



Department Source: Community Development - Planning

To: City Council

From: City Manager & Staff

Council Meeting Date: October 3, 2022

Re: Pepper Tree Estates Block 4 – Final Plat (Case #210-2022)

## Executive Summary

Approval of this request would result in the creation of a 2-lot final plat of an existing lot, to be known as *Pepper Tree Estates Block 4*.

## Discussion

Engineering Surveys and Services (agent), on behalf of Rustyn Plunkett (owner), seeks approval of a two-lot final plat of R-1 (One-Family Dwelling District) zoned property, constituting a replat of part of Lot 9 of *Pepper Tree Estates Block 3*, to be known as *Pepper Tree Estates Block 4*. The 1.19-acre subject site is located on the west side of Audubon Drive, 700 feet north of Shepard Boulevard, and includes the address 901 Audubon Drive.

The request includes the resubdivision of an existing single lot that was originally platted in 1981 into two lots. There is an existing home on the site which would be located on proposed Lot 9B. Lot 9A will become available for new development. No utility extensions are required to serve the new lot and no additional right-of-way is required for Audubon Drive.

Per Section 29-5.2(d)(4) approval of a replat is subject to Council finding that:

*(1) The replat does not remove any conditions of the existing plat that have been relied upon by the City and neighboring property owners.*

No conditions are proposed for removal with the approval of the final plat. The original application included a request to remove a platted 30-foot building line that was approved with the preliminary plat of the site, but the plat was amended to restore the setback. The building line is a platted restriction that prevents buildings from being closer to the right-of-way than 30 feet (zoning allows 25 feet). It is viewed as a condition that was self-imposed by the subdivider at the time the plat was originally approved in 1981.

*(2) The replat is served by adequate infrastructure to meet the increased demand generated by the resubdivision.*

The subject site is served by adequate utilities to support its development. No extension of utilities services to the site are required to accommodate future redevelopment. There are no known or identified infrastructure capacity limitations within the adjoining infrastructure systems.



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(3) *The replat is not detrimental to other properties in the neighborhood or if alleged to be detrimental the public benefit outweighs the alleged detriment to the property in the neighborhood.*

The proposed replat is sought to create an additional buildable R-1 zoned lot, so the likely outcome of approving the replat will be an additional single-family home in the neighborhood. Staff has received a letter (attached) from the Pepper Tree Estates Home Owner's Association in which they object to the approval of the replat. The letter references the HOA's architectural committee and the size of the houses in the neighborhood. While this expresses resident concerns, the City's municipal code states in Section 29-1.7(c) that, "**The city shall not be obligated to enforce the provisions of any easement, covenant or agreement between private parties.**" It is established practice that the City does not enforce private HOA covenants.

The letter also includes concerns with the location of any new driveways along Audubon Drive where the street curves and joins Randy Lane. Typically driveway placement is reviewed at the time that an application for a new single-family dwelling is submitted. At that time, staff reviews proposed driveway locations for safety purposes, and can generally recommend revisions to the location to mitigate concerns. No plans have been submitted for review at the time of this report, so staff cannot comment on a proposed house or driveway design or location.

With that said, staff does not find that the replat would be detrimental to the neighborhood.

The proposed replat has been reviewed by internal and external staff for compliance with the requirements of the UDC and has been found to be within technical compliance.

Locator maps, final plat, Pepper Tree Estates Block 3 final plat, applicant correspondence, and public correspondence are attached for review.

## Fiscal Impact

Short-Term Impact: None anticipated within the next two years. Public infrastructure extension/expansion would be at the cost of the developer.

Long-Term Impact: Public infrastructure maintenance such as roads, sewers, and water, as well as public safety and solid waste service provision. Future impacts may or may not be offset by increased user fees and/or property tax collections.



## Strategic & Comprehensive Plan Impact

### [Strategic Plan Impacts:](#)

Primary Impact: Safe Neighborhoods, Secondary Impact: Not Applicable, Tertiary Impact: Not Applicable

### [Comprehensive Plan Impacts:](#)

Primary Impact: Land Use & Growth Management, Secondary Impact: Not applicable, Tertiary Impact: Not Applicable

## Legislative History

Date	Action
6/15/81	Approved final plat of <i>Pepper Tree Estates Block 3</i> (Ord. #009173)

## Suggested Council Action

Approve the final plat of *Pepper Tree Estates Block 4*.