

**AGENDA REPORT  
PLANNING AND ZONING COMMISSION MEETING  
May 4, 2017**

**SUMMARY**

A request by McGrath Marjorie Revocable Intervivos Trust, Chong, Lisenby, Jesse, Gianino, Hristov & Misirova (owners) for a revised preliminary plat to be known as Creeks Edge, Plat 1-B. The 5.3-acre subject site is located at the northeast corner of Sawgrass Drive and Valhalla Court. (**Case #17-93**)

**DISCUSSION**

The applicant is seeking approval of a revised preliminary plat for property platted with the final plats of Creeks Edge, Plat No. 1 and Creeks Edge Clubhouse. The request includes the transfer of property from Lot 201 of the Creeks Edge Clubhouse plat to the abutting properties of Lots 101-105 of the Creeks Edge, Plat No. 1 plat. The plat does not include any additional right of way dedication, but does include all necessary easements.

Lot 201 was platted with the Creeks Edge Clubhouse final plat in 2014, and received a conditional use permit for the construction of a clubhouse. The property is currently owned by McGrath Marjorie Revocable Intervivos Trust. Lots 101-105 were approved with Creeks Edge, Plat No. 1, and all are improved with single-family dwellings. All properties are zoned R-1.

The request, per the applicant, is intended to transfer property from Lot 201 to Lots 101-105 in order to provide a buffer between the residential properties and adjoining lot that includes the Creeks Edge subdivision clubhouse. One of the adjoining property owners involved with the resubdivision has submitted correspondence (see attached) intended to further explain the background behind the request.

Upon review, the requested resubdivision was not considered to be in substantial conformance with the approved preliminary plat. As such, the resubdivision must first receive approval of a revised preliminary plat and then approval of a revised final plat. The final plat for the subject site is being reviewed concurrently and will be forwarded to Council for their consideration following the Commission's review and recommendation on the revised preliminary.

The resubdivision is subject to review per Section 25-30, which states that a resubdivision of land shall not be approved by the council if the council determines that:

- 1) The replat would eliminate restrictions on the existing plat upon which neighboring property owners or the city have relied; or
- 2) The replat would be detrimental to other property in the neighborhood and the detriment to the property in the neighborhood outweighs the benefits to the subdivider and the public.

Staff has received written correspondence in opposition to the requested resubdivision (see attached). Given this objection, the Commission may choose to recommend denial of the resubdivision based on item #2, above, following additional public testimony.

Staff finds that the proposed resubdivision may be approved per Section 25-30 and the listed criteria above. This finding is based upon the belief that the area remaining within Lot 201 of the Creeks Edge

Clubhouse plat (the clubhouse itself) is sufficient to accommodate the site improvements as constructed without violation of the zoning and subdivision requirements, no additional lots are being created or combined that would substantially alter the character of the neighborhood, and no restrictions on the properties are being eliminated. Furthermore, staff finds that the creation of the buffer between the existing common lot improvements and adjoining lots is a benefit to those adjoining landowners - not a detriment to them or others within the subdivision.

Staff notes that it is possible that Lot 201 is included in an HOA covenant, and it is meant for the benefit of the subdivision, and the alteration of the lot could interest the residential subdivision as a whole; however, Lot 201 currently appears to be privately owned by a trust, so staff cannot attest to the relationship between the property and any HOA. The applicants have stated that the transfer of property does not violate HOA covenants; however, staff does not review HOA legal documents as part of the review process.

Staff has reviewed the revised preliminary plat and finds that it meets all technical requirements of the subdivision regulations.

### **RECOMMENDATION**

Approval of the revised preliminary plat for "Creeks Edge, Plat 1-B".

### **SUPPORTING DOCUMENTS (ATTACHED)**

- Locator maps
- Preliminary plat
- PREVIOUSLY APPROVED - Creeks Edge, Plat No. 1
- PREVIOUSLY APPROVED - Creeks Edge Clubhouse
- Public Correspondence - Explanation of request
- Public Correspondence - Opposition to request

### **SITE CHARACTERISTICS**

<b>Area (acres)</b>	5.3
<b>Topography</b>	Sloping from west to east
<b>Vegetation/Landscaping</b>	Developed, turf and landscaping
<b>Watershed/Drainage</b>	Mill Creek
<b>Existing structures</b>	5 single-family dwellings, clubhouse

### **HISTORY**

<b>Annexation date</b>	2011
<b>Zoning District</b>	R-1
<b>Land Use Plan designation</b>	Neighborhood District
<b>Previous Subdivision/Legal Lot Status</b>	Lot 201, Creeks Edge Clubhouse; Lots 101-105, Creeks Edge, Plat No. 1 plat

### **UTILITIES & SERVICES**

All utilities and services provided by the City of Columbia

## **ACCESS**

<b>Sawgrass Drive</b>	
<b>Location</b>	South side of site
<b>Major Roadway Plan</b>	NA; local residential street
<b>CIP projects</b>	None
<b>Sidewalk</b>	Sidewalks existing.

<b>Valhalla Court</b>	
<b>Location</b>	West side of site
<b>Major Roadway Plan</b>	NA; local residential street
<b>CIP projects</b>	None
<b>Sidewalk</b>	Sidewalks existing.

## **PARKS & RECREATION**

<b>Neighborhood Parks</b>	Not within a park service area; not within an acquisition area
<b>Trails Plan</b>	Planned trail north of properties.
<b>Bicycle/Pedestrian Plan</b>	No facilities adjacent to site.

Report prepared by Clint Smith

Approved by Patrick Zenner