originally considered by the Planning and Zoning Commission at their December 21, 2023 Regular meeting. Significant public as well as Commission concerns were expressed in relation to the proposed "private" driveway's design bisecting the site and providing through access between Russell Boulevard and Rollins Road. There was also significant discussion relating to the request to fully waive the requirement to build sidewalks internally within the development. As a result of these concerns, the Commission recommended and the applicant accepted a request to table consideration of the design adjustments and preliminary plat such that changes to the development's design could be made.

Since December, the applicant has conferred with the City's Fire Department regarding the termination of the "private" driveway internally within the proposed subdivision and installation of a Code compliant apparatus turnaround. These changes in design have been approved by the Fire Department and are supported by the City's Traffic Engineer. Given the proposed "private" driveway does not conform to the City's established street specifications, the requested design adjustment discussed within this report is still necessary. Additionally, given the proposed "private" driveway is in excess of 250-feet and considered functionally equivalent to a public street the requested design adjustment to waive sidewalk installation as discussed in this report is also still necessary.

Preliminary Plat and Design Adjustment Analysis

The applicant is seeking approval of an 8-lot preliminary plat (6 single-family and 2 common lots) of R-1 (One-Family Dwelling) zoned land located northwest of the intersection of Russell Boulevard and Rollins Road. Related to this request, are two design adjustments from Appendix A, A.1(c)(1)(ii)(B) and sec. 29-5.1(d) of the UDC pertaining to required right-of-way width and sidewalk installation, respectively. The subject site is comprised of two platted lots and contains 3.20 acres of land.

The proposed subdivision will accommodate the existing home on the property, addressed as 709 Russell Boulevard, and creates 5 additional single-family lots that exceed the R-1 district's 7,000 sq. ft. minimum lot area requirement. Additionally, the plat depicts two common lots shown as Lot C1 and C2. Lot C1 will be used for stormwater detention purposes and accommodate a Fire Code compliant

apparatus turnaround. Lot C2 is shown as containing an “irrevocable ingress/egress easement” which is proposed as the lot access to all development lots and the regulatory “frontage” of Lots 604 & 605. Rollins Road does not permit private residential driveways and the applicant is proposing a “developer restriction” that would prohibit private driveways onto Russell Boulevard. Given the site’s proximity to Russell Boulevard Elementary, staff supports the restricted access to Russell Boulevard.

Typically, a subdivision similar to that proposed would require the applicant to construct a compliant public roadway containing a minimum of 44-feet right-of-way to access each of the proposed lots. The applicant originally proposed a reduced width public street to access the lots that staff did not support given such a roadway would serve no public benefit and may, in fact, exacerbate existing traffic congestion issues within the immediate environment. It was recommended that the lots be accessed from the private ingress/egress. In response to this recommendation, the applicant showed a 20-foot wide access to reduce its appearance as a public road and have it appeared more like a private driveway.

As noted, the December 2023 preliminary plat showed the “private” driveway access connecting Russell Boulevard to Rollins Road. The revised preliminary plat (attached) removes this connection and has all traffic entering and exiting the site from Russell Boulevard. The location of the access will be south of the existing driveway serving the existing home on the site and is located north of the current Russell/Rollins intersection to meet UDC separation standards. Given the access does not meet the standard specifications for a public street, the applicant has submitted a design adjustment (discussed below) to allow the 20-foot wide irrevocable ingress/egress easement shown within Lot C2 as the principal access to the lots.

It should be further noted that the proposed development is partially encumbered by an existing greenspace conservation easement along its northern boundary. This easement was created via a quit claim deed recorded in Book 2481, Page 101 of the Boone County Records that was referenced on the approved final plat of Russell Subdivision Plat 4 which divided the subject tract into two lots. The subject property was again subdivided by Russell Subdivision Plat 5 into its current two lots and showed the boundary of the greenspace conservation easement as encumbering the northern portions of the two lots. The current preliminary plat carries forward the boundary of the greenspace conservation easement, which by UDC definition, prohibits private development or tree clearing activities within it. Construction and/or extension of public infrastructure (i.e. roads, sanitary sewer, or water) within the easement area is permitted.

While Lots 604, 605, and 606 are shown as having portions of their lot area inclusive of the easement, the easement area is not capable of being developed with a future residential structure. Furthermore, inclusion of the easement area within these lots does not negatively impact potential building envelope areas that could be devoted to future residential construction. To ensure no confusion exists with respect to Lot C1, the plat contains a note stating Lot C1 is “Not For Residential Development”.

The proposed development has access to all necessary public infrastructure (electric, sewer and water) and no indication has been given that such systems are insufficient to support the proposed 5 additional residential dwellings. Extension of these systems will be required and such costs will be the responsibility of the applicant. At the request of the City’s sanitary sewer utility, the applicant has provided a 16-foot wide sewer easement across Lot 606 to assist in a future capital project involving the installation of a public sewer main east of the development site. All required public utility easements are shown along the site’s Rollins and Russell roadway frontages and within a combination 40-foot wide public utility and private drainage easement centered on Lot C2.

Design Adjustments

As noted, the applicants are seeking two design adjustments from the UDC. The first adjustment sought is from Appendix A, A.1(c)(1)(ii)(B) relating to required right-of-way width. The applicants are proposing that the development be granted relief from platting a minimum 44-foot right-of-way with a 24-foot travel surface. In lieu of this requirement, the applicants propose a 20-foot "irrevocable ingress/egress easement" as the means of access to each that would be located within Lot C2 as shown on the plat. The use of an easement in lieu of a right-of-way is permitted when proposed lots are in "context sensitive situations" such as being impacted by topography and existing or proposed development patterns.

A design adjustment is to be evaluated against the five criteria found within sec. 29-5.2(9) of the UDC. These criteria are shown below with staff's analysis following each criterion.

(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 Comprehensive Plan contains goals and objectives intended to preserve and protect natural environments, create livable and walkable neighborhoods, and ensure transportation system connectivity. Granting this request would permit the construction of a development that reduces the need for excessive paved surfaces while not compromising the public health or safety of residents within this proposed development. The proposed "private" 20-foot travel surface with fire apparatus turnaround meets the City's fire code requirements and is supported by the City's Traffic Engineer given a compliant public roadway in this location would serve no "real" public purpose.

The reduced width, will permit the opportunity to introduce a different scale of single-family development within the existing neighborhood and encourage construction of a more diverse housing stock. Enhancing housing option and increasing possible income diversity are principal objectives of the Comprehensive Plan's Livable and Sustainable Neighborhood goals. The elimination of platted right-of-way in lieu of the irrevocable easement will preserve the site's sensitive features by permitting building envelopes to be sufficiently sized so as to not encroach upon the existing greenspace conversation easement.

(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.

Granting of the adjustment will actually reduce the potential for creating significant adverse impacts to surrounding development. Lessening the required right-of-way and pavement section needed to serve the proposed lots reduces clearing activities and runoff as well as allows the proposed construction to be located further from exterior property lines and other sensitive environmental features. While the development of the site with an additional 4 single-family homes (2 are presently allowed) will be a change within the built environment, when considering current and planned public infrastructure, it has been determined that those systems are capable of supporting the increase in development intensity.

While the traffic congestion currently experienced may be significant at times of child drop-off and/or pick-up, the proposed additional dwellings will add negligible traffic to the adjoining

roadways which are designed to carry the high volumes of traffic generated by the school. It is further believed that the disconnection of the proposed "private" access to Rollins Road will ensure the access is not considered viable as a "staging" area for school related activities which could further exacerbate present traffic concerns. The applicant's intent for the lessor access width is to make it appear as though it's a private driveway.

(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.

Granting the adjustment is not anticipated to make circulation in or around the development significantly more dangerous than it is presently. Estimated daily average daily trips (ADT) for all 6 lots is anticipated to be approximately 57. Anticipated ADT in the AM peak hour (7-9 am) would be 4.5 and in the PM peak hour (4-6 pm) would be 6.06. It should be noted that if driveways were to be provided to each lot fronting to the Rollins and Russell frontages traffic impacts would be greater given an increase in the possible conflict points between driveway access and sidewalks. The provision of the internal private ingress/egress reduces the possible conflict points to a single location that is a slight modification from the current driveway connection to Russell Boulevard. The location of the proposed connection points while not final, is shown to be code compliant from the Russell/Rollins intersection.

(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.

As noted in the applicants submitted correspondence, the adjustment is requested such that the proposed development's roadway infrastructure is minimized and made to look like a private driveway. If approved, the applicant is still required to pave the access, ensure that runoff from the access is captured and treated, and must record an access easement with the Boone County Recorder's Office as the adjoining lots principal means of ingress/egress. With the exception of recording a document establishing the access and not having to plat a right-of-way of larger width, the standards to which the access will be subjected and the required infrastructure to be installed will be similar to that of any other platted right-of-way.

(v) The design adjustment will not create adverse impacts on public health and safety.

Approval of the adjustment will not endanger the residents of the development or those surrounding the development. The width of the access and inclusion of a fire apparatus turnaround meets the City's Fire Code standards. Elimination of a connection point to Rollins Road as well as UDC applied and developer imposed private driveway restrictions will ensure that the surrounding roadway networks functionality is not adversely impacted. The removal of the connection of the "private" access to Rollins ensures no traffic can pass from one right of way to another.

The applicants are also seeking a full waiver from the provisions of sec. 29-5.1(d) of the UDC. These provisions state that **all new** development approved after March 2017 shall install sidewalk along both sides of any public street within the development. In keeping with the underlying intent of these provisions, the City considers an access within an irrevocable ingress/egress easement intended to

serve the same purpose as a public street to be required to be compliant with these provisions. Given the applicants desire a full waiver of these provisions, they have requested a design adjustment.

A design adjustment is to be evaluated against the five criteria found within sec. 29-5.2(9) of the UDC. These criteria are shown below with staff's analysis following each criterion.

(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 Comprehensive Plan contains goals and objectives intended to create livable and walkable neighborhoods and ensure transportation system connectivity. The applicant's submitted correspondence identifies several reasons to support the requested waiver of sidewalk installation. Staff acknowledges these considerations and would add that the volume of trips along the access drive will be relatively low raising the question is "separated" access truly necessary or of any enhanced value with respect to the six residences that would be along the "private" drive. The site is surrounded by public sidewalk that provides the most direct access to the adjacent pedestrian generator – Russell Boulevard Elementary. Installation of sidewalk internally within the development along an access that will have a total of 57 daily trips appears to be unnecessary.

While waiver of sidewalk installation along the proposed private access drive may be viewed as undercutting the ideals of creating walkable neighborhoods and enhancing sidewalk connectivity, the cost, environmental impact, and actual use of these sidewalks needs to be considered. It should be noted that if the access did not exceed 250-feet in length a sidewalk would not be required at all. The total approximate length of the access drive is 297-feet.

(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.

Granting of the adjustment, in staff's opinion, will not create significant adverse impacts. The development site is surrounded by functional existing sidewalk that will remain in place following proposed development. Future development of the site will not impact the current functionality of what exists.

(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.

As noted in Item ii, above, the existing sidewalk along the perimeter of the development site will remain in place following subdivision development. The current sidewalks provide sufficient access to the pedestrian generators within the neighborhood at defined access points. Requiring the installation of sidewalk along the access to the proposed lots has limited value given the low traffic volumes anticipated. While this a new development and code compliance is expected, there are many residential neighborhoods of similar lot character where more substantial roadway networks exist and no sidewalks are in placed to serve those lots. Furthermore, staff believes sufficient access width (20-feet) exists for the access to be jointly used to meet pedestrian/auto needs safely.

(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.

As noted in the applicants submitted correspondence, the adjustment is requested such that the proposed development's infrastructure improvements are minimized and pedestrian travel is directed to the established sidewalk network. Unlike permitting an alternative to the right-of-way design, if this request is approved the applicant would have no obligation to install pedestrian improvements. The Commission may recommend, and Council may approve, a payment in lieu of sidewalk installation. If sought, the required payment would equal approximately $42,085. This fee is based upon waiver of a total of 594-feet of sidewalk (both side of private access) multiplied by the city's average 2-year cost ($70.85/linear foot) for sidewalk installation.

(v) The design adjustment will not create adverse impacts on public health and safety.

Approval of the adjustment will not endanger the residents of the development or those surrounding the development. The loss of the sidewalk; however, may create a grant of privilege to the applicant not otherwise given to other applicant's in similar situations.

Finally, given the proposed preliminary plat is considered a resubdivision of existing platted property, the request is subject to the three evaluation criteria enumerated in sec. 29-5.2(d)(4) of the UDC. The evaluation criteria are shown below followed by staff's analysis of each criterion.

(i) The resubdivision would not eliminate restrictions on the existing plat upon which neighboring property owners or the city have relied, or, if restrictions are eliminated, the removal of such restrictions is in the best interest of the public.

The only know restrictions impacting the subject development are those found within the greenspace conservation easement that was recorded in Book 2481, Page 101. This easement has been retained without alteration and is shown on the proposed preliminary plat. The easement's limitations with respect to private development or vegetation removal will remain valid following approval of the resubdivision and directly impact any future residential construction on Lots 604, 605, or 606.

(ii) Adequate utilities, storm drainage, water, sanitary sewer, electricity, and other infrastructure facilities are provided to meet the needs of the resubdivision, or, there will be no adverse effect on such infrastructure facilities caused by the resubdivision.

The site is presently served by sufficient public utilities to support its development. To facilitate the proposed lot layout shown on the submitted preliminary plat extension of public infrastructure, at the applicant's expense, will be required. Required public utility easements have been shown on the plat to support necessary expansions. No known capacity issues relating to the existing public infrastructure systems have been cited by applicable staff relating to the proposed development.

(iii) The replat would not be detrimental to other property in the neighborhood, or, if alleged to be detrimental, the public benefit outweighs the alleged detriment to the property in the neighborhood.

The subject development proposes a total of six, single-family detached residential dwelling units on 3.2 acres (a density of 1.9 du/ac). The existing R-1 (One-Family Dwelling) zoning allows development on 7,000 sq. ft. lots (a density of 6.2 du/ac). While approval of the proposed preliminary plat, a resubdivision of the existing platted two lots, will permit development on significantly smaller lots than that found contextually along Russell Boulevard, the introduction of a greater diversity of single-family detached housing is not believed detrimental to the integrity of the surrounding neighborhood. Integration of such housing is supported by the Comprehensive Plan. Finally, while increased development will result in additional traffic generation, the anticipated 57 ADT's on a daily basis are not believed to be in excess of what the existing roadway network is designed to accommodate.

CONCLUSION

The applicants are seeking approval of what would be considered "infill" development on the subject 3.2 acres of R-1 zoned land. To facilitate their desired objectives, the applicants seek relief from standard right-of-way platting requirements and sidewalk installation standards. If such relief were granted, the applicants believe opportunities will be created to mitigate the effects of the increased development intensity such that once the development is completed it will appear as though it was always part of the current land use pattern.

In evaluating this request, staff has found that several goals and objectives of the Comprehensive Plan would be facilitated and that potential impacts upon surrounding residents would be minimal. Traffic is a known concern; however, is more impacted by the activities occurring at the adjacent Russell Boulevard Elementary than the proposed development of five additional single-family homes on the subject acreage. Furthermore, the proposed development incorporates the existing greenspace conservation easement into the proposed layout which will further ensure a continuation of the preservation actions taken on this property when it was first subdivided in February 2004.

Based on the findings relating to the requested design adjustments as well as those relating to the property's resubdivision, staff believes the proposed new layout of this acreage meets the intent of the Comprehensive Plan and the UDC. The proposed development offers an opportunity to integrate more housing diversity into an existing neighborhood while respecting, to the greatest extent possible, the regulatory requirements of the UDC.

The plat has been reviewed by internal and external staff and found to be complaint with all other UDC regulations except those seeking design adjustment. These staff, support the approval of the plat subject to approval of the design adjustments.

RECOMMENDATION

Approval of the proposed design adjustments to Appendix A, A.1(c)(1)(ii)(B) and sec. 29-5.1(d).

Approval of the proposed preliminary plat to be known as "Russell Subdivision Phase 7" subject to minor technical corrections.

SUPPORTING DOCUMENTS (ATTACHED)

- Locator Maps
- Application/Design Adjustment Letter (dated 12/5/23)
- Application/Design Adjustment Letter (dated 1/4/24)
- Preliminary Plat

SITE CHARACTERISTICS

Area (acres)	3.20 acres
Topography	Sloping downward to the north
Vegetation/Landscaping	Heavily wooded with conservation easement along northern 1/3 of site
Watershed/Drainage	Perche Creek
Existing structures	1 single-family dwelling

HISTORY

Annexation date	1955
Zoning District	R-1 (One-Family Dwelling)
Land Use Plan designation	Residential
Previous Subdivision/Legal Lot Status	Platted, Russell Subdivision Plat 5

UTILITIES & SERVICES

Site served by all City services.

ACCESS

Russell Boulevard	
Location	Along east side of property
Major Roadway Plan	Local, residential
CIP projects	None
Sidewalk	Existing, will be replaced where necessary

Rollins Road	
Location	Along south side of property
Major Roadway Plan	Neighborhood Collector
CIP projects	None
Sidewalk	Existing, will be replaced where necessary

PARKS & RECREATION

Neighborhood Parks	Approximately 1000-feet to Kwanis Park
Trails Plan	County House Trail East & West (off-site to south, proposed)
Bicycle/Pedestrian Plan	County House Trail (MKT spur), Rollins Road and Manor Drive (shared; on-street)

PUBLIC NOTIFICATION

All property owners within 185 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 4, 2023. 17 letters were distributed. Public hearing ad published within the Columbia Tribune on December 5, 2023.

Notified neighborhood association(s)	, College Park & Rockingham
Correspondence received	None. Several telephone inquiries requesting general information.

Prepared/Approved by Patrick Zenner