

City of Columbia

701 East Broadway, Columbia, Missouri 65201



Agenda Item Number: B 238-15

Department Source: Community Development - Planning

To: City Council

From: City Manager & Staff

Council Meeting Date: August 17, 2015

Re: Howell Subdivision, Plat No. 3 - final minor plat (Case #15-58)

Documents Included With This Agenda Item

Council memo, Resolution/Ordinance, Exhibits to Resolution/Ordinance

Supporting documentation includes: Summary of Board/Commission Reports (includes letter from applicant's attorney, maps, plat, and sidewalk policy resolution), Excerpts from Minutes

Executive Summary

Approval of this request will result in the creation of a two-lot plat of A-1 (Agricultural District) zoned land, to be known as "Howell Subdivision, Plat No. 3", grant variances from driveway access restrictions for one- and two-family residential development, and waive the requirement to construct a sidewalk along the site's Strawn Road frontage.

Discussion

The applicant is requesting a two-lot final plat of a 14.55 acre area, zoned A-1 (Agricultural District). The A-1 district allows all R-1 uses, and agricultural uses on lots greater than 2.5 acres.

The plat dedicates necessary rights-of-way for the expansion of Broadway and the northward extension of Scott Boulevard, utility easements, and a stream buffer in accordance with City standards. The applicant is seeking approval of variances to Sections 25-53(4) and 25-48.1 of the Subdivision Regulations pertaining to access restrictions and sidewalk requirements, respectively. With the exception of these requested variances the proposed plat meets the City's Zoning and Subdivision standards. A detailed analysis of the requested variances is presented in the attached Planning and Zoning report.

At its August 6th meeting, the Planning and Zoning Commission voted 8-0 to recommend approval of the request for a variance from Section 25-48.1 (Subdivision Regulations - Sidewalks). The Commission's recommendation was based upon the close proximity of the creek to Strawn Road and the challenges, both horizontally and vertically, that it would create to allow a sidewalk to be installed as required along approximately half of the site's frontage.

In a 6-2 vote, the Commission recommended denial of the requested variance from Section 25-53(4) to allow Lot 1 to take residential driveway access onto Broadway and Scott Boulevard, and to allow Lot 2 to take residential driveway access onto Strawn Road. Their discussion of this topic centered on the challenges associated with the site, which is constrained by steep slopes and a creek, and concerns related to public safety and future public roadway improvements that would be

City of Columbia

701 East Broadway, Columbia, Missouri 65201



compromised by the applicant's request to construct a private driveway within public right-of-way.

The Commission voted 8-0 to recommend approval of the proposed plat, subject to the following conditions **which have not been accepted by the applicant or noted on the plat attached to this report:**

1. A note shall be added to the plat indicating that Lots 1 & 2 are prohibited from taking driveway access onto Broadway, Strawn Road (Route ZZ) and Scott Boulevard (extended) **for the purpose of residential development**, per Section 25-53(4).
2. Access to Lot 2 **for purposes other than residential development**, shall be restricted to no more than one driveway entrance onto Broadway, subject to the applicant submitting a sealed assessment from a Professional Engineer, which verifies that entering sight distance standards are met.

The applicant's attorney addressed the Commission and stated that the only viable use for the A-1 zoned site is a single-family residence, and suggested that if a private driveway is allowed to be built within the City's Scott Boulevard right-of-way to access the southwest corner of Lot 1, such driveway could be easily relocated when Scott Boulevard is extended to occupy that right-of-way. There was no other public comment.

The Commission report (including a letter from applicant's attorney, maps, plat, and sidewalk policy resolution), and meeting excerpts are attached.

Fiscal Impact

Short-Term Impact: No new capital spending is expected within the upcoming 2 years as a result of this proposal.

Long-Term Impact: The development/redevelopment of this site may increase demands upon the adjacent streets, sanitary sewers, storm sewers, water and electric supply lines. The costs associated with meeting these demands may be offset by increased property and/or sales tax revenues and user fees.

Vision, Strategic & Comprehensive Plan Impact

Vision Impact: N/A

Strategic Plan Impact: N/A

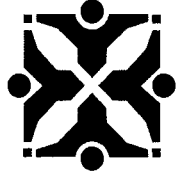
Comprehensive Plan Impact: N/A

Suggested Council Action

Approval of the proposed plat and approval of the request for a **variance** from Section 25-48.1 (Subdivision Regulations - Sidewalks) relating to the site's Strawn Road frontage.

City of Columbia

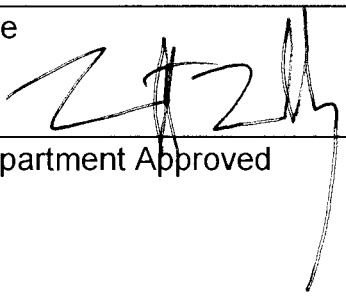
701 East Broadway, Columbia, Missouri 65201




Denial of the requested **variance** from Section 25-53(4) to allow Lot 1 to take residential driveway access onto Broadway and Scott Boulevard, and to allow Lot 2 to take residential driveway access onto Strawn Road.

Legislative History

None


Department Approved


City Manager Approved

Introduced by _____

First Reading _____

Second Reading _____

Ordinance No. _____

Council Bill No. B 238-15

AN ORDINANCE

approving the Final Plat of Howell Subdivision, Plat No. 3, a minor subdivision; accepting the dedication of rights-of-way and easements; authorizing a performance contract; granting variances from the Subdivision Regulations relating to sidewalk construction and direct driveway access; setting forth conditions for approval; and fixing the time when this ordinance shall become effective.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBIA, MISSOURI, AS FOLLOWS:

SECTION 1. The City Council hereby approves the Final Plat of Howell Subdivision, Plat No. 3, as certified and signed by the surveyor on April 16, 2015, a minor subdivision located on the northwest corner of Strawn Road (Route ZZ) and West Broadway, containing approximately 14.55 acres in the City of Columbia, Boone County, Missouri, and hereby authorizes and directs the Mayor and City Clerk to sign the plat evidencing such approval.

SECTION 2. The City Council hereby accepts the dedication of all rights-of-way and easements as dedicated upon the plat.

SECTION 3. The City Manager is hereby authorized to execute a performance contract with Jesse Martin in connection with the approval of the Final Plat of Howell Subdivision, Plat No. 3. The form and content of the contract shall be substantially as set forth in "Exhibit A" attached hereto.

SECTION 4. Subdivider is granted a variance from the requirements of Section 25-48.1 of the Subdivision Regulations so that a sidewalk shall not be required to be constructed along a portion of the west side of Strawn Road (State Route ZZ) adjacent to Lots 1 and 2 within the Final Plat of Howell Subdivision, Plat No. 3.

SECTION 5. Subdivider is granted a variance from the requirements of Section 25-53(4) of the Subdivision Regulations to allow Lot 2 within the Final Plat of Howell Subdivision, Plat No. 3 to have direct residential driveway access on Strawn Road.

SECTION 6. The approval of Final Plat of Howell Subdivision, Plat No. 3 is subject to the following conditions:

1. A note shall be added to the final plat indicating that Lots 1 and 2 are prohibited from taking driveway access onto Broadway, Strawn Road (Route ZZ) and Scott Boulevard (extended) for the purpose of residential development, per section 25-53(4) of the City Code.
2. Access to Lot 2 for purposes other than residential development shall be restricted to no more than one (1) driveway entrance onto Broadway, subject to the applicant submitting a sealed assessment from a professional engineer which verifies that entering sight distance standards are met.

SECTION 7. This ordinance shall be in full force and effect from and after its passage.

PASSED this _____ day of _____, 2015.

ATTEST:

City Clerk

Mayor and Presiding Officer

APPROVED AS TO FORM:

City Counselor

PERFORMANCE CONTRACT

This contract is entered into on this day _____ of _____, 2015 between the City of Columbia, MO ("City") and **Jesse Martin**. ("Subdivider").

City and Subdivider agree as follows:

1. Subdivider shall construct, erect and install all improvements and utilities required in connection with the final plat of **Howell Subdivision, Plat No. 3**, including sidewalks and all improvements and utilities shown on the plat and related construction plans, within 36 months after the City Council approves the plat.
2. If street, utility or other construction of public improvements should occur on or adjacent to land in the subdivision at the initiative of the City Council, as benefit assessment projects, Subdivider agrees to bear Subdivider's equitable and proportionate share of construction costs, as determined by such assessments.
3. No utility service connections or occupancy permits shall be issued to the Subdivider or to any other person for any structure on land in the subdivision unless and until improvements have been constructed, erected and installed in the structure and upon the lot or lots on which the structure is situated in accordance with all applicable ordinances, rules and regulations of the City.
4. No occupancy permit shall be issued to the Subdivider or any other person for any structure constructed on land in the subdivision unless the street and sidewalk adjacent to the structure have been completed in compliance with the City's Standard Street Specifications.
5. City may construct, erect or install any improvement or utility not constructed, erected or installed by Subdivider as required by this contract. City may perform such work using City employees or City may contract for performance of the work. Subdivider shall reimburse City for all costs and expenses incurred by City in connection with the construction, erection, or installation of improvements in utilities under this paragraph. Subdivider agrees to pay City all expenses and costs, including reasonable attorneys' fees, incurred by the City in collecting amounts owed by Subdivider under this paragraph.
6. City shall not require a bond or other surety to secure the construction of the improvements and utilities required in connection with the final plat.
7. The obligations of Subdivider under this contract shall not be assigned without the express consent of the City Council.

8. The remedies set forth in this contract are not exclusive. City does not waive any other remedies available to enforce Subdivider's obligations under this contract or to recover damages resulting from Subdivider's failure to perform its obligations under this contract.
9. This contract is not intended to confer any rights or remedies on any person other than the parties.

IN WITNESS WHERE OF, the parties have executed this contract on the day and year first above written.

CITY OF COLUMBIA, MISSOURI

BY: _____
Mike Matthes, City Manager

ATTEST:

Sheela Amin, City Clerk

APPROVED AS TO FORM:

Nancy Thompson, City Counselor

Subdivider

BY: _____
Jesse Martin



SUPPORTING DOCUMENTS INCLUDED WITH THIS AGENDA ITEM ARE AS FOLLOWS:

Summary of Board/Commission Reports (includes letter from applicant's attorney, maps, plat, and sidewalk policy resolution), Excerpts from Minutes

**AGENDA REPORT
PLANNING AND ZONING COMMISSION MEETING
August 6 (Tabled from June 4 & June 18, 2015)**

SUMMARY

A request by Jesse Martin (owner) for approval of a two-lot final minor plat of A-1 (Agricultural District) zoned land to be known as "Howell Subdivision, Plat No. 3"; and for variances from sidewalk construction requirements and driveway access restrictions. The 14.55-acre subject site is located on the northwest corner of Strawn Road (Route ZZ) and West Broadway. (Case #15-58)

DISCUSSION

The applicant is requesting a two-lot final plat of A-1 (Agricultural District) zoned land. The A-1 district allows all R-1 uses, and agricultural uses on lots greater than 2.5 acres.

The plat dedicates necessary rights-of-way for the expansion of Broadway and the northward extension of Scott Boulevard, utility easements, and a stream buffer in accordance with City standards. The applicant is seeking approval of variances to Sections 25-53(4) and 25-48.1 of the Subdivision Regulations pertaining to access restrictions and sidewalk requirements, respectively. With the exception of these requested variances the proposed plat meets the City's Zoning and Subdivision standards. An analysis of the requested variances is presented below.

Variance from Section 25-53(4) of the Subdivision Regulations

The applicant is requesting a variance from Section 25-53(4), which prohibits lots intended for single or two-family residential development from taking driveway access onto Broadway, Strawn Road, and Scott Boulevard. This access restriction affects both Lot 1 and Lot 2.

The applicant is requesting the variance to allow proposed Lot 1 to take access from the unbuilt Scott Boulevard (extended) right-of-way being dedicated off of Broadway along the western edge of the plat. The applicant's variance letter (attached) indicates that access to Lot 1 is not being sought from Strawn Road due to the excessive costs to cross the existing creek and potential environmental impacts. Instead, access to Lot 1 is desired from Scott Boulevard via a private driveway that connects to Broadway until such time as Scott Boulevard is constructed; after which the driveway access to Lot 1 would be directly from Scott Boulevard.

The applicant intends to pursue a right-of-way use permit from the City Council to authorize placement of a private driveway within the Scott Boulevard right of way. Staff does not support the extension of a private driveway within its public rights-of-way and believes the applicant should pursue an access easement across adjoining private property which has existing access rights to Broadway or extend a public residential street into the site to provide an acceptable point of driveway access to any single-family development that might occur on Lot 1.

However, if the Commission finds that a right-of-use permit is the preferred method of providing "temporary" access to Lot 1, it is recommended that such permit include a termination clause relating to the proposed private driveway, and plans should be made in coordination with the Public Works Department to ensure that an acceptable alternative driveway access is made available to the site when Scott Boulevard is extended. It should be noted that there is currently no design or funding available for the Scott Boulevard extension project, which is listed in the Capital Improvement Program as a 10+ year project.

Lot 2 of the proposed development has frontage on both Broadway and Strawn Road. According to the applicant's variance letter, this lot may be used for residential purposes at some point in the future. Given the potential for residential use, the applicant desires permission to install a driveway accessing Strawn Road. The applicant indicates that driveway access to the Broadway frontage would be restricted to non-residential driveways only. Such restriction would be permissible per Section 25-53(4) and is supported by staff subject to the conditions listed in the Recommendation section of this report.

Variance from Section 25-48.1 of the Subdivision Regulations

As part of the proposed subdivision plat, the applicant is also seeking a variance from the requirement to construct a sidewalk along the property's approximately 1,200-foot Strawn Road frontage. Sidewalks are typically required to be constructed within three years of plat approval, per Section 25-48.1 of the City's Subdivision Regulations. The Subdivision Regulations provide criteria by which all variances and exceptions should be evaluated. Specifically, Section 25-20 (Variances and exceptions) allows for variances from undue hardships or practical difficulties that might result from strict compliance with these Regulations, subject to the following conditions being met (staff responses to criteria appear in *italics*):

1. The granting of the variance will not be detrimental to the public safety, health or welfare or injurious to other property or improvements in the neighborhood in which the property is located.

The creation of two single-family lots will generate low levels of pedestrian traffic. While little pedestrian traffic exists along this stretch of Strawn Road at this time, the provision of sidewalks along this roadway frontage would increase public safety, health and welfare by accommodating separation of pedestrians and motor vehicles on this busy major roadway, thereby reducing the likelihood of injuries occurring from automobile-pedestrian conflicts.

2. The conditions upon which the request for a variance is based are unique to the property for which the variance is sought, are not applicable generally to other property, and are not self-imposed.

The site's frontage on Strawn Road is relatively flat with the exception of significant lengths (approximately 500 feet) where the unnamed tributary of Harmony Creek flows within a few feet of the road, leaving limited horizontal space for a five-foot wide sidewalk to be installed.

3. Because of the particular physical surroundings, shape or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of these regulations was carried out.

Approximately 500 feet of the subject site's Strawn Road frontage appears to be encumbered by topographical challenges resulting from a steep creek bank meandering within a few feet of the edge of the existing street pavement.

4. The variance will not in any manner abrogate the provisions of the comprehensive plan of the city.

Sidewalk variances are inconsistent with the City's policy of creating walkable neighborhoods.

Council Policy Resolution 48-06A

Council Policy Resolution 48-06A uses the following factors to provide additional guidance in weighing the cost versus benefit of sidewalk construction along unimproved streets (i.e., streets without curbs and gutters):

1. The cost of constructing the sidewalk relative to the cost of the proposed development;

The estimated cost of the sidewalk is \$30,000 (1,200 lineal feet X \$25 per foot). The value of the proposed development is unknown.

2. Whether the terrain is such that sidewalks or walkways are physically feasible;

The terrain is flat, and would not present a physical obstacle to sidewalk installation, except where the creek flows close to the road's edge.

3. Whether the sidewalk would be located in a developed area, on a low traffic volume local street without sidewalks;

Strawn Road is classified as a major arterial, with traffic counts measured at 1,692 vehicles daily in 2012 (i.e., low traffic volumes). Residential development is occurring in nearby subdivisions that use Strawn Road as a major point of access.

4. Current or future parks, schools or other pedestrian generators near the development for which a sidewalk or walkway would provide access.

Strawn Park is approximately 1,100 feet north of the subject site. The park, which is in the planning phase, will eventually include a connection to the City's trail system.

RECOMMENDATION

Denial of the requested **variance** from Section 25-53(4) to allow Lot 1 to take residential driveway access onto Broadway and Scott Boulevard, and to allow Lot 2 to take residential driveway access onto Strawn Road.

Approval of the **proposed plat**, subject to the following conditions:

1. A note shall be added to the plat indicating that Lots 1 & 2 are prohibited from taking driveway access onto Broadway, Strawn Road (Route ZZ) and Scott Boulevard (extended) **for the purpose of residential development**, per Section 25-53(4).
2. Access to Lot 2 **for purposes other than residential development**, shall be restricted to no more than one driveway entrance onto Broadway, subject to the applicant submitting a sealed assessment from a Professional Engineer, which verifies that entering sight distance standards are met.

Alternatively, should the Commission wish to support the applicant's request for access to Lot 1 via the Scott Boulevard right-of-way, it should be contingent upon the following conditions:

1. Approval of a variance from Section 25-53(4) as it pertains to future Scott Boulevard (extended), with such variance being conditioned on Council approval of a right-of-use permit that includes an agreement to terminate such access at the time that Scott Boulevard is extended.

2. A note shall be added to the plat indicating that Lot 2 is prohibited from taking driveway access onto Broadway or Strawn Road (Route ZZ) **for the purpose of residential development**, per Section 25-53(4).
3. Access to Lot 2, **for purposes other than residential development**, shall be restricted to no more than one driveway entrance onto Broadway, subject to the applicant submitting a sealed assessment from a Professional Engineer, which verifies that entering sight distance standards are met.

Approval of the request for a **variance** from Section 25-48.1 (Subdivision Regulations - Sidewalks).

- After reviewing the variance criteria of Section 25-20, it appears that the close proximity of the creek to Strawn Road creates a practical difficulty which would prevent the sidewalk from being installed as required along approximately half of the site's frontage.
- After reviewing the guidance in Council Policy Resolution 48-06A, staff believes that the terrain associated with the creek along Strawn Road restricts the horizontal placement of a sidewalk to a point where it may not be possible to install an ADA compliant sidewalk along the entire street frontage.

ATTACHMENTS

- Variance letter from the applicant's attorney
- Location maps
- Proposed plat of Howell Subdivision, Plat No. 3
- CATSO Major Roadway Plan
- Selected alternative - Scott Boulevard and I-70 Environmental Assessment
- Council Policy Resolution PR 48-06A

SITE HISTORY

Annexation Date	1969
Existing Zoning District(s)	A-1 (Agriculture District)
Land Use Plan Designation	Neighborhood District
Subdivision/Legal Lot Status	Land in Limits

SITE CHARACTERISTICS

Area (acres)	14.55 acres
Topography	Steeply sloping from west to east
Vegetation/Landscaping	Primarily tree-covered
Watershed/Drainage	Harmony Creek
Existing structures	None

UTILITIES & SERVICES

All City services are available to the site.

ACCESS

Broadway	South side of site
Major Roadway Plan	Major Arterial (Unimproved & City-maintained)
CIP Projects	None
Sidewalk	Needed

Strawn Rd (Rte ZZ)	East side of site
Major Roadway Plan	Major Arterial (Unimproved & City-maintained)
CIP Projects	10+ year project to extend Scott Blvd northward to I-70 & install an interchange (no funding or design)
Sidewalk	Needed

PARKS & RECREATION

Neighborhood Parks	Rothwell Park (approx. 1,000ft south)
Trails Plan	No trails planned adjacent to site
Bicycle/Pedestrian Plan	Urban Trails/Pedway indicated along one side of roadway (to be determined)

Report prepared by Steve MacIntyre; Approved by Pat Zenner

SMITH LEWIS, LLP

ATTORNEYS AT LAW

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LEGAL NURSE CONSULTANT
KAREN ASHRAFZADEH, RN

July 29, 2015

Mr. Timothy Teddy
City of Columbia
Community Development Director
701 E. Broadway
Columbia, MO 65201

Re: Applications for Variance, Case No. 15-58, Howell Subdivision Plat 3

Dear Mr. Teddy:

I represent Jesse Martin regarding his proposed plat of Howell Subdivision, Plat 3, for property located at the northwest corner of West Broadway and Route ZZ/Strawn Road. I am writing regarding two (2) variances being requested with regard to this property.

Section 25-48 of the subdivision regulations requires that a sidewalk be constructed along the subject site's Route ZZ/Strawn Road frontage. There is no sidewalk along either side of Strawn Road between West Broadway and Worley, and there is no sidewalk on this side of Strawn Road between West Broadway and I-70 Drive SW. The topography in this location is also not conducive to construction of a sidewalk in this location. The slopes on this property will not allow a safe sidewalk, and there is a stream located right along the property line where a sidewalk would generally go. As a result, the criteria for granting of a sidewalk variance set forth in Section 25-20, and required to be provided on the Sidewalk Variance Worksheet are met.

Section 25-53(4) of the subdivision regulations prohibits access to Broadway, Scott Boulevard, or Strawn Road for any single-family or two-family residential property use. The property we are discussing here is in two discreet tracts, however, are a perfect example of the reason for allowing variances.

From the smaller tract (the "1.85 Acre Tract"), we are requesting driveway access from West Broadway and Strawn Road. Staff has stated they are willing to support a driveway from West Broadway on the 1.85 Acre Tract for non-residential use, and we understand the requirement and are willing to agree to only use that driveway – subject to sight distances – for non-residential use. Therefore, in order to allow for possible residential use of the 1.85 Acre Tract, we are requesting a variance for a driveway from Strawn Road. Strawn Road has a number of residential driveways, and at this point that may be the only reasonable use of this property, regardless of future potential for other uses.

The larger tract (the "10.33 Acre Tract") currently fronts on West Broadway and Strawn Road. Following approval of this plat, it will have frontage on Scott Boulevard and Strawn Road, based on

the dedication of right-of-way for Scott Boulevard. There is no certain projection when or if Scott Boulevard may be extended across this location, and this property is surrounded on all sides by residential property. My client wants to construct one home on this property in a location that will still allow for construction of Scott Boulevard in the location at which the right-of-way has been granted. Gaining access to this property from Strawn Road is extremely cost-prohibitive and potentially harmful to the ecosystem of the stream located on the property. For that reason, my client is requesting a right of use permit to access his property over the Scott Boulevard right-of-way until such time as Scott Boulevard is extended. In this location, West Broadway is not a four-lane road, or a busy street like Broadway is in most areas of town, and as such, allowing a second driveway in this location is not an unreasonable request. My client is also requesting that he be granted a variance to allow for one residential driveway – in a location determined acceptable by the Missouri Department of Transportation and/or City of Columbia traffic engineers – onto Scott Boulevard. This request is to serve a tract of greater than 10 acres, for residential purposes, and as such, will not cause traffic problems. This is not a situation with a substantial number of homes with driveways entering the street. The 10.33 Acre Tract will have plenty of space to allow for a driveway that will not result in cars needing to back into the street, thereby alleviating the problems that gave rise to the need for limitations on residential driveways on these streets.

For all of these reasons, my client is requesting that you approve these requested variances and a right of use, along with his proposed plat of Howell Subdivision Plat 3.

Sincerely,

A handwritten signature in black ink, appearing to read "Phebe La Mar". The signature is fluid and cursive, with the first name "Phebe" being more prominent and the last name "La Mar" following in a similar style.

Phebe La Mar



15-58: Howell Subdivision, Plat No. 3

Final Minor



City of Columbia Zoning

100-Year Flood Plain

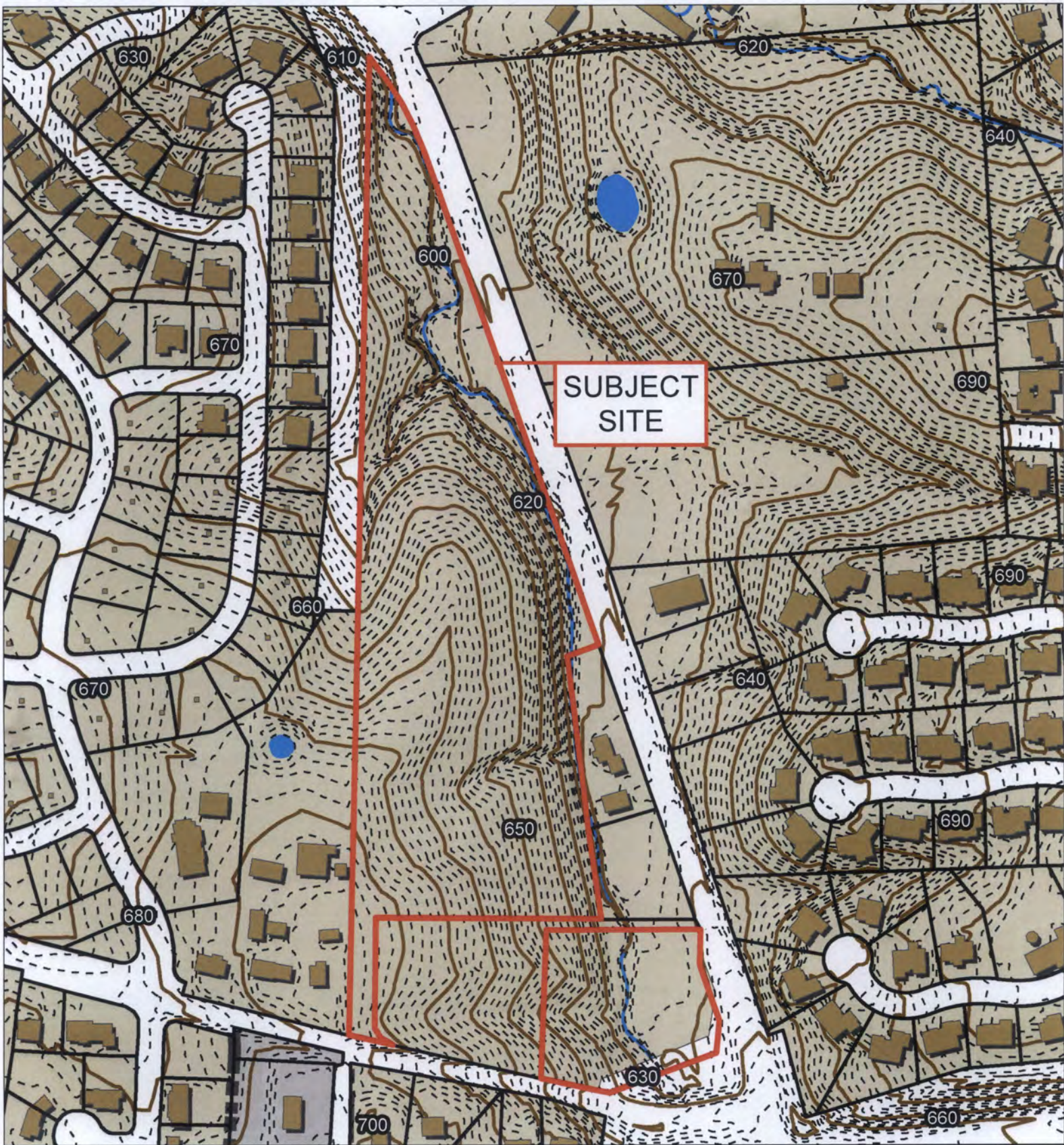
Boone County Zoning



Parcels

Columbia City Limit





15-58: Howell Subdivision, Plat No. 3

Final Minor



— 10 Foot Contour Lines

- - - 2 Foot Contour Lines

— Stream

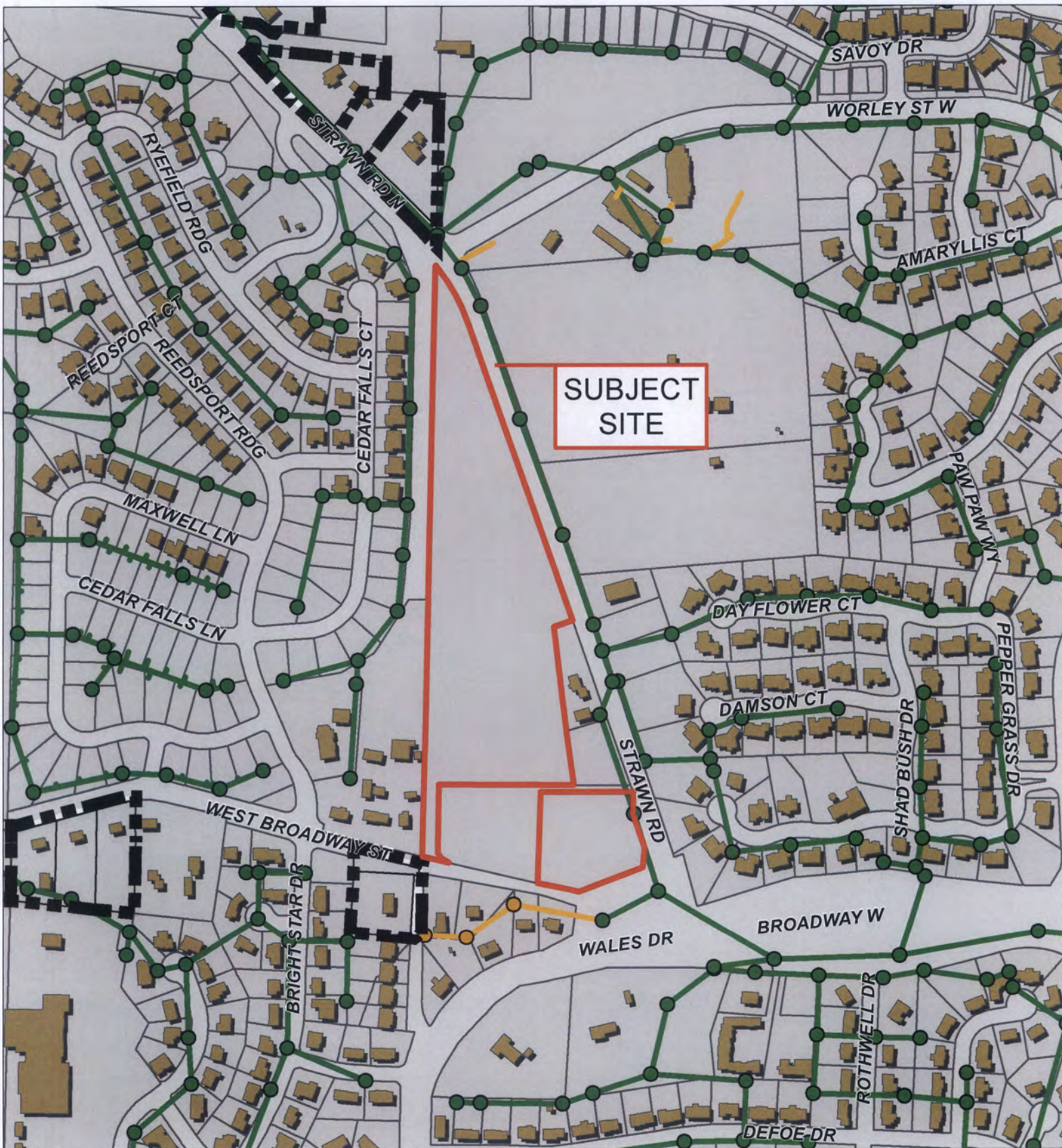
□ Parcels

■ Building Footprint

■ Bodies of Water

■ Columbia City Limit





15-58: Howell Subdivision, Plat No. 3

Final Minor



- City Sanitary Structure
- Private Sanitary Structure
- City Sanitary Line
- Private Sanitary Line

■ Building Footprint

■ Parcels

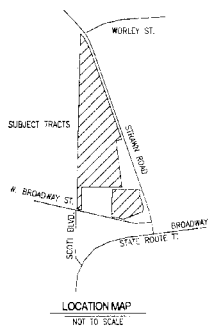


■ Columbia City Limit



FINAL PLAT HOWELL SUBDIVISION, PLAT No. 3

A MINOR SUBDIVISION LOCATED IN THE SOUTHWEST QUARTER OF SECTION 9,
TOWNSHIP 48 NORTH, RANGE 13 WEST
COLUMBIA, BOONE COUNTY, MISSOURI
JANUARY 27, 2015



- LEGEND:**
- (E) EXISTING
 - (S) SET
 - (I) 1/2" IRON PIPE (UNLESS NOTED OTHERWISE)
 - (M) MEASURED DISTANCE
 - (WD) RECORDED DISTANCE
 - (R) RAILROAD LINE
 - (H) DRAINAGE HOLE
 - (C) CHISELED X
 - (R) RIGHT-OF-WAY MARKER
 - (RC) POINT OF BEGINNING

STREAM BUFFER

LINE	DIRECTION	LENGTH
1	N 37°56'25" W	14.50
2	N 45°31'15" W	80.80
3	N 50°46'42" E	111.00
4	N 12°02'58" W	57.73
5	N 101°11'50" E	44.55
6	N 32°23'15" W	81.35
7	N 73°35'35" E	106.14
8	N 102°22'07" W	104.61
9	N 05°00'30" E	185.96
10	N 248°28'25" E	172.12
11	N 33°02'25" E	86.80
12	N 16°44'30" E	163.22
13	N 07°36'35" E	106.24
14	N 38°54'10" E	49.72
15	N 78°56'40" E	37.45
16	N 49°10'25" E	78.87
17	N 24°52'15" E	122.15
18	N 51°02'25" E	69.35
19	N 64°44'57" E	45.84
20	N 32°52'42" E	17.23
21	N 42°16'52" E	74.57
22	N 12°26'12" E	75.35
23	N 118°20" E	62.85
24	N 134°00" E	56.01
25	N 25°26'50" E	21.36
26	N 72°52'05" E	27.37
27	N 40°17'30" E	38.61

CERTIFICATION:

I, HEREBY CERTIFY THAT IN JANUARY OF 2015, I CONDUCTED A SURVEY AND SUBDIVISION FOR JESSE HOWELL, PART OF TWO (2) TRACTS OF LAND LOCATED IN THE SOUTHWEST QUARTER OF SECTION 9, TOWNSHIP 48 NORTH, RANGE 13 WEST, COLUMBIA, BOONE COUNTY, MISSOURI, AND BEING PART OF THE LAND DESCRIBED BY THE QUIT-CLAIM DEED RECORDED IN BOOK 2944, PAGE 81, AND BEING PART OF TRACTS 2 & 3 AS SHOWN ON THE SURVEY RECORDED IN BOOK 850, PAGE 1, AND PART OF THE SURVEY RECORDED IN BOOK 297, PAGE 547, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

TRACT 1: BEGINNING AT THE SOUTHWEST CORNER OF SAID SECTION AND THE SOUTHWEST CORNER OF SAID SURVEY RECORDED IN BOOK 297, PAGE 547, AND WITH THE WEST LINE THEREOF, N 109°55' 197.77 FEET TO THE WEST RIGHT-OF-WAY LINE OF MISSOURI STATE ROUTE 22, THENCE LEAVING THE LINES OF SAID SURVEY AND WITH SAID WEST RIGHT-OF-WAY LINE, 197.61 FEET ALONG A 537.96-FOOT RADIUS CURVE TO THE RIGHT, SAID CURVE HAVING A CHORD, S 30°05'35" E 196.50 FEET, THENCE S 19°34'10" E 776.85 FEET, THENCE S 18°44'10" E 267.42 FEET TO THE NORTHEAST CORNER OF HOWELL SUBDIVISION, RECORDED IN PLAT BOOK 41, PAGE 47, THENCE LEAVING SAID WEST RIGHT-OF-WAY LINE AND WITH THE LINES OF SAID HOWELL SUBDIVISION, S 71°03'45" W 83.06 FEET, THENCE S 61°18'30" E 520.44 FEET TO THE SOUTHWEST CORNER OF HOWELL SUBDIVISION, PLAT 2, RECORDED IN PLAT BOOK 43, PAGE 20, THENCE S 89°00'50" E 185.97 FEET TO THE SOUTHWEST CORNER OF SAID HOWELL SUBDIVISION, PLAT 2, AND WITH SAID WEST RIGHT-OF-WAY LINE, S 18°44'10" E 17.07 FEET TO THE NORTHEAST CORNER OF JACKMAN SUBDIVISION, RECORDED IN PLAT BOOK 26, PAGE 27, THENCE LEAVING SAID WEST RIGHT-OF-WAY LINE AND WITH THE LINES OF SAID JACKMAN SUBDIVISION, N 88°51'35" W 638.07 FEET, THENCE S 11°12'07" E 275.22 FEET TO THE SOUTH LINE OF TRACT THREE, AS SHOWN BY THE SURVEY RECORDED IN BOOK 850, PAGE 1, THENCE LEAVING THE LINES OF SAID JACKMAN SUBDIVISION AND WITH THE SOUTH LINE OF SAID TRACT THREE, N 85°45'30" W 30.57 FEET TO THE POINT OF BEGINNING AND CONTAINING 1.30 ACRES.

TRACT 2: BEGINNING AT THE NORTHEAST CORNER OF TRACT 1, AS SHOWN BY THE SURVEY RECORDED IN BOOK 850, PAGE 1, AND WITH THE NORTH LINE THEREOF, S 89°00'50" E 292.36 FEET TO THE WEST RIGHT-OF-WAY LINE OF MISSOURI STATE ROUTE 22, THENCE LEAVING THE LINES OF SAID TRACT 1, AND WITH SAID WEST RIGHT-OF-WAY LINE, S 72°52'05" E 41.43 FEET, THENCE S 18°44'10" E 115.00 FEET, THENCE S 51°18'20" E 61.36 FEET, THENCE S 69°01'45" W 217.36 FEET TO THE NORTH RIGHT-OF-WAY LINE OF WEST BROADWAY, THENCE LEAVING SAID WEST RIGHT-OF-WAY LINE OF ROUTE 22, AND WITH THE RIGHT-OF-WAY OF WEST BROADWAY, S 5°41'25" W 11.82 FEET TO THE SOUTH LINE OF SAID TRACT 2, THENCE LEAVING SAID RIGHT-OF-WAY OF WEST BROADWAY AND WITH THE LINES OF SAID TRACT 2, N 63°45'45" W 120.11 FEET, THENCE N 109°20'17" E 281.28 FEET TO THE POINT OF BEGINNING AND CONTAINING 1.30 ACRES.

I FURTHER CERTIFY THAT I SURVEYED THE ABOVE DESCRIBED PROPERTY AND SUBDIVISION IN ACCORDANCE WITH THE MINIMUM STANDARDS FOR PROPERTY BOUNDARY SURVEYS.

SURVEY AND PLAT BY:

CHICKETT ENGINEERING CONSULTANTS, LLC

2006 NORTH SHAW BLVD

COLUMBIA, MO 65207

CONTRACT NUMBER: 20030151004



David Thomas Butler
DAVID T. BUTLER, REG-2002014005
4/10/2015
DATE

STATE OF MISSOURI }
COUNTY OF BOONE }

SUBSCRIBED AND AFFIRMED BEFORE ME THIS 16th DAY OF April, 2015

Kenneth T. Farris
KENNETH T. FARRIS, NOTARY PUBLIC
MY COMMISSION EXPIRES APRIL 22, 2018
COMMISSION NUMBER 14955687

WITNESSES:
Notary Public - Gregory Seal
STATE OF MISSOURI
Columbia County
Commission # 4965267
My Commission Expires April 22, 2018

KNOW ALL MEN BY THESE PRESENTS:

THAT JESSE H. MARTIN IS THE SOLE OWNER OF THE PERSON DESCRIBED TRACT AND THAT HE HAS CAUSED SAID TRACT TO BE SURVEYED, SUBDIVIDED, AND PLATTED AS SHOWN ON THE ABOVE DRAWING. THE STREET RIGHT-OF-WAY SHOWN BY THE ABOVE DRAWING IS HEREBY DEDICATED TO THE CITY OF COLUMBIA FOR HIGHWAY USE HEREIN. THE EASEMENTS AS SHOWN ARE HEREBY DEDICATED TO THE CITY OF COLUMBIA FOR PUBLIC USE. THEREAFTER, THE ABOVE DRAWING AND DESCRIPTION SHALL, HEREAFTER BE KNOWN AS HOWELL SUBDIVISION, PLAT NO. 3.

A WITNESS WHEREOF, JESSE H. MARTIN HAS CAUSED THESE PRESENTS TO BE SIGNED.

OWNER, JESSE H. MARTIN

STATE OF MISSOURI }
COUNTY OF BOONE }
ON THIS 16th DAY OF April, 2015, BEFORE ME PERSONALLY APPEARED JESSE H. MARTIN, TO ME KNOWN, WHO BEING FULLY ADVERSE TO THE OWNERSHIP OF SAID TRACT AND WHO ACKNOWLEDGE THIS INSTRUMENT TO BE HIS FREE ACT AND DEED.

STATE OF MISSOURI }
COUNTY OF BOONE }
SUSCRIBED AND AFFIRMED BEFORE ME THIS DAY OF April, 2015.

KENNETH T. FARRIS, NOTARY PUBLIC
MY COMMISSION EXPIRES APRIL 22, 2018
COMMISSION NUMBER 14955687

WITNESSES:
Notary Public - Gregory Seal
STATE OF MISSOURI
Columbia County
Commission # 4965267
My Commission Expires April 22, 2018

ACCEPTED BY ORDINANCE OF THE CITY COUNCIL OF COLUMBIA, MISSOURI, THIS 16th DAY OF April, 2015.

ROBERT M. MURPHY, MAYOR

SHELIA ANNA, CITY CLERK

FLOOD PLAN STATEMENT:

"THIS TRACT IS NOT LOCATED IN THE 100-YEAR FLOOD PLAIN AS SHOWN BY BOONE COUNTY & CITY OF COLUMBIA FLOOD PLAN MAPS. PANEL #29018022000, DATED MARCH 17, 2011."

NOTES:

- THIS SURVEY CONFORMS TO THE ACCURACY STANDARDS FOR URBAN PROPERTY AS DEFINED BY MISSOURI BOARD RULE 20 CSR 200-16.040(2)(A).
- RECORD TITLE INFORMATION WAS NOT PROVIDED FOR THIS SURVEY.
- THIS TRACT IS REGULATED BY THE STREAM BUFFER REQUIREMENTS IN SECTION 15A-232, ARTICLE 9 OF THE CITY OF COLUMBIA CODE OF ORDINANCES. THE REGULATED STREAM ON THIS PLAT IS AS SHOWN ON THE GRAPHIC (HIGHLIGHTED QUADRANGLE).

APPROVED BY THE CITY OF COLUMBIA PLANNING AND ZONING COMMISSION THIS 16th DAY OF April, 2015.

DR. RAMAN PURI, CHAIRPERSON

BEARINGS AND DISTANCES TO CORNER NORTH OF THE MISSOURI STATE PLUMB COORDINATE SYSTEM (NAD 83) OBTAINED FROM GPS OBSERVATION.

SCALE: 1"=100'

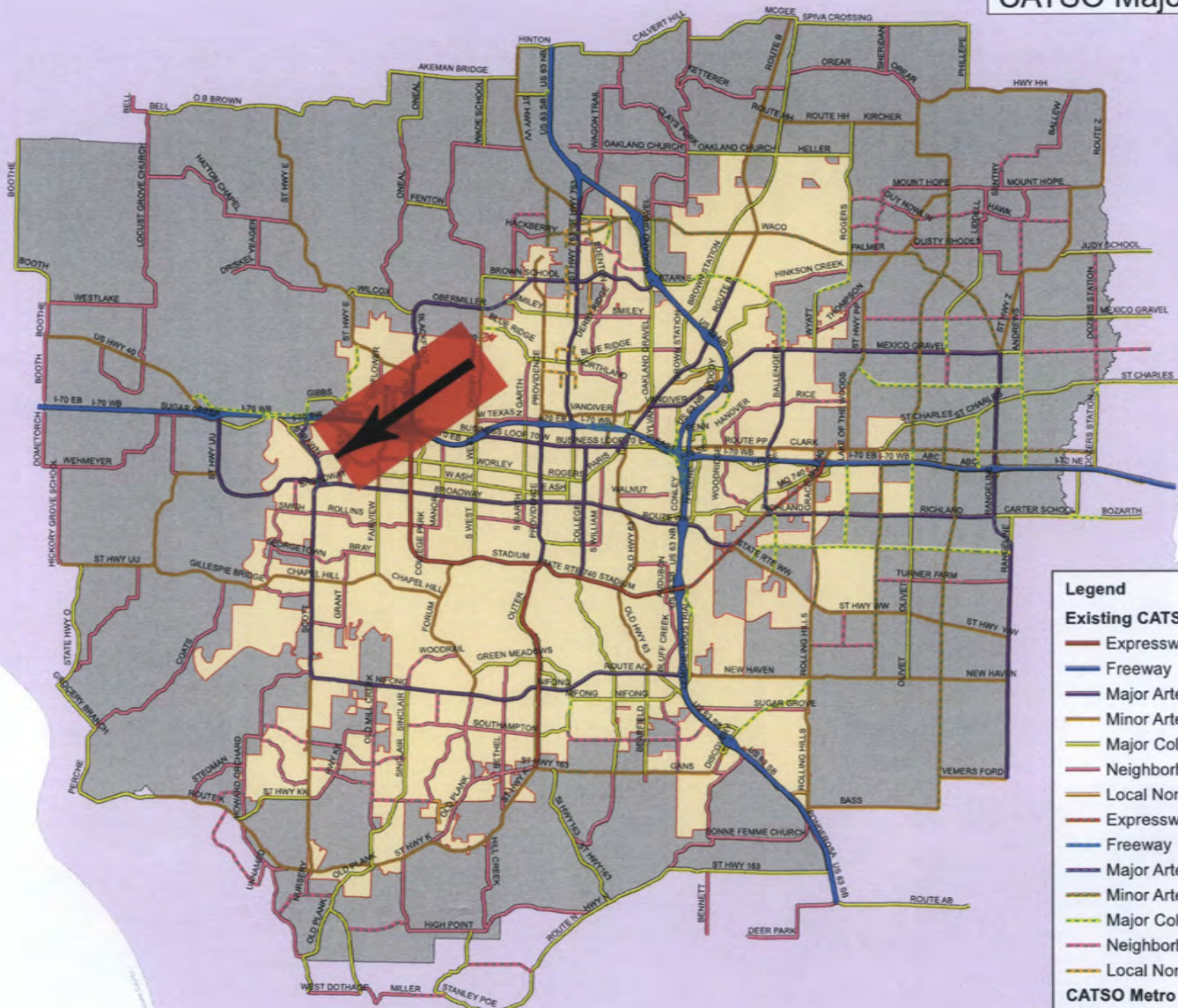
0 50 100 200

FEET

DETAIL

CATSO Major Roadway Plan

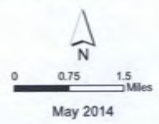
June 2014



Legend

Existing CATSO Major Roadway Plan

- Expressway
- Freeway
- Major Arterial
- Minor Arterial
- Major Collector
- Neighborhood Collector
- Local Non Residential
- Expressway
- Freeway
- Major Arterial
- Minor Arterial
- Major Collector
- Neighborhood Collector
- Local Non Residential



CATSO Metro Area

- Columbia Metropolitan Planning Area
- City of Columbia Corporate Limit
- Boone County Boundary



Introduced by Hindman Council Bill No. PR 48-06 A

A POLICY RESOLUTION

establishing a policy on requests for variances to subdivision regulation requirements for construction of sidewalks along unimproved streets.

WHEREAS, Chapter 25 of the City Code generally requires sidewalks to be constructed on both sides of all streets within a subdivision; and

WHEREAS, the City frequently receives requests for variances from these requirements when development occurs along unimproved streets which are not being constructed or reconstructed as part of the subdivision; and

WHEREAS, the City is committed to assuring safe pedestrian accommodations throughout the City while recognizing that there are occasions when standard sidewalks are not appropriate at the time of subdivision or development; and

WHEREAS, the City Council deems it necessary to adopt a policy statement to serve as a guide in reviewing and acting on requests for variances for sidewalks along unimproved streets in the City.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF COLUMBIA, MISSOURI, AS FOLLOWS:

SECTION 1. The City Council shall review each request for a sidewalk variance along an unimproved street in the context that there must be a reasonable relationship between the proposed activity of a landowner and the requirement that the landowner construct a sidewalk and in the context that the public safety and welfare make it desirable to encourage pedestrian movement by providing safe walkways and sidewalks away from traffic lanes of streets.

SECTION 2. The City Council shall grant the requested variance without conditions only if it determines that the sidewalk is not needed or that the impact of the proposed development does not justify the requirement that the sidewalk be constructed.

SECTION 3. In determining the need for a sidewalk variance and in determining whether the impact of the proposed development justifies the requirement that the sidewalk be constructed, the City Council shall consider but not be limited to the following factors:

- a. The cost of constructing the sidewalk relative to the cost of the proposed development;

- b. Whether the terrain is such that sidewalks or walkways are physically feasible;
- c. Whether the sidewalk would be located in a developed area, on a low traffic volume local street without sidewalks;
- d. Current or future parks, schools or other pedestrian generators near the development for which a sidewalk or walkway would provide access.

SECTION 4. If the City Council finds that the proposed use of the land would justify the requirement that a sidewalk be constructed and that in the interest of public safety and welfare there is an immediate or near future need for a sidewalk or walkway at the location of the variance request, the City Council will approve the variance request only if an alternative walkway is provided or if the property owner pays the City for future construction of the sidewalk pursuant to Section 7 or if some other equitable arrangement for construction of a sidewalk or other pedestrian infrastructure improvement is made.

SECTION 5. Alternative walkways are defined as all weather pedestrian facilities constructed in accordance with plans and specifications approved by the Public Works Department. Alternative walkways may deviate in vertical and horizontal separation from the roadway in order to take advantage of natural contours and minimize the disturbance to trees and natural areas but must meet all requirements for handicap accessibility. Alternative walkways must be located on public easements but a walkway easement may be conditioned that if the walkways are no longer needed for a public purpose, the walkway easements will be vacated.

SECTION 6. When alternative walkways are permitted, plans, specifications and easements must be submitted prior to approval of the final plat abutting the unimproved street and construction must occur prior to the first certificate of occupancy within the platted area.

SECTION 7. If the City Council determines that the public safety and welfare would not be jeopardized, the Council may allow the property owner, in lieu of constructing an alternative walkway, to pay the City the equivalent cost of construction of a conventional sidewalk. The equivalent cost of construction of a conventional sidewalk shall be defined as the City's average cost of constructing portland cement concrete sidewalks by public bid during the two (2) calendar years prior to the year in which the variance request is submitted. Payment of the equivalent cost of a conventional sidewalk shall occur:

- a. Prior to approval of the first final plat when the variance is approved in connection with a preliminary plat;

- b. Prior to issuance of the first building permit when approved with a final plat or planned development where no variance request has been made with the preliminary plat; or
- c. Prior to issuance of the certificate of occupancy when variance requests are approved on individual lots where final plats have been approved without variance request.

Each payment made under this section shall be used to construct a sidewalk along the unimproved street adjacent to the property for which the payment was made. The sidewalk shall be constructed when the street is constructed to City standards.

SECTION 8. In all cases, when alternative walkways or payments under Section 7 are approved as fulfilling the subdivision requirements for construction of sidewalks, the action of Council shall be noted on a final plat of the properties affected. In cases where final plats have been previously approved, re-platting may be required.

SECTION 9. The grant of a variance to the subdivision regulations requirement for construction of a sidewalk shall not affect the power of the City Council to later install a sidewalk adjacent to the property and levy a special assessment against the property for construction of the sidewalk.

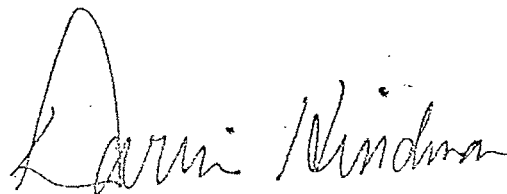
SECTION 10. This resolution replaces Policy Resolution 171-01A which is hereby repealed in its entirety.

ADOPTED this 20th day of march, 2006.

ATTEST:



City Clerk



Mayor and Presiding Officer

APPROVED AS TO FORM:



City Counselor

EXCERPTS

PLANNING AND ZONING COMMISSION MEETING

AUGUST 6, 2015

IV) SUBDIVISIONS

Case No. 15-58

A request by Jesse Martin (owner) for approval of a two-lot final minor plat of A-1 (Agricultural District) zoned land to be known as "Howell Subdivision, Plat No. 3"; and for variances from sidewalk construction requirements and driveway access restrictions. The 14.55-acre subject site is located on the northwest corner of Strawn Road (Route ZZ) and West Broadway. (This item was previously tabled at the June 4 and 18, 2015 meetings.)

MR. REICHLIN: May we have a staff report, please?

Staff report was given by Mr. Steve MacIntyre of the Planning and Development Department.

Staff recommends:

1. Denial of the requested variance from Section 25-53(4) to allow Lot 1 to take residential driveway access onto Broadway and Scott Boulevard, and to allow Lot 2 to take residential driveway access onto Strawn Road.
2. Approval of the proposed plat, subject to the following conditions:
 - a) A note shall be added to the plat indicating that Lots 1 and 2 are prohibited from taking driveway access onto Broadway, Strawn Road (Route ZZ) and Scott Boulevard (extended) for the purpose of residential development, per Section 25-53(4).
 - b) Access to Lot 2 for purposes other than residential development, shall be restricted to no more than one driveway entrance onto Broadway, subject to the applicant submitting a sealed assessment from a Professional Engineer, which verifies that entering sight distance standards are met.

Alternatively, should the Commission wish to support the applicant's request for access to Lot 1 via the Scott Boulevard right-of-way, it should be contingent upon the following conditions:

- a) Approval of a variance from Section 25-53(4) as it pertains to future Scott Boulevard (extended), with such variance being conditioned on Council approval of a right-of-use permit that includes an agreement to terminate such access at the time that Scott Boulevard is extended.
- b) A note shall be added to the plat indicating that Lot 2 is prohibited from taking driveway access onto Broadway or Strawn Road (Route ZZ) for the purpose of residential development, per Section 25-53(4).
- c) Access to Lot 2, for purposes other than residential development, shall be restricted to no more than one driveway entrance onto Broadway, subject to the applicant submitting a sealed assessment from a Professional Engineer, which verifies that entering sight distance standards are met.

3. Approval of the request for a variance from Section 25-48.1 (Subdivision Regulations - Sidewalks).

MR. REICHLIN: Anybody have any questions of staff?

MS. RUSHING: I have a couple of things. That little leg that comes down from Lot 1 to West Broadway, that's owned by the applicant?

MR. MACINTYRE: Yes. There is, I believe, about a 17-foot-wide leg. And, I apologize, on our -- oh, I'm sorry. Did you say on Broadway or Strawn?

MS. RUSHING: Well, it's on the west -- the east -- the west side.

MR. MACINTYRE: West side. Okay. I'm --

MS. RUSHING: That piece that comes down -- comes down from Lot 1.

MR. MACINTYRE: Okay. Pardon me. Yes. That --

MS. RUSHING: And then I'm not sure about the actual lot lines for Lot 2. It looks like there may be a little strip above -- north of Lot 2 that the applicant does not own; is that correct?

MR. MACINTYRE: That's correct. And, I'm sorry, I was confused there for a moment. But there is a narrow strip of land about 15 feet wide approximately that belongs to this intervening lot that was platted -- I don't know -- about 20 years ago, I want to say, as a separate subdivision and is under separate ownership currently. What the locator maps do not reflect is that there is a 17-foot-wide stem actually extending off of Lot 1 paralleling that -- that strip, that narrow stem that -- the Jackman Subdivision lot, which again is separately owned and platted, that extends to Strawn Road from there. So that's a -- maybe a neither here nor there, but wanted to point that out as a correction to the locator map.

MR. REICHLIN: Anybody else? Seeing no one. Typically, when we have a subdivision item on our agenda, we will entertain salient comments with regard to that -- this matter. That said, this is not a public hearing, but if you feel like you have something important to add, we would be happy to hear from you.

MS. LAMAR: Good evening. My name is Phebe LaMar; I have offices at 111 South Ninth Street, and I'm here this evening on behalf of the applicant, Jesse Martin. He's the owner of the property that you see that was being discussed previously by Mr. MacIntyre, and has requested approval of this plat as well as the variances and the right-of-use permit. I'd like to just explain a little bit of the reasoning and the process by which we have gotten to here this evening and try to explain a little bit of why we're asking for what we're asking for. My client owns two tracts of property which are included in the plat that's in front of you this evening that's right at the northwest corner of Strawn Road and Route ZZ and then Broadway. In addition, the right-of-way that's owned by the City for one-half of the extension of Scott Boulevard is immediately adjacent to the western boundary of this property line. So if you look right there, Steve is pointing it out to you. There's actually right-of-way that's been previously donated that is immediately adjacent to this property. As a part of this plat, Mr. -- Mr. Martin has agreed that for the portion of the remaining half of the Scott Boulevard right-of-way that Mr. Martin owns, he has agreed to donate the right-of-way needed to some day extend Scott Boulevard. In addition, he has only divided the -- this

property into two tracts thereby minimizing any increase in population density in this area. The property, if he had wished, could have certainly been subdivided further, which would have resulted in increased population. Review of the pictures in staff's packet reveals that without any doubt this proposed plan is far less dense than the majority of the -- of the development that's gone on in this area, and will add significantly less traffic to the roads than could otherwise be the case. It also shows that the proposed use for one or two single-family homes will fit well in this area since essentially all of the -- of the development in this area is residential. In order to allow for this low-density development in the area, however, Mr. Martin needs to request the two variances and the right-of-use permit that he is requesting. As you will note, the requests being made have evolved during the course of discussions with the City over the past few months. If, for example, you looked at the report that was prepared and presented to you in May, it is substantially different from the report that was prepared for you and presented to you this evening. In addition, there was a brand-new letter that we submitted on July 29th that is also substantially different than the -- than the letter that had been previously submitted back in April. The variances requested are first for the sidewalk, and I think Mr. MacIntyre has basically covered that. Unfortunately, the terrain, the creek right next to the road, it doesn't allow for any kind of a -- of a sidewalk that would be either financially feasible or, frankly, possibly -- even possible to -- to construct in that area. And as a result, the sidewalk variance is a reasonable request. I believe -- the location of the creek -- I'm getting ahead of myself. I apologize. I shortened that a little bit. Given the lack of financial feasibility and the potential environmental effects of access to the property -- to the tract from Strawn Road and, frankly, many of the same reasons that -- that mean that their sidewalk is not viable in this area are the very same reasons why gaining access to this property from Strawn Road is unreasonable -- is unreasonably expensive. Unfortunately -- initially, when my client contacted City staff, they said okay, well, you need to get access from Strawn Road. And he said, well, there's a creek that I have to cross in order to do that. And they said, well, find out how much it's going to cost to do that. So my client went and talked to somebody and got a bid for putting a bridge in over the creek that he would have to cross in order to access from Strawn Road, and the cost for doing that is \$240,000, which, if this was for more than one house, might be a reasonable expense, but, unfortunately, when it is only for one house, it makes it something that's not financially feasible in this location. When you look at this property, the only methods of access to the property are either from Strawn Road or from Broadway/Scott Boulevard. As a result, when we -- when we got bid for the -- for the crossing of the creek over Strawn Road -- from Strawn Road, we went and started looking at trying to gain access from Broadway. We talked to City staff. They said, well, if you're going to do that, we think that you should build Scott Boulevard in that location. That's part of what's included in the City staff report. So, we went and talked to a contractor and said, okay, how much would it cost for us to construct the portion of Scott Boulevard that we need to construct in order to be able to access a house on this piece of property? They said, oh, about \$240,000 or \$250,000. So now we're left with situation where the only way that we can access this property in a way that City staff seems to think is okay is to spend about \$250,000 or a quarter of a million dollars in order to get access

to a single-family home. Unfortunately, that's not an expense that my client is in a position to be able to spend. And as a result, he's asking you for a couple of things. The first of those is a right-of-use permit so that until such point as -- as the City decides that they want to extend Scott Boulevard, which we're granting them the right-of-way to do, that they can use the right-of-way in that -- in that particular section in order to access the property. They're not looking to -- to build the road because they can't (a) for financial reasons and (b) when they talked to the contractor, he said, well, yeah, I guess, technically you could build the road, but we don't have any engineering, as Mr. MacIntyre just said. We don't have any grading plan. We don't have anything that would tell us exactly how to build it such that it would actually match up with whatever is built in the future. And as you have to keep in mind, this is less than half of the road. So as a result, we're going to build -- construct a road that will likely have to be torn out because it's not going to match up with whatever is built on the other side and whatever is built further down the road. So it doesn't really make sense to build the road in this location. What we really need is a driveway to access this single-family home. And so we're asking for a right-of-use permit. We submitted the application -- I can give you the paperwork if you would like it. I've got it -- I've got copies of it that I'm happy to pass out to you, but essentially what it says is, until the City of Columbia cancels this right-of-use, we would like to use this particular section in order to access and put in a driveway. We'll construct the driveway. It can be easily torn out, but we need to use it in order to access the property. The second part of what we're asking for is for a variance to obtain access to the property off of Scott Boulevard if and when it's extended at some point ten-plus years in the future. At that point, we'll certainly abide by whatever the City of Columbia says -- and MoDOT or whoever says as far as sight distances and location of the driveway. And the -- and the reality is, the tract that we're talking about here is excess of ten acres even after donating the right-of-way for Scott Boulevard, which means there's plenty of area for them to put in a circle drive or whatever in order to prevent the need for people to back out onto Scott Boulevard which I suspect is one of the reasons why they don't want single-family homes to be -- to be using Scott Boulevard as a -- as a means of access to their driveway. So this is a reasonable request and puts the property in a position that it can be used. The thing that I'm confused by is, if you don't have access off of Strawn Boulevard, which isn't recommended by staff, and you don't have access off of Scott Boulevard, and you can't access it from Broadway, because you've already donated the right-of-way, you don't have any method of accessing this property for any use that it can be used for as of this point because it's zoned agricultural, which means that the only thing you can put on there is you can use it for farming or you can put a house. So if we don't allow access for this in this location, we're essentially saying you can't use this property, which doesn't seem like a reasonable stance for the City to take. The second thing we're asking for is a driveway variance for the tract 2, which is the one that's on the corner of Strawn Road and Broadway. And we're asking -- we initially came in and said, okay, we'd like -- we'd like a driveway off of Broadway. They said, well -- initially, they said, okay, we're fine with that. Then they came back in the -- in the new report that was -- that was submitted in conjunction with the hearing this evening and said, well, we're okay with you having a driveway there, but not for a single-family or multi-

family residential uses. So we went back to them and said, okay, well then if we're going to use it for residential, we'd like a driveway off of Strawn Boulevard, not our first choice, but we're okay with that. It'll be fine. Well, no, you can't do that, either. So in other words, you can't access this property for the very same use that is all around it and for which all of the properties around it are being used because you don't have a driveway by which you can access. I'm not sure how you're supposed to get to your garage if you can't have a driveway onto the only public streets on this -- on this corner. So what we're asking for is a driveway and if the -- I was told this afternoon by Mr. MacIntyre that the only place that we could probably get a driveway, and I'm a little fuzzy on the reason for this, but that the only place that we could get it is in that 129 feet off of Broadway. As a result, what we're asking for is a driveway by which we can access this property for residential or other use. We can't have a restriction on residential use and still be able to use the property for the use that we can make of it as of right now without having to rezone it. We're asking for two variances for driveways. We're asking for two variances, one for a driveway and one for the sidewalk. We're asking for one right-of-use permit in order to be able to access this property. I'm happy to answer any questions that you have. Thank you very much.

MR. REICHLIN: Do you have any questions for this speaker?

MS. LAMAR: Thank you.

MR. REICHLIN: Thank you. Okay. I'll open it up to Commissioners' discussion.

MS. BURNS: Could I ask Mr. MacIntyre a question? In what Ms. LaMar just indicated, as far as -- can you revisit that 120-foot -- the acceptability of that and how that could work?

MR. MACINTYRE: Yes. The condition that's being recommended by the City's traffic engineers for accessing Lot 2 is to allow it contingent upon sight distances being met and only on the portion of the Broadway frontage which the City controls. So if that is where the 129-foot stretch is along the western -- southwest side of proposed Lot 2, the remainder of the right-of-way, as Ms. LaMar just mentioned, is access restricted by MoDOT. That was actually a point that until today, it escaped my memory. It was something that came up in our initial review process and would have been forwarded on to the -- the engineering consultant or surveyor, but that was explained by MoDOT as being the case for the remainder of the corner, the issue at hand being that Lot 2 is at the intersection of two major roadways, two major roadways that will someday be improved to standard. It would behoove the City to maintain whatever protections it has in place to restrict any additional accesses that would (a) create a potential life-safety issue for traffic along the existing roadway and (b) present an issue down the road for access and having an access that's grandfathered or preapproved in a location that's already too close to a major intersection. It's just not feasible or safe, so that's -- that's our concern and the rationale -- or part of the rationale behind our stance there.

MS. BURNS: Thank you.

MS. RUSHING: So under the -- both of the proposals, the only access to Lot 2 would be for commercial use?

MR. MACINTYRE: No. It -- really, it's only the one-family detached or two-family homes that are

restricted. So the way the restriction is worded is to only identify those two uses for driveway access restriction. So if you have a lot that is platted for the purpose of one-family or two-family residential development, that's where the driveway access restriction comes into play. And certainly there are other uses available in A-1. Whether the applicant is, you know, intending to or appreciative of those potential uses, you know, not all parcels are created equally and, in this case, it seems that there are challenges certainly associated with it which is why the variance is being requested.

MR. REICHLIN: Anybody else? Mr. Strodtman?

MR. STRODTMAN: Mr. MacIntyre, if -- if we went with the idea of granting access on the -- with the stem that goes to Broadway to Lot 1, and then the -- its use is terminated later when -- when it is extended -- when Scott is extended, would the -- the applicant would be responsible for paying for the new access to Scott per the guidelines established?

MR. MACINTYRE: This is unknown to me. I have not had a chance to review in -- in-depth the application for the right-of-use permit to see if that might have been included as part of a potential condition or contingency.

MR. STRODTMAN: But regardless of who pays for it -- and that would be a good question to clarify, there would be some kind of a street requirement as opposed to a driveway.

MR. MACINTYRE: Oh, yes.

MR. STRODTMAN: You mentioned a cul-de-sac idea.

MR. MACINTYRE: One of -- correct. Yeah. One of the options that's available to get around the use restriction or the access restriction, and this would be again, you know, maybe more -- more typically seen in a -- in a new residential subdivision for single-family development that includes multiple lots, not just one or two as we have here, but to extend new residential streets off of an accessory street to the roadway, you know, a public street extension is perfectly permissible. That is not -- not restricted by this. But in this case, of course, that may be a challenge giving single -- single -- one single-family home that the applicant has expressed a desire to build.

MR. STRODTMAN: And then a kind of a follow-up. On Lot 2, under A-1, it's -- you're allowed to build a residential home. Correct? But we're -- the City would like -- is wanting to trump that with the access-restricted roads that surround it, using that as a stronger regulation for residential than the other uses that are allowed in A-1. Correct? I mean, is that kind of how -- I mean, they can be -- do anything on Lot 2 that's allowed under A-1 as long as it's not the residential component. Correct?

MR. MACINTYRE: Correct. And then, in fact, it's more specific to the access, the driveway access for that use that's restricted. I should be clear, and I see our legal counsel --

MR. STRODTMAN: But I don't understand how they would get access to it without --

MR. MOEHLMAN: So, it would --

MR. REICHLIN: Please give us your name.

MR. MOEHLMAN: It wouldn't trump an A-1 use -- an allowed A-1 use of a residential home. Residential access on these lots can be achieved through dedicating and constructing an interior street.

The City might be able -- may be able to into a -- look into a private-street situation, but that is the way residential access would be gained by constructing interior streets as opposed to driveways. So -- so the restriction that's currently in the subdivision code only restricts driveway access, not, you know, public-street access.

MR. STRODTMAN: So with that in mind then, both of these scenarios would require a cul-de-sac potentially set up arrangement that would qualify as a street that would gain them access to their own personal homes.

MR. MOEHLMAN: Yeah. And -- and the street would have to be up to City standards --

MR. STRODTMAN: Correct.

MR. MOEHLMAN: -- by Public Works.

MR. REICHLIN: Ms. Burns?

MS. BURNS: Would the same site concerns though be applied to a street or a driveway as you're exiting the property?

MR. MOEHLMAN: I think they probably would and they would need to get appropriately engineered.

MR. REICHLIN: Mr. Stanton?

MR. STANTON: Well, one of our options is to approve access contingent on a traffic study. One -- one of our options is to -- yeah, give you access contingent on a traffic study. Correct? Well, that traffic study would have to be done if you did a private street, too; is that -- or does that street -- my next question is, does that street have to be a public street or can it be a private access street, as well?

MR. ZENNER: Ryan -- as we stand, no. Private streets are only permitted in planned-unit developments, so you would have to rezone the property in order to plat the parcel for a private street. As a public street, it is possible that our traffic engineers would want to have a traffic study. The traffic study, however, would be normally derived at trying to determine volume. Really, what the recommendation the staff is making is engineered certification that sight distancing has been met, which doesn't require a traffic study, it just requires an assessment of what the vertical and horizontal curves are where that intersection would be created. The issue here, to come back to Mr. Strodtman's point, you could build to both Lot 1 and Lot 2 a private street -- or public streets to access each lot. It would seem somewhat impractical to build two streets when you potentially could build one single cul-de-sac street between the property line of Jackman and Lot 2 extending into Lot 1, and then putting a cul-de-sac bulb there at the what would be the southeast corner of Lot 1. That would be one option. You've got some topographical relief issues, as you can tell from the map that is before you here as it relates to that. But that is -- that is an option. That is an option that the applicant could proceed forward with should they desire to -- if they're unable to get the variances.

MR. STRODTMAN: But does that -- does the applicant own that southeast corner there? Isn't there another piece of land that has a little stem?

MR. ZENNER: The stem Jackman -- the stem of Jackman, which, as Mr. MacIntyre pointed out,

there's about a 15-foot stem north of the Lot 2 –

MR. STRODTMAN: Yeah.

MR. ZENNER: -- and then what this locator map does not show is a 17-foot stem that ties to this which may or may not be part of the platted property. It may be part of an easement.

MR. STRODTMAN: So this applicant would have to then get Jackman, who, I assume, is the property owner there –

MR. ZENNER: That's the subdivision name of the property being --

MR. STRODTMAN: -- on board with this street because part of that street would be their 17-foot strip, too?

MR. ZENNER: That's correct. Now, there's an option –

MR. STRODTMAN: And if they couldn't get that right-of-way or that agreement with that owner, then they wouldn't have that option?

MR. ZENNER: That -- they potentially would not or they potentially could request a reduction in the right-of-way width and put it all entirely on Lot 2 as a smaller right-of-way with potentially a variance to the pavement width to reduce the amount of improvement that would need to be made. To the Jackman Subdivision, a public street that's split between the two property lines may serve them just as beneficially as that for the Howell Subdivision by removing any access off of Broadway once it is improved to be able to facilitate its future extension westward. The issue right now is is the Jackman Subdivision has access outside of a restricted zone of MoDOT. It does not necessarily mean that they are scot-free as it relates to the City standard of access restriction, however. They still may have to come back and for a private driveway connection to Broadway, they'd still need to get a variance. So that -- I mean, the Jackman Subdivision is in not much of a better condition at this point than the Howell Subdivision. The construction of a private or a public roadway that extends and connects all three to a public road may be beneficial to all of them, and the Jackmans may see that as a definite benefit to participate in possibly the costs of building a roadway versus –

MR. STRODTMAN: But if -- but if they don't, then we've really restricted this property's owner's ability to do something with it under the current A-1.

MR. ZENNER: Under the current A-1, you still again have the ability to develop nonresidential uses. There is an expense associated with that and this is -- as Mr. MacIntyre pointed out, not all parcels are created equal. If you look at Lot 2 and you look at the topographics that are on this graphic in front of you, everything to the west of the creek is extremely terrain intensive. The developable area of Lot 2 is out on the Strawn frontage. I would suggest to you it's questionable once you place setbacks on that property if it is a developable parcel for residential purposes or any potential use of any intensity. The parcel may not be a truly developable tract of land and that is the unfortunate reality of how some properties exist within the City of Columbia. This one is probably the most profound that I've seen since I've been here.

MR. STRODTMAN: Thank you.

MS. LAMAR: Just to provide a little bit of extra information, after getting the first City staff report in which –

MR. STRODTMAN: Could you get in front of a microphone? Sorry.

MS. LAMAR: Sorry. After receiving the City's staff report in which we were encouraged that we should request an easement over the Jackman Subdivision property, we, in fact, found the property owner, which was in and of itself a task because he lives in Florida, and asked him if we could buy an easement or something over his property and he told us he was -- had absolutely no interest in selling an easement over his property. He might sell us his whole property, but he had no interest whatsoever in selling an easement or otherwise going along with something along those lines, which, as you pointed out, then puts my client in the position that he can't even build a single-family house on the property because there's -- because the City doesn't want to give him access.

MR. REICHLIN: Thank you.

MS. LAMAR: Thank you.

MR. REICHLIN: Is there anybody else? Mr. Zenner?

MR. ZENNER: Yes, sir.

MR. REICHLIN: Correct me if I'm wrong, but I'm -- I have the opinion that we need to address the variances before we go forward with discussion or -- and/or approval of the plat, and I want -- I was seeking your guidance in that matter.

MR. ZENNER: That would likely be the appropriate course of action because depending on what conditions or what additional notes you want on the plat, determining what you want to do with the variances first definitely need to be addressed. Sidewalk variance, obviously, is the easiest of the variances sought, so you may want to dispose of that one and then debate the access variances following.

MR. REICHLIN: Thank you very much. Okay. So, for right now, I would like to say, yes, I sympathize with the applicant's position. However, that is the stark reality of owning land in a growing community that also has physical challenges. To me, the fact that there is access restriction is a function of public safety and personal safety for anybody who is trying to get in and out of the driveway on any of these. And I've driven up Scott Boulevard often enough to know that there's good purpose for it. So that said, I'll open up for a motion on the variance regarding the sidewalks. Anybody care to frame a motion on that?

MR. STRODTMAN: I'll do that one.

MR. REICHLIN: Thank you, Mr. Strodtman.

MR. STRODTMAN: It's the easier of the two -- or the three. I request a -- approval for a variance from Section 25-48.1, which is the subdivision relations for sidewalks.

MR. STANTON: Second.

MR. REICHLIN: Is there any discussion on that motion, given the nature of this -- I just thought I'd throw that out there. Seeing none, may we have a roll call, please.

MR. STRODTMAN: Yes.

Roll Call Vote (Voting "yes" is to recommend approval.) Voting Yes: Ms. Burns, Ms. Loe, Mr. Harder, Mr. Reichlin, Mr. Stanton, Mr. Strodtman, Ms. Rushing, Ms. Russell. Motion carries 8-0.

MR. STRODTMAN: Motion for approval will be forwarded to City Council for the variance.

MR. REICHLIN: Okay. So, then moving forward, I will entertain a motion regarding Section 25-53(4), and it's a Lot 1 residential driveway access. Anybody care to frame a motion with regard to that? Okay. Then I'll do it. I'll make a motion for denial of the variance from Section 25-53(4) to allow Lot 1 to take a residential driveway onto Broadway and Scott Boulevard and to allow -- and to allow Lot 2 to take a residential driveway access onto Strawn Road. Anybody second that?

MR. STANTON: I'll second that.

MR. REICHLIN: Mr. Stanton. Is there any discussion on this motion? Does anybody have any questions or concerns?

MS. RUSSELL: Could you reread that or re --

MR. REICHLIN: Did I --

MS. RUSSELL: I just want to make sure I have it all right before I vote.

MR. REICHLIN: Okay. I'll go over it one more time. I'm making a motion for denial of the requested variance from Section 25-53(4) to allow Lot 1 to take residential driveway access onto Broadway and Scott Boulevard, and to allow Lot 2 to take residential driveway access onto Strawn Road. And Mr. Stanton seconded.

MS. RUSSELL: Okay. I got it.

MR. REICHLIN: Okay. Anybody else? Seeing no one, I'll take a roll call.

MR. STRODTMAN: Yeah. Okay. So motion -- second motion.

Roll Call Vote (Voting "yes" is to recommend denial.) Voting Yes: Ms. Burns, Ms. Loe, Mr. Reichlin, Mr. Stanton, Mr. Strodtman, Ms. Russell. Voting No: Mr. Harder, Ms. Rushing. Motion carries 6-2.

MR. STRODTMAN: Motion carries.

MR. REICHLIN: Okay. Given that, then we move on to the platting portion of this request. And as I understand it, we need to take the time to fully understand the other -- the approval of the plats and what it's subject to, obviously. And the question becomes which of the two alternatives, so with all of this on the screen in front of us and -- and I would entertain any comments with regard to our positions.

MS. LOE: I'll move for approval of the proposed plat. Can we -- are we to move -- motions?

MR. REICHLIN: Yeah. Let's go right ahead.

MS. LOE: All right. Subject -- so does the plat subdivision have -- so Case No. 15-58, approval of the proposed plat subject to the following conditions: A note shall be added to the plat indicating that Lots 1 and 2 are prohibited from taking driveway access onto Broadway, Strawn Road, and Scott Boulevard for the purpose of residential development per Section 25-53(4), and access to Lot 2 for

purposes other than residential development shall be restricted to no more than one driveway entrance onto Broadway subject to the applicant submitted a sealed assessment from a professional engineer which verifies the entering sight distance standards are met.

MS. BURNS: Second.

MR. STRODTMAN: Who was that? Oh. Ms. Russell? Oh, Ms. Burns.

MR. REICHLIN: Ms. Burns. Okay. Then I'm going to go to discussion on the motion. I think we should -- I'd like to consult staff. With regard to the right-of-use on Broadway on the existing dedicated stem, have we addressed -- is that -- is that a separate provision that we have to also include in the plat?

MR. MACINTYRE: So far, what you've done is made motions to deny all of the variances -- or, pardon me -- all of the access related -- driveway access related variances. So that would take the right-of-use permit option off the table as an option because the right-of-use permit, at least as -- as we were recommending it, would have been contingent upon approving a variance for residential single-family access off of Scott Boulevard right-of-way.

MR. REICHLIN: Okay.

MR. ZENNER: That may have been an unintended consequence and, if so, the Commission would back ourselves out of -- back ourselves out of a motion you've made to deny the variances as stated for access, restate the motion allowing, if it is the desire of the Commission to proceed forward with a right-of-use permit application along Scott. That would be one option, and that may require some discussion amongst yourselves as Commissioners.

MR. REICHLIN: Uh-huh.

MR. ZENNER: The other is is to move forward with the motion as stated, which is consistent with the current actions that you have taken on both variance application requests, approval of the sidewalk and the denial of the variances as it relates to driveways. That would be the course of action.

MR. MACINTYRE: So the motion as stated by Ms. Loe is consistent with the prior votes to deny both variances to the access.

MR. REICHLIN: Okay. Okay. Thank you. So given the gravity of our actions, is everybody comfortable with going forward as stated? Roll call, please.

Roll Call Vote (Voting "yes" is to recommend approval.) Voting Yes: Ms. Burns, Ms. Loe, Mr. Harder, Mr. Reichlin, Mr. Stanton, Mr. Strodtman, Ms. Rushing, Ms. Russell. Motion carries 8-0.

MR. STRODTMAN: The motion carries.

MR. REICHLIN: Thank you, Mr. Secretary.