

EXCERPTS
PLANNING AND ZONING COMMISSION MEETING
COLUMBIA CITY HALL COUNCIL CHAMBER
701 EAST BROADWAY, COLUMBIA, MO
July 18, 2024

Case Number 184-2024

A request by Allstate Consultants (agent), on behalf of Yankee Ridge LLC (owner), for approval of a 122-lot preliminary plat of 52.15 acre parcel, located at 2899 Creasy Springs, to be known as Bennett Ridge. A concurrent request to rezone (Case # 185-2024) the subject property to R-2 has been submitted for consideration, and the applicants intend to pursue Board of Adjustment authorization to use the cottage optional development standards such that the proposed subdivision may be platted and subsequently improved with cottage-sized lots.

MS. GEUEA JONES: May we please have a staff report?

Staff report was given by Mr. Rusty Palmer of the Planning and Development Department. Staff approval of the "Bennett Ridge Preliminary Plat" pursuant to minor technical corrections.

MS. GEUEA JONES: Thank you. Before we go to questions for staff, once again, if any members of the Commissioner have had contact with parties outside of a public hearing, please disclose so now. Seeing none. Questions for staff? Commissioner Loe?

MS. LOE: Thank you for the report, Planner Palmer. I do have a few questions, and they reference our subdivision standards 29-5.1(c) Streets section of the UDC. It strikes me that both Ella and Elijah [sic] appear to be longer than the 600 feet that we allow for a block length. Did you -- did you look at the length of the streets?

MR. PALMER: Honestly, I didn't. I'm trying to think of what that process was when we went through the review.

MS. LOE: When I added up the lot dimensions, we're getting close to about double that on Ella, and Elijah is shorter, but also exceeds by at least 50 percent. And we have run into this on some other proposals and we've --

MR. PALMER: Yeah.

MS. LOE: added some --

MR. PALMER: I think the solution would be another cross street between the two.

MS. LOE: Yeah.

MR. PALMER: Okay.

MS. LOE: But given -- given your additional comments on the development of Lot 121, I'm also wondering about our limitation on cul-de-sacs. If we really don't think this is going to be developed, are we essentially building a cul-de-sac here? And I was just wondering --

MR. PALMER: It's essentially a T turn-around. Yeah.

MS. LOE: Yeah. So what would the -- do we need to look at that? Or how do we apply -- because the cul-de-sac length is 300 feet and may be adjusted for steep slopes, creeks, et cetera. I understand why the T is there, but if we're saying this is not going to be developed in the foreseeable future, or ever, I'm just wondering does this become a loophole where someone can put a T in to build a cul-de-sac at longer length?

MR. ZENNER: The T turnaround is an acceptable alternative in the fire code to a cul-de-sac.

MS. LOE: Okay.

MR. ZENNER: So that is permissible. And in consideration of the point that you're making, Ms. Loe, Elijah and -- Eliah, whatever they are, they're too close in name. I mean, if we look at Lot 121 as not being developable in any of the near term, you're looking actually at an entire loop street then at that point. The T -- the T turnaround really is just to meet the fire code at that particular point. And if we did not -- and to meet, basically, the other requirements that we need to stub to undeveloped property, so it's serving two functions really. So if we looked at the loop street, even though they're two different names, if we looked at it as one continuous street, the distance at that point on the two segments I would contend is not relevant, and I think, at this point, what you have is you've got just -- you have a long loop street that basically comes back out to the extension of the existing street that goes both north and south to Creasy. And I think that that is possibly what was evaluated at the time that this was being done, given the uncertain nature of Lot 121. Maybe not ostensibly stated in any staff comments that were made at that point, and definitely not looking at it from the perspective that you, as a Commissioner, are at this juncture, but that would be a reasonable and a plausible explanation in my mind that it wasn't culled out sooner. But to deal definitely with the cul-de-sac related issue, the T turnaround is an acceptable alternative during -- with the fire code, and it addresses also the issue of allowing for the stub street to Lot 121's future development should that occur without having to punch through a cul-de-sac constructed.

MS. LOE: I understand and appreciate the fire safety qualification. I do agree that 121 is there, but given the condition that it can't be developed without that connection to the east, I do consider that to be somewhat hampered. I guess my only final comment on this would be I think the other reason that we limited the length of cul-de-sacs was to increase connections so that we wouldn't have streets that required returning back to a single point. And this, while it does address the fire safety and potentially does do the long-term development, it does not address that last issue which was something that we were attempting to embrace. So I would just -- I would say that in the future, or I agree this sets it, but I am a little concerned that it's being granted or we're ending up with a much longer cul-de-sac with development that may well not happen that we're saying -- back to the length of Ella and Eliah, can we add the cross street, the connecting --

MR. ZENNER: I would -- I would defer to the applicant's engineer --

MS. LOE: Okay.

MR. ZENNER: -- as to the possibility, based on grades that are associated with the property as

to if that can be accomplished. I think that this site does have some challenges associated with it even within the developed area that's proposed to be rezoned or has been rezoned at this point, so that would be a more technical question to answer. If it were possible, the approval could be conditioned such that at the time of final platting, a break or a connecting street between the two being proposed is provided, and we would address that as a part of final plat that would be submitted.

MS. LOE: Thank you.

MS. GEUEA JONES: Are there further questions for staff? So to clarify, Mr. Zenner, you don't think that these -- you don't think our current code requires these streets to have an intersection, based on their length of more than --

MR. ZENNER: I think if we were to have just done a -- if the design did not -- if the design more came in between, and it does in some respects, between two lots and was 150-foot stub street, but otherwise the entire linear continuation of the road was one single road, it was a loop. That would, I think, mitigate the concern that Ms. Loe is issuing, because it's a single street at that point. It's one continuous street that comes back to two points, but it comes back to the same primary street which has two access points out of the development, thereby meeting the requirements that you have two points of ingress and egress to a development over 30 lots or units. I think what's designed here, what's shown here is a little bit deceptive in the fact that the reality is without Lot 121 being developed, you're looking at one -- you're concluding that the northern street is basically a dead end when, in fact, it really is a loop because you can't go any further east.

MS. GEUEA JONES: Right. I'm not looking at the stub street, I'm looking at the connectivity standard. Does that not apply? Let's see. Where am I?

MS. LOE: That --

MS. GEUEA JONES: Does it? Okay. All right. Commissioner Loe is whispering in my ear that the math works out.

MS. LOE: For connectivity.

MS. GEUEA JONES: For connectivity. Okay. Thank you. I'm sorry. Commissioner Loe, did you have a follow up?

MS. LOE: I did have a follow up. I'm sorry. There -- I have too many flags on my code, as usual. I had -- there was one more subdivision street requirement that this did not appear to fully meet, I wanted to ask Planner Palmer about, that no local residential street segment should serve more than 30 dwelling units without additional street connections, and we have well over 30 dwellings on both Ella and Eliah.

MR. PALMER: So that's in -- well, it's in conjunction with the fire requirement, which is no more than 30 lots off of a single point of access. And so it's -- they kind of work in conjunction with one another, so the fact that we have two points of access is why that --

MR. ZENNER: And I think the two points of access that we're talking about is the northern connection to -- now you're talking about the loop itself.

MS. LOE: No. This isn't a cul-de-sac. This is between two street connections; we shall have no

more than 30 dwelling units.

MR. PALMER: So in that -- in that regard, we were counting each intersection as a different --

MS. LOE: Correct. That's shown on our Figure 5.1-2.

MR. PALMER: Right.

MS. LOE: Yes.

MR. PALMER: I was just saying in this -- in this instance, we're counting the stub as another intersection.

MS. LOE: It is another intersection, but there are more than 30 lots on Ella between --

MS. GEUEA JONES: Emery.

MS. LOE: -- Emery and the stub. Ditto for Eliah. Ella is over 1,000 feet long between Ella and the stub.

MR. PALMER: And the reason -- the reason that wasn't brought up is because we're looking at it as -- because that stub is allowed there --

MS. LOE: No. We can't have a block more than 600 feet.

MS. GEUEA JONES: Yeah. That's --

MS. LOE: We have a block more than 600 feet. This block needs to be split up.

MS. GEUEA JONES: You have 47 houses that enter onto Ella.

MR. ZENNER: Again, I would ask that the applicants' engineer --

MS. LOE: Okay.

MR. ZENNER: -- approach and address the issue if, in fact, that a cross street, given topographic conditions, cannot otherwise be installed.

MS. LOE: Thank you.

MS. GEUEA JONES: Yeah.

MR. ZENNER: Again, the review of this plat, while it goes through multiple levels of review, and unfortunately this is a gaff that has maybe been made at the planning level, the fire code and the fire department plan reviewers are involved in this and therefore, we often defer to them and their discretion as it relates to how to handle certain issues that are, as Mr. Palmer pointed out, fire code driven. And so often a lot of our standards, these lot limitation standards are more driven by the fire code's concern. The fire department has not made any reserved comment as it relates to this design because of the looped nature of the street system and the two points back out to Creasy Springs via the southern extension of Emery and then the northern connection out, and that, hence, is one reason. The other that they often will utilize just for the purposes of closing the loop on this is the secondary street or the stub that is going to the east is often evaluated as a future connection, and so the fire service will look at that secondary connection to the stub irrespective of the time frame that that may be built in as also addressing some of their overall concerns. They know that there will be the potential for that connection to exist. This development, if it had gotten any larger than this, I'm fairly confident we would have required it to have been broken down into other phasing and would have restricted the development associated

notwithstanding the concerns that have been brought up that a cross-street connection may be required. So with that, I -- unless you have additional questions for staff, we can probably ask the applicant to come forward.

MS. GEUEA JONES: Seeing no further questions for staff at this time -- oh, sorry. We do have two questions. Commissioner Carroll and then Commissioner Williams.

MS. CARROLL: So could -- just hypothetically, trying to understand what their available paths are, if they are not able to do a road -- a connector road due to topographical issues, could Board of Adjustments grant them relief for the site condition or is that --

MR. ZENNER: The relief would be granted through this body --

MS. CARROLL: -- through this body?

MR. ZENNER: -- and would require an additional -- require an additional hearing or a tabling of this request and a design adjustment to be brought forward accordingly.

MS. CARROLL: Yeah. Okay. Thanks.

MS. GEUEA JONES: Commissioner Williams?

MR. WILLIAMS: I was wondering about the curves on -- all the --(inaudible) -- on Ella, and I was just wondering if that's -- they're consistent with the regulations for that particular -- for a neighborhood street, the degree of curve there?

MR. PALMER: I believe they are. I don't remember, off the top of my head, what that one is.

MR. ZENNER: Residential streets, unlike the case that we have previously handled, which was a -- a neighborhood collector, which we do have differing curve radii. Residential streets allow much tighter curve radii, so these streets, we would have evaluated that most likely. However, the detail of the design at this point, because we do not have all of the measurements, which is not a requirement of a preliminary plat, we will have to have that final verified at the time of final platting where we have all curve data provided in tangent lengths. And if, in fact, that there is an issue, that would need to be addressed as a part of the construction plan presentation. Preliminary plats are intended to provide a general overview of what the development of the parcel will look like and its general compliance with the code. It is not an authorization to proceed forward with the subdivision of land. That is what the final plat process is for, which requires very site specific development plans to be submitted and surveying standards to be met. Preliminary plats do not hold to those same standards.

MS. GEUEA JONES: Any -- sorry. Commissioner Williams, anything else?

MR. WILLIAMS: No. Thank you, Mr. Zenner.

MS. GEUEA JONES: All right. Seeing no further questions for staff at this time, we will open the floor to public hearing.

PUBLIC HEARING OPENED

MR. HARRINGTON: Hello. Again, my name is Brian Harrington with Allstate Consultants, at 3312 Lemone Industrial Boulevard. Kind of working through these questions. To start off with, I'll start with the easy one. The curves -- the curves do meet all the -- all the requirements for residential streets,

which is essentially 100-foot radius -- minimum radius at the center line. Regarding the cul-de-sac length, which generally I would describe as the point where you have -- you would measure that from the point where you have a single access from there on which is effectively just that last 120 feet of stub, so I think that's where the cul-de-sac would be measured from, the way I would -- I would understand that.

Because of the loop nature of that, we do have two points of access, both to the -- the first street -- and so we have access to Creasy Springs, as well as the street to the south, which I'm forgetting the name of in the moment, but -- so from our perspective, we didn't think there was any kind of cul-de-sac issue at all. If Lot 121 is ever developed in the future, which the likely scenario would be through the property to the south to connect into the street to the south, we don't own that property, so we don't control it. We don't -- we don't have any control over when that might happen. We're content with -- with developing as it and letting that sit until -- until such time. If that were to go through, then that addresses any other concerns about the two points of access. We did meet with the fire department after our concept review because of the concerns about that and went over with them in great detail about the length of -- or the distance between the two points of access. They have a formula for that that's in the fire code that -- that basically is a little bit convoluted, but it's twice the distance between the -- the width of the developed area can't be more than twice the distance of the -- the length between the two access points. And so they have some specific criteria which we did meet on that. Regarding the cross street, that's the -- that's the hard one to address right now because it is a very challenging site topographically. We -- basically, the western road is running along a ridge. The contours reflect this. It's a little hard to see on the screens. But both Eliah and Ella -- I'm getting the street names mixed up, both of those go down the hill at a relatively steep grade. They'll be eight to nine percent. And if we introduce a cross street in there -- oh. and then they are also at different elevations, so we're working downhill, both longitudinally or along the length of the street, but also from a cross -- across the street standpoint in that the -- the lots that back up to each other are going to have a little bit of elevation change, as well. So that makes the cross street extremely difficult. Part of the reason you see so much curvature in that northern street in particular is so that we have enough length to make the -- the grades work and actually keep them under the ten percent requirement. If we put a cross street in there, then we'll have to flatten out the intersection for that, and that's going to cause problems with the profile grade of the street. Does that answer your questions? Sorry. I kind of ran through them all.

MS. GEUEA JONES: No, you're good. Do you have more, or can we start peppering you?

MR. HARRINGTON: Go right ahead.

MS. GEUEA JONES: Okay. Commissioner Loe?

MS. LOE: Thank you for that. I do understand that this has gone through the fire safety review. However, the requirement in the subdivision standards is to promote walkability and multi-modal, as well as safety, and it is something we want to see in the communities we're building. So I'm sorry. It sounds like it was something that wasn't picked up. It also sounds like it's something you may need to study a little more.

MR. HARRINGTON: I think it's going to be nearly impossible with this particular tract to make that cross street without punishing other areas as far as the steepness of the streets. Now from the connectivity standpoint, another one that doesn't -- the preliminary plat doesn't adequately reflect, but I should point out, we do intend to make a connection to the Bear Creek Trail through our common area that goes kind of straight north from the top of that loop. That's not really something that -- that reflects on the preliminary plat because we're not really to that stage, but -- but the trail runs right along the north property line, right along the creek. And you can see we left a stub into -- or a vacant tract into that common area, which we'll also have some -- some water -- storm-water management in that area, but then we'll -- we want to make a connection into that -- into the Bear Creek Trail. So there will be another point of pedestrian access. It doesn't address your -- the vehicular access, but it does go towards the pedestrian connectivity.

MS. LOE: So in some other subdivision proposals where we've run into this issue, we have considered, and I'd like to put it to the Commission -- we have considered a connection that isn't fully vehicular but does provide pedestrian and bicycle connection across the site. Is that -- I'm wondering if that's something that we would accept as an alternative.

MS. GEUEA JONES: Uh-huh. We'll discuss it when --

MS. LOE: Okay.

MS. GEUEA JONES: Did you have more? Commissioner Stanton?

MR. STANTON: I'm going to get right to the nitty-gritty.

MS. GEUEA JONES: Uh-huh.

MR. STANTON: Are you willing to negotiate, or do you want us to vote on it as it, ride or die?

MR. HARRINGTON: Well, if you're going to vote for it, then I want your vote for it now. I guess I need some advice from you guys on that because it's -- I do know that it's -- it's going to be very difficult to do that. But that's going to be -- I guess our other option is to -- to go for a design variance, of course, there --

MR. ZENNER: That's a possibility.

MR. HARRINGTON: -- but we haven't started that process.

MR. ZENNER: That's a possibility. I'll let you all finish. There's another provision in the Code that I believe is applicable here, and it would have been in our discretion to have made that decision, so it might not have necessarily been a Commission discretionary decision that needed to be made in order to bring this plat forward to you. Finish your conversation, and I'll offer -- I'll offer what section of the Code that's in.

MR. HARRINGTON: Because of the steep nature of this -- this tract, we spent a lot more extensive time and kind of preliminary design from a grading perspective than we did. We've already -- we have already made some rock probes to see how deep the rock is in different places, and it varies quite a bit in that area, but as being across the street from the quarry, you obviously -- we know there's rock. We know that we have to step this site from south to north down, but we also have to go from the

ridge to the east down to -- to basically where that stub street is. That stub street is following -- it basically is near a draw that the line that you see kind of winding through here is the sanitary sewer that serves the subdivision to the south. So we have a large elevation train -- or change through all that process, through that that we had to -- to work very hard to get this layout to work on that, and adding the cross street is a very big deal to us, probably a deal killer.

MS. GEUEA JONES: Commissioner Stanton, may I ask a question, or do you have more? I'm asking you. Do --

MR. STANTON: I don't, no.

MS. GEUEA JONES: So my question is, I would not have been surprised, given what you said about elevation and topographical issues, if there had been a design adjustment request or a waiver or something like that. Was that discussed at all?

MR. HARRINGTON: We overlooked the need for that on the 600 feet.

MS. GEUEA JONES: Fair enough. All right.

MR. HARRINGTON: If it is needed.

MS. GEUEA JONES: Any further questions for this speaker, and then we'll let Mr. Zenner interject with what he's found. Any other questions for this speaker? Commissioner Williams?

MR. WILLIAMS: I'm just wondering what -- I'm following the topographical lines on the -- the north part of the site, but as it disperses, it looks like it becomes more shallow. I assume it's -- it's higher on the -- the site, for the portion of the site next to Creasy Springs Road and as it goes down to the creek. So I'm assuming that it's -- it's steep in the north and it kind of becomes less steep as you get south, but still is higher on the west than it is on the east. Is that right? Because the lines get kind of blurred in the midst of the lines.

MR. HARRINGTON: So when you look at the part that we are developing, you're correct. There is a ridge that -- that our -- that western road that we show that goes north and south, that's following the top of the ridge. That ridge comes to a small point farther north that is almost bluff-like as you come around the boardwalk off of Bear Creek. In fact that dark line that you see on -- reflected, that is the boardwalk portion of the -- of Bear Creek Trail that you see come up. The terrain then drops to the center of the property or to the edge of where we're proposing to develop, and then comes back up to another ridge, and that Lot 121, and then drops back off to Bear Creek again. Did I -- does that answer your question?

MR. WILLIAMS: Well, that was a -- yes. And this one, I guess, to follow up that is I'm just thinking about water on the properties, and I was looking specifically at some of the drainage lines that are in here and just curious if you could speak for a moment about the water management, if you've got, basically, a valley, it sounds like --

MR. HARRINGTON: Yes.

MR. WILLIAMS: -- that's being created.

MR. HARRINGTON: So what our -- our intention is is to create a detention pond, actually most

likely a wet -- an extended wet detention pond in the common area to the north, basically, in the big curve on the northern street, it would be directly north of that. And make that -- our vision is to make that a park-like atmosphere and have -- have -- that's why we're going with the -- the wet detention so that we can make more like a pond. And some of that we'll be -- actually be dug in, and so it won't have a really tall dam associated with it. And that -- it allows us to keep as many trees as possible in that area. And then we have the tree preservation then that buffers -- the tree preservation common area lot that then buffers that area to the Bear Creek Trail. We've had discussions about the possibility of that tree preservation area going to -- to the Parks Department at some point, but there's -- that's been very informal. That's been mainly on our side where we're open to looking at, but we just haven't gotten that far.

MR. WILLIAM: Thank you.

MS. GEUEA JONES: Any further questions for this speaker? And we can all -- you would be willing to let us bring you back up at some point, I assume?

MR. HARRINGTON: Absolutely. Yes, ma'am.

MS. GEUEA JONES: Commissioner Stanton, was that a hand or a scratch?

MR. STANTON: I guess I'm really not clear on the answer. Are you willing to make a deal, a win-win, or do you want us to vote on what you've got on the books right now?

MR. HARRINGTON: I guess I would like to hear some of your discussion before I answer that, and I'm not trying --

MR. STANTON: Well, I don't want to discuss it if we can't make a -- can't make a deal, like, you're just, like, I don't have the latitude or the authority to make a move.

MR. HARRINGTON: Well, I -- I don't have the landowner here to be able to make that deal right now, so I -- I can't -- I can't negotiate that completely. I can tell you what I know from the technical side of it, that it would be very difficult to make that work. We believe -- we brought forward the best possible layout for this type of -- type of tract. It satisfies a lot of -- a lot of -- a lot of things, and we did, we overlooked the block-length thing. I -- you know, that was overlooked on our part, as well as the review. But I don't think that would change the result if we had known it. We'd still be bringing forward this and asking for your approval.

MS. GEUEA JONES: All right. Commissioner Carroll and then Commissioner Wilson.

MS. CARROLL: I'm going to be honest. I -- in a lot of ways, I love this plan because it meets a lot of the needs that we're hoping to see in applications. Walkability is important to me, and it's a problem here. And I guess what I want to get a feeling from you is because we haven't seen the topography here and I don't know what your constraints are. Is it equally impossible to build a sidewalk connection as it would be --

MR. HARRINGTON: As a connection?

MS. CARROLL: -- for a road? What's the grading like for a sidewalk or a path?

MR. HARRINGTON: It would be -- it would be more possible to do that because you don't have

some of the curvature requirements that you have with a street. The -- the problem that we would have to fight is with the ADA standards, and as you pull away from -- from the public rights-of-way. As -- you just -- you're shaking your head, and I'm asking -- that's, you know --

MS. CARROLL: A resident expert on the ADA standards.

MR. HARRINGTON: Okay. Well, my understanding is when you pull out away from the right-of-way, the sidewalk is going to be steeper than the -- than what would typically be for five percent for a non-ramp or eight and -- one to twelve in a ramp situation. We'll be steeper than the one to twelve, but because we're following the sidewalks as -- as is or following the roadway, they meet the public rights-of-way access guidelines. As soon as we pull that away from the road, then we lose that interpretation that the PROWAG or the public rights of way gives, unless you know another connection -- another solution to that.

MS. GEUEA JONES: Commissioner Wilson?

MS. WILSON: My instinct is saying let's follow this with Commissioner Loe, and then if we haven't addressed my thought, I'll come back to that.

MS. GEUEA JONES: Go ahead.

MS. LOE: I was just going to comment on accessibility. So generally the requirement is to have an accessible route --

MR. HARRINGTON: Okay.

MS. LOE: -- to features or amenities, but not every route needs to be accessible. So if you can get them -- and sometimes when there is geographic issues, such as slopes, it may be that a vehicular route to get to a spot is acceptable due to the site conditions, but not every route needs to meet.

MR. HARRINGTON: If -- if -- we're comfortable with that as a body, I -- we can make a connection to -- the sidewalk connection across there. I think that can be done, but it's going to exceed what we would normally accept as an accessible route. And if that's okay, then -- then I think that can be done.

MS. LOE: So, yeah. I mean, the City or whatever governing body would be doing the ultimate interpretation, but as someone who does enforce accessibility for a different body, that is what we have followed.

MS. GEUEA JONES: Commissioner Wilson?

MS. WILSON: So I think that this all follows the same logic. Earlier you made the note that the owner is not here, so you're not able to consult with them. And it brought back to me the statement that Commissioner Loe made earlier, as well as the statement of Commissioner Stanton, which was are you willing to negotiate. And I think earlier, Commissioner Loe stated can we put in some type of walkability, which I think is this conversation right now. So even without having the owner here, is that something that you think would be acceptable?

MR. HARRINGTON: I think if we -- if putting a pedestrian connection between the two roadways, I think we can find a way to make that work, assuming we don't have to meet the standard ADA

guidelines.

MS. GEUEA JONES: Commissioner Walters?

MR. WALTERS: Could you maybe give us an example here in town of what the grade would be between these two streets if for such a connection, whether it's a vehicular one or a pedestrian one? I mean, you could say nine percent, but that doesn't mean as much as you say across the street -- some streets.

MR. HARRINGTON: And -- and the nine percent is on the streets as they're -- as they're laid out, but if we can make a connecting street --

MR. WALTERS: But if we were --

MR. HARRINGTON: -- it would be steeper -- it would need to be steeper than that, I believe, so we have, I believe, the way we've designed it right now, we're about -- the street to the north is roughly 20 feet lower than the street to the south, which, I'm trying to do the math in my head. I'm sorry.

MR. WALTERS: That's okay.

MR. HARRINGTON: There's -- I think there's roughly 200 feet between those two streets, so that's -- that's pushing two percent, and that doesn't allow for any of the irregularities or if I'm remembering the 20 --

MR. WALTERS: Perhaps the compromise might be if you would be -- rather than calling it a sidewalk or a paved sidewalk, be a trail, a trail that would connect the two, that you have more latitude in the construction. Obviously, it wouldn't be ADA accessible, but it would provide a means of access or -- between the two points, and it's easy for me to say this. Perhaps it could be by sacrificing one lot on each side, their back to each other, and running that trail through those two lots.

MR. HARRINGTON: I think that's what we would have to do to do that, is probably sacrifice a couple of lots. And -- and that's -- yeah. That's -- that's really precisely what we would have to do. I -- I think running the trail through there has a lot more chance of being technically feasible from a grading perspective than a street does.

MS. GEUEA JONES: Commissioner Williams?

MR. WILLIAMS: I just have a technical question for Mr. Zenner. Is a trail or an interconnecting sidewalk necessary to be on the plat at this stage to approve it?

MR. ZENNER: It would fall in a common lot. We would probably want it to be identified, but again, that could be a condition of approval to be corrected either as a technical correction to make prior to forwarding to City Council, so the intent of the Commission is met, or -- and that would be the preferred route -- or simply having it addressed as a part of the final platting because of what discussed here this evening. So either -- it would be advisable that we are going that direction, that is the direction, the sidewalk, I think, would have to be something that would be corrected as a part of the construction plans. Mr. Walters suggestion of a trail is probably a little bit more forgiving as it relates to the intent of what you're trying to achieve, and a little bit easier probably to accommodate at this stage in the planning processes of the development.

MR. WILLIAMS: So just to make sure I understand, the answer is we would have to approve it with the condition that it be amended before it goes to City Council.

MR. ZENNER: That is correct. And there is already a technical correction on this plat that is going to require correction before this document is forwarded, so this would be just one added correction or addition to be made.

MR. WILLIAMS: Thank you.

MS. GEUEA JONES: Are there any further questions? Commissioner Stanton?

MR. STANTON: And you're cool with that, sir?

MR. HARRINGTON: I am cool with that, yes.

MS. GEUEA JONES: I would like --

MR. HARRINGTON: Thank you for asking that, by the way. I very much appreciate it.

MS. GEUEA JONES: Well, I would like to, at some point, also get to what Mr. Zenner said he had found because all of this may have been fixed if he found something very clever.

MR. ZENNER: It depends on how you want to interpret my interpretation. So 29-5.1 is the right section. It's our 29-5.1(C)(3)(F), which is connectivity, and this is in between figures 5.1-1 and 5.1-2, Provision (F) reads: Cul-de-sac and loop streets should not exceed 300 feet -- I believe this is what Ms. Loe was referring to -- in length, but may be approved in unique circumstances to avoid -- and I stress -- steep slopes, major creeks, floodplains, wetlands, and other sensitive environmental features. I would tell you that if our staff looked at that particular provision, that may be one reason that this particular alignment does not cause significant concern, and again, I would also conclude that the stub is being provided as a portion of access to the adjoining lot. If the stub were not in alignment with the northern street and it was just coming off of a loop, the loop would have been looked at as a loop exceeding the 300 feet due to the conditions associated with this property. The second provision that exists talks about block length, and it is in the same section, and it is (ii), so we go through connectivity and then blocks -- blocks shall have -- the director may approve exceptions to block depth and it also will apply, I believe, to block length, when we're trying to avoid major streets, railroads, waterways, or other sensitive environmental features, steep slopes and waterways. And there is significant discretion provided in both those, however, the solution that has been offered and has been agreed to, probably as a better solution in regards to the Planning Commission's intent and its interpretation of the Code. However, we carry a significant amount of latitude as we do our review, given all of the other factors that come into play when we are evaluating development plans. So chastise us as you may, we sometimes have to critically look at the actual land development pattern that is here and what is possible and what is plausible. And so when we look at the context of the Code, we often sometimes have to make those judgment calls, and that I -- again, I cannot speak to this specifically. Mr. Palmer handled this along with the rest of our review team. But what I could tell you is if I looked at this and I were asked the question and given the explanation I was just given, I would probably be looking very hard at these two particular sections and suggesting that we have some latitude here by which to give a little bit of additional relief. What this

particular experience has shown to me at least is that if a design adjustment had been presented that would have addressed this because there was maybe some vagueness in what was provided there, it is not nearly as clear as it probably could have been to say thou shalt have the authority. We could bring a design adjustment back to you all in the future. Again, this is a worthwhile project based on what we are trying to achieve generally from a citywide perspective. I think the solution that has been offered and generally agreed to by the applicant's design professional can be accommodated and would address similarly to how we have addressed other larger developments where we had longer street segments.

MS. GEUEA JONES: Thank you, Mr. Zenner. Please stand by. I think we may need you again, but I would like to see if there's any other public comment, if that's okay with the other Commissioners. Thank you very much. Is there any further public comment on this case? Seeing none.

PUBLIC HEARING CLOSED

MS. GEUEA JONES: Commissioner discussion. So the way I see it, as Mr. Stanton said, according to whether or not our applicant -- what the applicant wants to do, we can either vote on it as is, we can table it and get a different plan brought back, or we can vote on it subject to adding a pedestrian connection between the two streets, and other minor technical corrections such that no block is less than 600 feet. The way I read that provision, because it specifies that the director has discretion on depth, but does not say that on length, I think this would have required a design exception or -- or waiver of some kind, whether it's here or BOA, but those are kind of what I think our options are. Depending on what the will of the Commission is, we'll bring the applicant back up and make sure they're okay with that plan, and then take a vote. So further Commissioner comments? Commission Wilson?

MS. WILSON: I am -- I am fond of option three.

MR. STANTON: I think the statutes leave wiggle room to make a win-win situation. I would lean on making that win-win possible tonight as long as the applicant is cool with it and send it up the street.

MS. GEUEA JONES: Okay. Commissioner Loe?

MS. CARROLL: Oh, sorry. I'm also fond --

MS. GEUEA JONES: Commissioner Carroll?

MS. CARROLL: I'm also fond of option three. I like the win-win. I like the walkability. I like the trails. I hate to lose a whole lot to that, let alone two lots. It's a big sacrifice, and that's coming from someone who really talks a lot about walkability. It meets a lot of goals. It is right next to Bear Creek Trail. Adding a trail there, if trails give you more latitude, echo Bear Creek and the surrounding terrain, it may be a future that's valued by people looking for housing in this area. I know -- I'm just putting this on the record. I know last time we went forward with this kind of strange scenario, it -- it was valued by the people who had that option presented to them and suggested to be marketed as a future of their -- of their development. That's all I have.

MS. GEUEA JONES: Mr. Stanton?

MR. STANTON: I don't want to pigeon-hole the applicant, I just want the result.

MS. GEUEA JONES: Yes.

MR. STANTON: So whatever the result is that creates access, that fits our needs, I'm cool with a trail, if a trail works. I'm kind of -- I'm cool, as long as the result is the access that my colleagues are looking for.

MS. GEUEA JONES: Commissioner Williams?

MR. WILLIAMS: I think I'm taking a different approach than the rest of the Commission from what it sounds like, and I'm asking you to educate me because I'm not -- I'm not fully understanding what we're trying to solve for. It seems like we're -- we have a basis in the Code, based upon the topography, to accept the road layout as it is. The fire department has reviewed it. I assume there's going to be sidewalks along which is actually what the petitioner made note of. So I'm not understanding the walkability aspect, I guess, of what we're trying to solve for on the walkability, in that someone could walk -- there's -- there's an ability in this neighborhood. There will be sidewalks. So I'm just trying to understand, what are we trying to solve for?

MS. GEUEA JONES: Okay.

MR. WILLIAMS: As I said, I'm asking you to educate me, because I'm not understanding what we're trying to solve here.

MS. GEUEA JONES: For sure. Mr. Stanton?

MR. STANTON: Number 1, did you look at the topography both in the preliminary plat, and then there's a sheet on our -- actually, we've got two sheets that show the elevations. Okay?

MR. WILLIAMS: Uh-huh.

MR. STANTON: So the engineers in that opinion, his engineering staff had done the best they could to try to accommodate the sidewalks, the lots, and all that good stuff. A lot of our colleagues, myself included, have to think of the people that are not addressed here. If you were in a wheelchair or had some kind of disability that steep slopes or steep sidewalks or steep roads were a danger to you, then you would kind of see why we want to at least create one accessible route for those type of people, or you are isolating that particular group. Do you understand what I'm saying? So we're trying to -- we're trying to address that, if I'm correct, colleagues. If I'm not, straighten me out, but --

MR. WILLIAM: Am I -- are we having a dialog, or am I -- are we all taking turns?

MS. GEUEA JONES: Right. Go ahead.

MR. WILLIAMS: I just wasn't sure, honestly.

MS. GEUEA JONES: No. No. Go ahead.

MR. WILLIAMS: I want a point of order. I just didn't know if Mr. Stanton and I are having a dialogue.

MS. GEUEA JONES: As long as our transcriptionist is okay. One at a time, don't speak over each other, she says. Go ahead.

MR. WILLIAMS: So I understand that, but it sounds like from the topography, even if we're sacrificing lots, we're not going to get to a sidewalk that's going to be accessible with a wheelchair, so it's not solving that problem.

MS. GEUEA JONES: So, yes. And the problem, as I see it, is this. We have a provision in our Code about block length, and we have a provision in our Code about the number of lots on a block that are accessible for whatever purpose, not handicap accessible, just the number of -- of lots on each block segment. Neither of those have the level of discretion that the cul-de-sac looped street has. We now have three provisions that need some kind of exception or waiver, whether that's at the staff level, this level, or Board of Adjustment. No exception has been brought forward. And so that has created a problem where we have a case that is essentially not complete because those provisions weren't addressed. If we let that go forward without officially addressing those provisions in any way, that creates problems of arbitrariness and, I mean, we don't really have precedents, but it creates a pattern and practice of not requiring plans to be fully compliant with the Code before they're brought forward and approved. That is my issue. I don't think it's a handicap accessibility issue. I think it's a question of if you live on Lot 50 and you want to get to your neighbor, you know, on Lot 104, you have to walk through people's private property to get there, or you have to go all the way around on the public sidewalk. So what we are proposing is some sort of cross between those two streets, so you have a shorter block length, which means you have fewer houses on each block, and it allows people to traverse within the neighborhood. Admittedly, doing that with something that is vehicular is impossible, it sounds like. Doing that with something that is a public trail, so you're not having to walk through people's private property is what we're suggesting as a compromise so that we've put forward a Code compliant plat or preliminary plat without overly burdening the developer. Does that make sense?

MR. WILLIAMS: It does. And just so I understand, you're -- you're not accepting Mr. Zenner's interpretation of (F) as applying to this such that it could make this a U-shaped street that's longer than 300 feet?

MS. GEUEA JONES: (F) does, but 29-5.1(c)(3) (ii) block length does not, and --

MS. LOE: (E).

MS. GEUEA JONES: -- (E) right above F does not.

MS. LOE: He did not address (E), which does not have an exception, which is 30 dwelling units without additional street connections. Unless otherwise permitted by this chapter, I searched the chapter, I did not find any exceptions identified for number --

MR. ZENNER: Well, the --

MS. LOE: of dwelling units.

MR. ZENNER: So the exception that would otherwise be identified then is where we talk about. So that 30 ties into the 30 for the fire code, and the 30 for the fire code clearly indicates that the fire marshal and the fire department has the right to waive that standard. And as Mr. Harrington pointed out, their calculation, and this is based on for fire apparatus access, which is again where the 30 lots comes from, they have viewed this based on their code, and it meets -- otherwise meets their standards. So the connection between the 30 and 30, I think, is, at best, muddled. However, we have seen other -- and I shouldn't say that. I don't want to make that statement that, that we have probably seen other projects to

where we have had over 30 lots or 30 lots or units, 30 -- I would say 30 lots on the street segment, that otherwise met the fire code, that we haven't had this same discussion on. And again, I think to the point that Mr. Williams is making, the criteria as it relates to the topographical issues and the -- you know, the topographical issues associated with this, and just the way that the street layout is that shows the northern street, basically, being what would be the continuation into Lot 121, if that wasn't as pronounced as being the through, but was more of a stub in between a loop, I don't know if we would have been -- we may have still had this conversation, but I think it definitely would have been that the relief would have been granted more directly under the condition that we have to approve the length of the loop street being longer than 300. Ultimately again, I think that the provision of what we're trying to create here is a superior way of addressing pedestrian connectivity. It may not address pedestrian connectivity fully in all respects of a pedestrian, because we do have the sidewalks that would otherwise be compliant with the code following the street road rights-of-way, which Mr. Williams is correct, as well. So in the absence of having a design adjustment before you as it relates to other aspects that you have identified this evening, the solution that is on the table that has been offered that the applicant needs to be called to consent to, I think, is your most correct action to take to address the issue that Ms. Geuea Jones has brought up, that we do not want to set -- just out of example that this is something that's acceptable to move forward with future planning.

MS. GEUEA JONES: Commissioner -- oh, sorry. Commissioner Williams, did you have more -- I know Commissioner Stanton has something he wants to say, too.

MR. WILLIAMS: I was just going to say that if we assume that this is a U-shaped street or map provision, I do think it's sort of -- it would make it very interesting how that cross -- that street could continue, if, at some point in the future, it were to connect through, that would -- that would be very difficult to then continue to maintain that it was a U-shaped -- then you really would have a non-conforming street in Eliah. So if Ella did at some point, continue on, that does not look like any U-Shaped neighborhood. It looks like a very long Eliah Drive.

MS. GEUEA JONES: Which needs to be less than 600 feet to comply with the Code.

MR. WILLIAMS: All right. Then I think all -- then I think the exception in (F) is no longer applicable, and then you're left with -- with (E) and the blocks --

MR. ZENNER: The exception for the cul-de-sac length, then we do have an exception on street length that would end in a cul-de-sac, as well, based on topography. There's another one that's further up above (F).

MS. GEUEA JONES: Commissioner Loe has been very patiently waiting while we discuss, so we'll do that, and then Commissioner Stanton.

MS. LOE: Thank you. I brought up the cul-de-sac merely because of the questionable development of 121, but it is the least of my concerns. I think the other two items are much more pertinent to our desires for how we want to see subdivisions developed. I appreciate Mr. Zenner's comments about 30 dwelling units being tied to the fire safety code. We do try to coordinate our

requirements when we can, but I would also speculate that it's not the only requirement, otherwise, we would not have incorporated it into our subdivision code, we would have left it in the fire safety code only. And to that point, I want to point back, and Mr. Williams might appreciate this, that this body is also guided by the Columbia -- Columbia Imagined Plan, and the elevates in there which include building more walking and bike paths to compliment the trails and preserving the walking and biking amenities of the neighborhoods and community. And that was very much part of the discussion we had or included in the UDC development. This -- these are futures we want to see incorporated into the subdivisions. So I think that's part of the reason why we have multiple items identifying and limiting the length. Unlike Ms. Carroll, I think the designer can be very clever and not lose any lots and still accommodate this. I actually was a little encouraged to see that there could be an opportunity to add additional circulation because one of the conversations we've been having in our work sessions about small lots is that with the increase of density is that there's a lack of open space around the houses and connections. And we were setting a limit much lower than this for introducing some variety and some other amenities, and I see this as a sort of a test of that and an opportunity to -- I was happy to see our Code actually included something that incorporated some of what we've been discussing.

MS. GEUEA JONES: Commissioner Stanton?

MR. STANTON: I'm just going to reiterate that I think that the Code gives us latitude and gets people's brains moving. The engineer needs to sharpen his pencil and read his books a little bit, and figure out the solution, so you know that we want connectivity -- pedestrian connectivity; am I correct? Or, Mr. Williams, we can vote it as it is and we lead the -- we see where we're looking. So if you want to put that man's project on there or we vote as it is, I'm ready. And I think it's not going to be the way that our applicant wants it to be.

MS. GEUEA JONES: Commissioner --

MR. STANTON: So I think we have enough latitude to get what we want, and I think he'll be happy.

MS. GEUEA JONES: Commissioner Walters, and then I think we may be ready to ask Mr. Harrington to come back up.

MR. WALTERS: From my two bits is I've developed subdivisions for 30 years. I would have no problem approving this on the first right, but I don't have a problem. I mean, we're talking about 120 lots versus 122 lots. In the context of a whole subdivision, it's easy for me to say this, the owner is not here to yell at me, but I don't think losing those two lots is a big deal, and I think the connectivity would be easily achieved, but I hope people don't think that it's something that just everybody is going to be able to use because it will only be -- it'll be very steep. It'll be fun -- it will be a fun trail. It would be a fun trail, but it would be very steep, so --

MS. GEUEA JONES: All right. Are we ready to ask Mr. Harrington to come back up? We will briefly reopen the public hearing for the applicant to weigh in.

PUBLIC HEARING REOPENED

MS. GEUEA JONES: Would you -- it sounds like we're -- well, we've listed the three options. What would you like us to do?

MR. HARRINGTON: So my understanding of option 3 is that you basically condition approval on us making a pedestrian connection between the two streets, and we -- we are -- we'll work out whether we lose two lots or not. We'll have to -- we'll have to work through that, but we're -- we can do that.

MS. GEUEA JONES: Amenable?

MR. HARRINGTON: Yes.

MS. GEUEA JONES: All right. Thank you very much.

MR. HARRINGTON: Thank you.

MS. GEUEA JONES: We will re-close public hearing.

PUBLIC HEARING RE-CLOSED

MS. GEUEA JONES: I think we are close to ready, if someone wants to make a motion, or is there further comment? Commissioner Loe? And by the way, we're going to be looking at legal a lot during this to make sure we say it in a way that makes you happy.

MS. LOE: Okay. In the case of 184-2024, Bennett Ridge Preliminary Plat, move to approve with technical corrections and the inclusion of a pedestrian connection between Ella and Eliah, so that no block is more than 600 feet long.

MR. ZENNER: Block.

MR. CRAIG: Can you cite the Code provision in compliance with that. I think that's the path of least resistance there and make additional comment.

MS. LOE: No -- I can, except I just want to cite more than one. Okay. Because Mr. Zenner is correct, there are exceptions, and we're looking at a few code requirements in this decision. So I would just say that it's pursuant to the discussion based on UDC 29-5.1(3)(E) and (3) (ii).

MS. GEUEA JONES: Oops.

MS. LOE: Sorry.

MS. GEUEA JONES: (c)(3)(E) and -- (c)(3)(i) (E) and (c)(3)(ii).

MS. LOE: Correct.

MR. CRAIG: Yeah. That -- that'll work.

MS. GEUEA JONES: Yes. All right. Moved by Commissioner Loe, seconded by Commissioner Stanton, with the changes accepted, as well. Does everyone understand the motion?

MR. CRAIG: Actually, for the record, if we could just restate that as whole.

MS. GEUEA JONES: Sure. Do you want to do it, or do you want me to?

MS. LOE: I can. In the case 184-2024, Bennett Ridge Preliminary Plat, move to approve the preliminary plat with technical corrections and pedestrian connection between Ella and Eliah, pursuant to the discussion based on UDC 29-5.1(c)(3)(i)(E), and (3)(ii).

MR. CRAIG. That will work. Thank you.

MS. GEUEA JONES: Very good. Is there any discussion on the motion? Commissioner

Williams?

MR. WILLIAMS: I will vote for it because I like the plat, but I think that we've actually created a confusing record because a sidewalk trail, I don't see how that satisfies being -- meeting these two requirements that we just cited. So I feel like we're doing some -- a bit more form over substance here, but if it's understood that we are, in this instance, deeming a trail or sidewalk to meet the requirements of a block intersection or a separation of houses, then as long as that is understood.

MS. GEUEA JONES: Very good. Commissioner Stanton?

MR. STANTON: In our collective wisdom, the alternative would have been we throw it back for a design adjustment, which costs the owner more money, that engineer has to go back, sharpen his pencil, redraw this stuff, go in front of another Commission, hopefully get the design adjustment, and come back. We're like a whirlwind to push it forward as it within the powers that we have at this body so that the applicant can move forward with us being satisfied at the same time.

MS. GEUEA JONES: Any further discussion on the motion? Seeing none. Commissioner Carroll, when you're ready, may we have a roll call.

Roll Call Vote (Voting "yes" is to recommend approval.) Voting Yes: Ms. Geuea Jones, Ms. Wilson --

MR. CRAIG: I'm sorry to interrupt. I don't know that -- our court reporter alerted me to the fact that we don't -- I don't think we got a second on that motion.

MS. GEUEA JONES: I'm sorry. It was Commissioner Stanton. I don't think it was --

MR. STANTON: Seconded and accepted the amendments.

MR. CRAIG: And then -- okay. Thank you.

Roll Call Continued: Voting Yes: Mr. Walters, Ms. Loe, Mr. Stanton, Mr. Williams, Ms. Carroll. Motion carries 7-0.

MS. CARROLL: We have seven to approve.

MS. GEUEA JONES: Thank you. That recommendation will be forwarded to City Council. Thank you very much, Mr. Harrington, for working with us. All right. Moving on.