

**AGENDA REPORT  
PLANNING AND ZONING COMMISSION MEETING  
September 8, 2022**

**SUMMARY**

A request by Brush & Associates (agent), on behalf of Thomas & Mary Mills (owner), for approval of a one-lot final plat of A (Agricultural) zoned property that will require a sewer main extension, to be known as *Mills Estates Plat 3*. The site is requesting access from Mills Drive, to the north, via an access easement. The 3.88-acre subject site is located on the west side of Forum Blvd, approximately 400 feet north of Chapel Hill Road. **(Case # 226-2022)**

**DISCUSSION**

The applicant is requesting approval of a final minor plat for an almost four-acre property that is currently vacant and mostly turf, with a few trees ringing the edge of the site. The proposed lot has not been previously platted and does not have direct access to, nor frontage upon, a public street as required by the UDC. There is a platted lot located between the subject property and the nearest accessible public street to the north - Mills Drive. That lot, Lot 1 of *Mills Estates Plat 1*, includes a 60-foot stem that abuts the right-of-way along Mills Drive. The applicant proposes to establish an access easement, subject to Director approval as discussed below, to meet the UDC's access requirements to the proposed new platted lot.

The owners of the subject site also own the tract of land adjacent to the east which has frontage upon Forum Boulevard. This adjoining tract of land is not included in this subdivision request; however, even if it were, access to Forum Boulevard would be difficult to achieve due to the steep grades that are present between this tract and Forum. Furthermore, since Forum is designated as a minor arterial on the Major Roadway Plan (MRP) direct driveway access is prohibited unless the Director determines that there are no alternatives.

As noted above, since the proposed subdivision does not have the direct access as required by the UDC, the applicant is proposing that an access easement be granted over Lot 1 of *Mills Estates Plat 1*, within the 60-foot stem, that would allow the owner of the proposed lot to access Mills Drive. The Director can approve the use of an access easement over another lot in context sensitive cases in order to provide access between a lot and a City street, as long as public health, safety, and general welfare are not compromised.

In this case, the Director considered the following factors when reviewing the context of the request, and whether it compromises public health, safety, and general welfare:

- The existing development pattern is such that the property is somewhat landlocked, due to the platting of the two lots north of it, and the grades to the east.
- The lot where the access easement would be granted is currently owned by the same owner of the subject site, which makes obtaining the easement uncomplicated.
- The subdivision is only creating one lot, instead of many lots, and it is a much larger lot than the minimum lot size, so the impact of the access easement will be minimal.
- The property was not previously platted, and so the intent of the request is not solely to increase density.

To ensure that the lot is not further subdivided in the future, a note has been placed on the plat that prohibits further subdivision unless a new compliant City Street is constructed to provide access for any future development. The access easement is currently under review and as such the final plat does not yet reflect its recording information. Once approved, the easement will be recorded and the final plat will be updated to reflect the recording information. Following such actions, the plat will be placed on the next available Council agenda.

It should be noted, the proposed lot will require a lengthy driveway to access a future house that will be required to the current International Fire Code (IFC) standards for driveway material and width. Additionally, the driveway will need to include a turnaround sufficient to accommodate the City's standard fire truck. Assurance that the IFC standards are met will be part of the future building permit application process following review of the required development plot plan.

## **Conclusion**

The site does not include direct street access, but given the factors discussed above and the Director's finding that granting access to the site via an access easement would not have a significant negative impact on the public, it is supported. The plat is compliant with all other provisions of the UDC.

## **RECOMMENDATION**

Approval of the *Mills Estates Plat 3*, pending minor technical corrections.

## **SUPPORTING DOCUMENTS (ATTACHED)**

- Locator maps
- Final Plat

## **SITE CHARACTERISTICS**

<b>Area (acres)</b>	3.88
<b>Topography</b>	Highest elevations in center, slopes south, east, west
<b>Vegetation/Landscaping</b>	Mostly turf, with minimal trees around perimeter
<b>Watershed/Drainage</b>	Hinkson Creek
<b>Existing structures</b>	None

## **HISTORY**

<b>Annexation date</b>	1964
<b>Zoning District</b>	A
<b>Land Use Plan designation</b>	Neighborhood; Open Space/Greenbelt
<b>Previous Subdivision/Legal Lot Status</b>	Unplatted

### **UTILITIES & SERVICES**

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

### **ACCESS**

<b>Mills Drive</b>	
<b>Location</b>	North of the property
<b>Major Roadway Plan</b>	NA; local residential street
<b>CIP projects</b>	None
<b>Sidewalk</b>	Not required.

### **PARKS & RECREATION**

<b>Neighborhood Parks</b>	Within Westwinds Park service area
<b>Trails Plan</b>	Within County House Trail and MKT Nature and Fitness Trail service area
<b>Bicycle/Pedestrian Plan</b>	None

### **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 August 16. Twenty-three postcards were distributed.

Report prepared by Clint Smith

Approved by Patrick Zenner