

# City of Columbia

701 East Broadway, Columbia, Missouri 65201



**Agenda Item Number:** R 178-15

**Department Source:** Community Development - Planning

**To:** City Council

**From:** City Manager & Staff

**Council Meeting Date:** November 2, 2015

**Re:** Bear Creek Vistas - preliminary plat (Case #15-216)

## Documents Included With This Agenda Item

Council memo, Resolution/Ordinance

**Supporting documentation includes:** Summary of Board/Commission Reports (includes maps and plat), Excerpts from Minutes

## Executive Summary

Approval of this request will result in the creation of a three-lot preliminary plat to be known as "Bear Creek Vistas."

## Discussion

The applicant is requesting approval of a three-lot preliminary plat to allow for the existing single-family home on this site to be subdivided off of the five-acre tract and sold, while ensuring that public street improvements which are planned both adjacent to and through the site are accommodated. A final plat of Lot 1 will be requested to accommodate the pending sale of the home at the northwest corner of the site.

The preliminary plat indicates rights-of-way for a future improvement to Creasy Springs Road, which parallels its western edge. It also shows a new local residential street, labeled as "Salamander Lane," bisecting the site to provide a future north-south interconnection between residential subdivisions. A note on the plat indicates that development of the preliminary plat area will be completed in two phases, with phase one to include Lot 1, and the second phase to include Lots 2 and 3 as well as all right-of-way and street and sidewalk construction obligations associated with Salamander Lane.

The proposed preliminary plat meets all applicable City development regulations.

At its October 22nd meeting, the Planning and Zoning Commission voted 8-0 to recommend approval of the requested preliminary plat. Discussion of this proposal centered on the location, timing and benefits of future street improvements to Creasy Springs Road, Blue Ridge Road, and a local residential street, which will provide access to future lots within the proposed subdivision and connectivity between residential neighborhoods to the north and south of the subject site. The Commission report (including maps and plat), and meeting excerpts are attached.

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## 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: Development, Transportation

Strategic Plan Impact: Infrastructure...Connecting the Community


Comprehensive Plan Impact: Land Use & Growth Management, Infrastructure, Mobility, Connectivity, and Accessibility

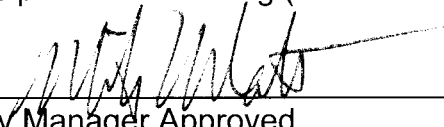
## Suggested Council Action

Approval of the preliminary plat of Bear Creek Vistas.

## Legislative History

August, 2011: Annexed site into city and applied R-1 as permanent zoning (Ordinance No. 021033)

  
Department Approved

  
City Manager Approved

Introduced by \_\_\_\_\_ Council Bill No. R 178-15

## **A RESOLUTION**

approving the Preliminary Plat of Bear Creek Vistas.

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

SECTION 1. The City Council hereby approves the Preliminary Plat of Bear Creek Vistas, as certified and signed by the surveyor on October 22, 2015, a subdivision located on the east side of Creasy Spring Road and north of Prairie Lane (3628 N. Creasy Springs Road), containing approximately 5.02 acres, and hereby confers upon the subdivider the following rights for a period of seven years from the date of this approval:

- A. The terms and conditions under which the Preliminary Plat was given will not be changed.
- B. The subdivider may submit on or before the expiration date the whole or any part of the subdivision for final approval.
- C. The time for filing the final plat may be extended by the Council for a specified period on such terms and conditions as the Council may approve.

SECTION 2. Prior to approval of the Final Plat of this Subdivision, the subdivider shall have completed the improvements required by the Subdivision Regulations, or in lieu of completion of the work and installations referred to, present security to the City Council with surety and conditions satisfactory and acceptable to the City Council, providing for and securing the actual construction and installation of the improvements and utilities; or put the City Council in an assured position to do the work, obligating the developer to install the improvements indicated on the plat, provided that no occupancy permit will be issued to any person for occupancy of any structure on any street that is not completed in front of the property involved, or the utilities have not been installed to the satisfaction of the City.

ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2015.

ATTEST:

\_\_\_\_\_  
City Clerk

\_\_\_\_\_  
Mayor and Presiding Officer

APPROVED AS TO FORM:

\_\_\_\_\_  
City Counselor



## SUPPORTING DOCUMENTS INCLUDED WITH THIS AGENDA ITEM ARE AS FOLLOWS:

Summary of Board/Commission Reports (includes maps and plat), Excerpts from  
Minutes

**AGENDA REPORT  
PLANNING AND ZONING COMMISSION MEETING  
October 22, 2015**

**SUMMARY**

A request by Jerry D. Kelly (owner) for a 3-lot preliminary plat of R-1 (One-Family Dwelling District) zoned land to be known as "Bear Creek Vistas". The 5.02-acre subject site is located on the east side of Creasy Springs Road, approximately 200 feet north of W Prairie Lane, and includes a home addressed 3628 N Creasy Springs Road. (Case 15-216)

**DISCUSSION**

The applicant is requesting approval of a three-lot preliminary plat to allow for the existing single-family home on this site to be subdivided off of the five-acre tract and sold, while ensuring that public street improvements which are planned both adjacent to and through the site are accommodated. A final plat of Lot 1 is being requested concurrently to accommodate the pending sale of the home at the northwest corner of the site.

The preliminary plat indicates rights-of-way for a future improvement to Creasy Springs Road, which parallels its western edge. It also shows a new local residential street, labeled as "Salamander Lane", bisecting the site to provide a future north-south interconnection between residential subdivisions. A note on the plat indicates that development of the preliminary plat area will be completed in two phases, with phase one to include Lot 1, and the second phase to include Lots 2 and 3 as well as all right-of-way, street and sidewalk construction obligations associated with Salamander Lane.

The proposed preliminary plat meets all applicable City development regulations.

**RECOMMENDATION**

Approval of the requested preliminary plat.

**ATTACHMENTS**

- Locator maps
- Proposed preliminary plat of Bear Creek Vistas

**SITE HISTORY**

<b>Annexation Date</b>	2011
<b>Existing Zoning District(s)</b>	R-1 (One-Family Dwelling District)
<b>Land Use Plan Designation</b>	Neighborhood District
<b>Subdivision/Legal Lot Status</b>	Surveyed tracts

## SITE CHARACTERISTICS

<b>Area (acres)</b>	5 acres
<b>Topography</b>	Moderate to steep slopes
<b>Vegetation/Landscaping</b>	Lawn and trees
<b>Watershed/Drainage</b>	Bear Creek drainage basin
<b>Existing structures</b>	One single-family home

## UTILITIES & SERVICES

<b>Sanitary Sewer</b>	City Public Works Dept.
<b>Water</b>	CPWSD #1
<b>Electric</b>	Boone Electric Cooperative
<b>Fire Protection</b>	Columbia Fire Dept.

## ACCESS

<b>Creasy Springs Road</b>	West side of site
<b>Major Roadway Plan</b>	Minor Arterial
<b>CIP Projects</b>	None
<b>Sidewalk</b>	Needed

<b>Salamander Lane</b>	Bisects site
<b>Major Roadway Plan</b>	Not listed. This would be a local residential street.
<b>CIP Projects</b>	None
<b>Sidewalk</b>	Needed

## PARKS & RECREATION

<b>Neighborhood Parks</b>	Bear Creek Trail access 1,000 ft south of site
<b>Trails Plan</b>	N/A
<b>Bicycle/Pedestrian Plan</b>	N/A

## **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 a public information meeting, which was held on September 29, 2015.

<b>Public Information Meeting Recap</b>	Number of attendees: 3 Comments/concerns: land disturbance on subject site (fill and grading activity)
<b>Neighborhood Association(s)</b>	Vanderveen Crossing
<b>Correspondence Received</b>	None as of this writing

Report prepared by Steve MacIntyre; Approved by Pat Zenner

# PRELIMINARY PLAT BEAR CREEK VISTAS

LOCATED IN THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF  
SECTION 35, TOWNSHIP 49 NORTH, RANGE 13 WEST  
COLUMBIA, MISSOURI  
SEPTEMBER 14, 2015

A 5.02 acre tract of land being the south 300 feet of the west 726 & 2/3 feet of the north half of the south half of the northeast quarter of Section 35, T49N, R13W, Columbia, Boone County, Missouri, as described by a General Warranty Deed recorded in Book 3054, Page 98 and by a Quit-Claim Deed recorded in Book 3681, Page 11, and defined by the 70.78 acre survey of Tract 1 recorded in Book 2461, Page 148, all of the Boone County records. Said 5.02 acre tract being described as follows:

Beginning at the southwest corner of the north half of the south half of the northeast quarter of Section 35, T49N, R13W, being the southeast corner of Windfall Subdivided Subdivision Block No. 1 as shown in Plat Book 11, Page 330, and as shown by Sandersen Estates in Plat Book 16, Page 18; thence N0°-14'-00"E, along the west line of the northeast quarter of said Section, 300.87 feet to the westernmost southeast corner of Tract 1 of a survey recorded in Book 2461, Page 148; thence S85°-24'-35"E, along the south line of said Tract, 728.75 feet to a corner of said Tract 1; thence S0°-24'-35"E, along a western line of said Tract, 300.87 feet to the southwesternmost corner of said Tract 1 on the south line of the north half of the south half of said northeast quarter; thence N85°-24'-35"W, along said quarter quarter Section line, 728.75 feet to the point of beginning and containing 5.02 acres.

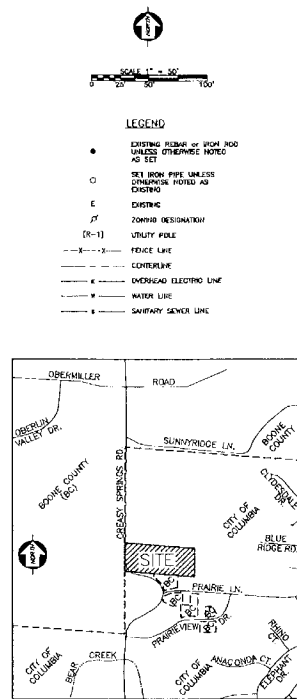
The southeast part of this tract is subject to a sewer easement, 12 feet wide by 218.6 feet in length along the south line as described by Book 3682, Page 111 and shown hereon, and to an electric easement, 30 feet wide, "Roman-type" as described in Book 3740, Page 38, which will be contained within the proposed road right-of-way by future platting.

LUECK SURVEYING Columbia, MO 65201

by *Ronald G. Lueck*  
Ronald G. Lueck  
Professional Land Surveyor  
LS #1957

- Notes:
- 1) Bearings are based on lines of Tract 1 of the survey recorded in Book 2461, Page 148 of the Boone County records.
  - 2) The three driveways shown for this 5.02 acre tract, are existing drives to the three residences that were formerly located upon the tract. Only the northern house remains, and has undergone renovation. Boone County Public Works replaced all three driveway road culverts in 2010 in an improvement project to Greasy Springs Road.
  - 3) Access to Lot 1 will be provided through an existing shared driveway with Lot 2 until Greasy Springs Road is relocated and Salamander Lane is constructed. All driveway connections onto Greasy Springs Road shall be terminated when Greasy Springs Road is relocated and Salamander Lane is constructed. It shall be the responsibility of the owners of Lots 1 and 2 to construct new driveways to the City's design specifications onto Salamander Lane at their own expense.
  - 4) No new driveway shall access Greasy Springs Road per City of Columbia Subdivision Regulations Section 25-53.
  - 5) The proposed sewer service to Lot 1 shall be completed prior to approval of the Final Plat of Bear Creek Vistas - Plat 1. Sewer service to the southeast corner of Lot 1 will require a sewer easement, 16 feet wide & by a separate document, before recording of a Final Plat of Lot 1.
  - 6) Phase 1 of this development will include only Lot 1. Phase 2 of this development shall include Lots 2 and 3 and construction of Salamander Lane through the entire Preliminary Plat area, including construction of sidewalks along the frontages of Lots 1, 2 and 3, if not constructed previously through the Greasy Springs Road Relocation Project.
  - 7) The developer of Lots 2 and 3 shall bear the full responsibility of design and construction of Salamander Lane, including driveway approaches to serve Lots 1, 2, as well as the sidewalk along the east side of Lot 1, if not constructed previously through the Greasy Springs Road Relocation Project.
  - 8) Lot 1, containing the existing house built about 1970, is to be compliant with the City of Columbia Stormwater Ordinance. Stormwater requirements will be implemented in conjunction with future road plans as a part of the City of Columbia's relocation of Greasy Springs Road and the surrounding area, or if the second phase of Lots 2 & 3 are developed prior to that project. No new roads nor other structures are planned for the first phase.
  - 9) No stream buffer is required for this plat of Bear Creek Vistas.
  - 10) Parts of the gravel trail, located along the eastern boundary of this 5.02 acre tract and adjoining east of the line, are intended to be abandoned and relocated to the west of the property line, and are in the process of being relocated in mid-October 2015.
  - 11) Ownership of the land lying south of this 5.02 acre tract being shown as a preliminary plat, lying west of Lot 1, Prairie Hills Subdivision Plat No. One, and lying north of the centerline of Greasy Springs Road, was and likely still is with the developers of Prairie Hills Subdivision Plats No. One & Two. Names for the dedication of streets & easements on the plat are Oscar E. Foley and his son, William G. Foley, both deceased. Ownership is now likely with the heirs of the two signers. William Foley's widow is Carol Foley of Columbia. Oscar Foley's son, Harold L. Foley & wife, Dorothy M. Foley, conveyed the land lying south & west of the centerline of Greasy Springs Road to the City in 2007. And the City of Columbia is the current owner of the land lying south and west of the centerline of the current Greasy Springs Road location, both conveyances are per a 1956 survey recorded in Book 278, Page 292, defining the centerline.

OCTOBER 22, 2015



**Utility Contacts:**

**Electric:** Boone Electric Cooperative  
1413 Rongeline St. Columbia, MO.  
Contact: Dave Tucker or Doug Gardner  
573-449-4181

**Telephone:** CenturyLink  
625 E. Cherry Street, Columbia, MO.  
Contact: Tim Dishman 573-886-3507

**Cable TV:** Mediacom Online  
Contact: Customer Service 573-443-1535

**Gas:** Ameren Missouri  
2001 McArdle Blvd., Columbia, MO  
Contact (north): Jake Martin 573-876-3063  
Contact (south): Bruce Darr 573-876-3030

**Water:** Consolidated Water Supply District 1  
1500 N. 7th Street, Columbia, MO  
General Contact: 573-449-0324  
Planning & Development:  
David Lee 573-449-8723  
Chad Henry 573-449-8723

**Sanitary Sewer:** City of Columbia Sewer Dept. Engineering  
701 E. Broadway, Columbia, MO  
Contact: Steve Hunt 573-874-7264

**Sewer Maintenance:**  
4900 Gillespie Bridge Road, Columbia, MO  
Contact: David Carroll  
Lester Addison 573-445-9427

APPROVED BY THE PLANNING AND ZONING COMMISSION OF THE CITY  
OF COLUMBIA, MISSOURI, THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2015.

STEPHEN RECHLIN, CHAIRMAN  
PLANNING AND ZONING COMMISSION

## OWNER:

Jerry D. Kelly  
1200 W. Chenille Road  
Columbia, MO 65202  
(573) 886-3507

BM City of Columbia Public Works - Chiseled square in top of concrete guard rail at northeast corner of Greasy Springs Road bridge over Bear Creek, approximately 200 feet south of Prairieview Drive. BM is located S2°-30'W 920 feet south of the southwest corner of this 5.02 acre tract. Elev. = 625.64 (GPS Elev. = 625.36 Sept. 3, 2015)

LUECK SURVEYING  
814 N. COLLEGE AVE., STE. 2  
COLUMBIA, MISSOURI 65201  
Phone: (573) 443-6216





## 15-216: Bear Creek Vistas Preliminary Plat



City of Columbia Zoning



Boone County Zoning



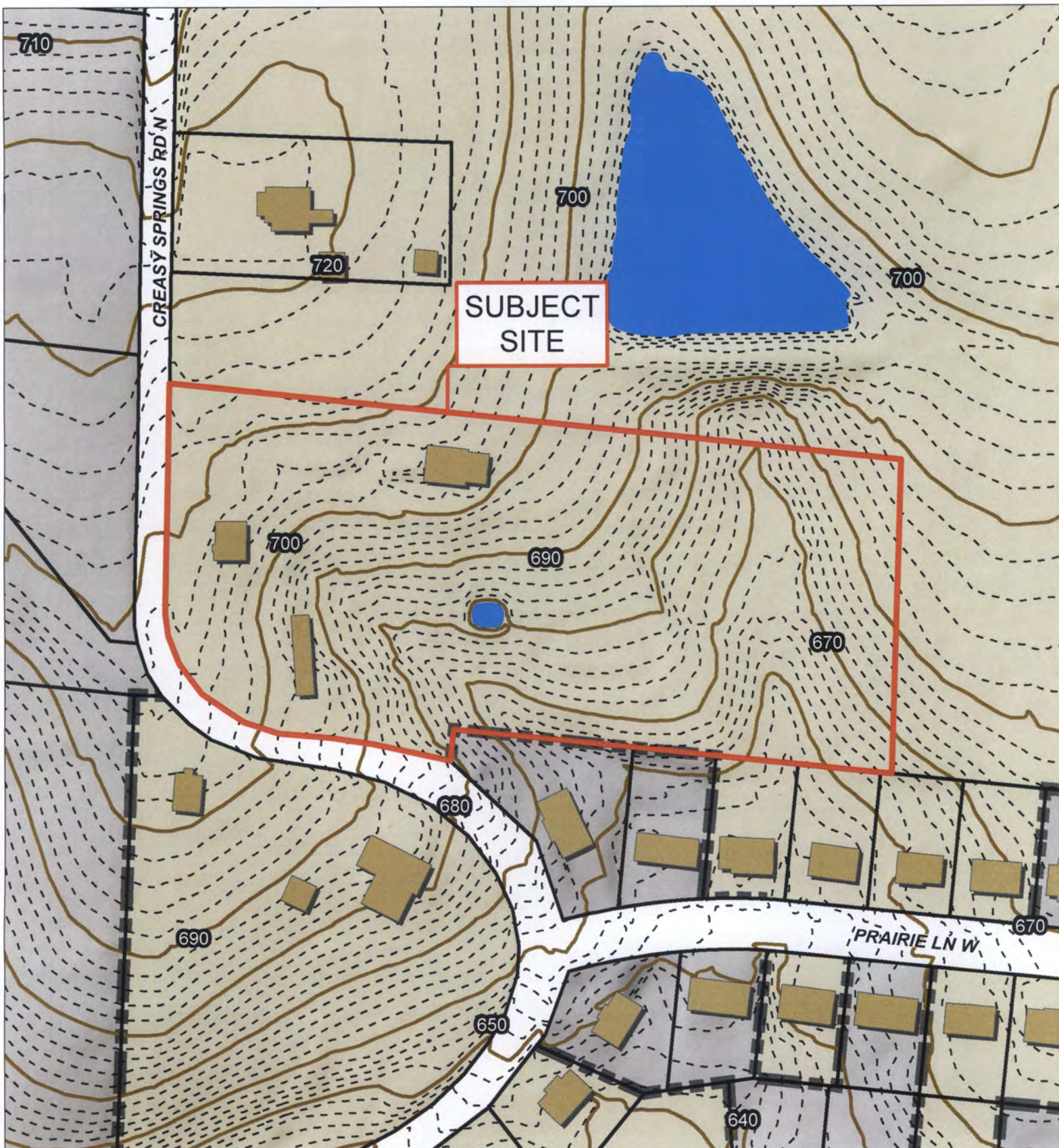
Columbia City Limit



100-Year Flood Plain

Parcels





## 15-216: Bear Creek Vistas Preliminary Plat



- 10 Foot Contour Lines
- - - 2 Foot Contour Lines
- ▭ Parcels
- Building Footprint

■ Bodies of Water







## 15-216: Bear Creek Vistas Preliminary Plat



- City Sanitary Structure
- City Sanitary Line
- Building Footprint
- Private Sanitary Line
- Parcels



**EXCERPTS**  
**PLANNING AND ZONING COMMISSION MEETING**  
**OCTOBER 22, 2015**

**Case Nos. 15-216**

A request by Jerry D. Kelly (owner) for a three-lot preliminary plat to be known as "Bear Creek Vistas." The 5.02-acre subject site is located on the east side of Creasy Springs Road, approximately 200 feet north of West Prairie Lane, and includes a home addressed as 3628 North Creasy Springs Road.

**Case No. 15-217**

A request by Jerry D. Kelly (owner) for approval of a one-lot final plat to be known as "Bear Creek Vistas," and a sidewalk variance. The 0.98-acre subject site is located on the east side of Creasy Springs Road, approximately 400 feet north of West Prairie Lane, and contains a home that is addressed 3628 North Creasy Springs Road.

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

MR. MACINTYRE: Yes. And just to clarify, I'm going to be reporting on these as one presentation since they're related to the same site. I've actually got a preliminary plat and a final plat here for the first lot of that same preliminary plat. So when we get to the recommendation section, I'll just ask that you handle each item separately for voting purposes.

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

Staff recommends:

Case 15-216 - Approval of the requested preliminary plat.

Case 15-217 - Approval of the requested plat subject to the condition that a public sewer line shall be extended to Lot 1 and the existing home on Lot 1 shall be connected to public sewer prior to plat being forwarded to Council for introduction.

Denial of the requested variance from Section 25-48.1 to allow no sidewalk to be constructed along the site's Creasy Springs Road frontage.

MR. REICHLIN: Any questions of staff? Ms. Loe?

MS. LOE: During phase two, when Lot 2 is developed, where will the City require the sidewalks to be installed?

MR. MACINTYRE: With phase two, there would be a requirement for sidewalks along both sides of the new residential street.

MS. LOE: Can you go back to the other map to show -- yes.

MR. MACINTYRE: Absolutely. So there would be sidewalks along both sides of the residential street, including the east side of Lot 1.

MS. LOE: But you would not require Lot 2 to install a sidewalk along Creasy Springs?

MR. MACINTYRE: We would if it's still there, and I believe it would be, but I don't know the timing

of phase two or Creasy Springs Road. So if there were still frontage on Creasy Springs Road right-of-way, I believe that there would be a requirement for a sidewalk to be constructed down. And then at some future point, we had -- we had a discussion about a long-term benefit of having sidewalk that's offset or separated from the future Creasy Springs alignment since it will be, you know, probably over to the west from where it's shown currently, and we believe there would be some benefit to having that sidewalk tying into or to provide a full loop sidewalk connectivity around the -- the property.

MS. LOE: Well, that sort of segues to my second question, which there's a pretty significant drainage ditch. It's more significant as you head down the hill, but there's a drainage ditch to the east side of Creasy Springs. Are you anticipating that the sidewalk be located between the road and the ditch or to the east of the ditch toward the applicant's house?

MR. MACINTYRE: On proposed Lot 2 or proposed Lot 1?

MS. LOE: Both.

MR. MACINTYRE: On both. On Lot 2, I'm really not sure what the situation would be as far as the grades go. The sidewalk on Lot 1 would be pretty much at grade on the east side of the ditch between -- so it would not be between the ditch and the road. It would be --

MS. LOE: But someone would have to cross the ditch to get to the sidewalk?

MR. MACINTYRE: Yes, ma'am.

MS. LOE: Thank you.

MR. MACINTYRE: That's the City standard.

MR. REICHLIN: Anybody else? I have -- I have a couple of questions. One of them is procedural. Going forward, do I need to read 15-217 into the record? Okay. All right. Thank you. The other question I have is you're -- the mention has been made of this parcel being for sale. Do we anticipate that the platting we're looking at now is going to remain in place upon transfer or is that something we can't really be sure of?

MR. MACINTYRE: No. The -- the plat is -- the plat runs with the land, so --

MR. REICHLIN: But a plat can be altered, too. So is -- so if it is for sale potentially to somebody who is going to do something else with it, I mean, do you foresee that as possibility?

MR. MACINTYRE: I don't believe, but I can't be certain that any future owner wouldn't request further platting or a change to the -- to the lot layout to support some unknown scheme of development.

MR. REICHLIN: And then -- and that goes hand -- it's kind of hand-in-hand, but do we anticipate that the structure on the property at this time is going to remain even with a transfer? Is that an assumption we should be operating under?

MR. MACINTYRE: If you wish. I think it's -- it's zoned R-1, so there wouldn't be any option for an increased development density or intensity of development. As to whether or not that particular stretch remains in place, I'm uncertain.

MR. REICHLIN: Okay. I guess that's all I've got.

MR. MACINTYRE: I think the intent is there, though. My understanding is that they have a buyer lined up to purchase the home and live in it.



MR. REICHLIN: Okay. That helps to flesh that out for me. Thank you. Okay. Given that there are no more questions of staff, as I've stated previously, if there's anybody in the audience who cares to help us with fleshing this out, we would be happy to have them come forward.

MS. KIRKPATRICK: My name is Judi Kirkpatrick, and I live right on that curve.

MR. REICHLIN: Could you give us your –

MS. KIRKPATRICK: -- can you point back to -- my question is why --

MR. REICHLIN: Excuse me, ma'am.

MS. KIRKPATRICK: Yes.

MR. REICHLIN: Could you -- could I trouble you to give us your address?

MS. KIRKPATRICK: Yes. 3532 North Creasy Springs Road.

MR. REICHLIN: Thank you.

MS. KIRKPATRICK: My question is why the connector is being connected to Creasy Springs right on that curve that has so many dangerous -- I see lots of accidents there -- lots of accidents. It's a very dangerous curve. And so why are you putting a connector down to that dangerous area rather than making them go up to Blue Ridge, which is a much -- going to be a much safer place for people to enter Creasy Springs?

MR. REICHLIN: Would anyone on the staff care to –

MR. MACINTYRE: Yes. The connector residential street that would come with phase two would be connecting to Creasy Springs at a point where Creasy Springs is no longer connecting here, so this portion of Creasy Springs would be possibly even renamed and it would be serving as a residential connector at that point. So the final connection of the street through the site would be probably not opened until such time as it's safe to do so, so it may actually be delayed. I'm not sure about that, but -- until Creasy Springs is realigned. Another hinging element is having the future or assuring the future connection of -- to Blue Ridge Road here, and the timing of developments, final plats, which seem to be heading westward from the existing Vanderveen Subdivision and neighborhood would be the ultimate determining factor for that. I think we -- we could probably see one or two more phases of Vanderveen or Willow Falls, as they're calling it, in the latest final plat before they reach the point to where this stub to the north that will be necessary to connect to Blue Ridge Road would enter into potential completion.

MS. KIRKPATRICK: You said that the new straightening of the Creasy Springs is not -- there is no funding for that. It's way off in the future. So if somebody is coming from Columbia and they're going north on Creasy Springs, are they going to have to through that connector up to Blue Ridge and then north on Creasy Springs?

MR. MACINTYRE: No. Creasy Springs would remain in -- in its current state until such time as the alignment is –

MS. KIRKPATRICK: Well, then I'm back to my original questions. Why would you have that connector come out to such a dangerous spot on Creasy Springs?

MR. MACINTYRE: The connector street doesn't -- wouldn't connect to Creasy Springs in its current alignment, so it's -- the cul-de-sac here would be cut off from Creasy Springs in its new alignment.

MS. KIRKPATRICK: So how would traffic go north on Creasy Springs on that map?

MR. MACINTYRE: Oh. Okay. So Creasy Springs -- I think I understand what you're getting at. Creasy Springs would be straightened here.

MS. KIRKPATRICK: But you said that's way in the future.

MR. MACINTYRE: Right. Right. Right. Right.

MS. KIRKPATRICK: I'm talking more -- more about right now, because you said the connector could be more recent.

MR. MACINTYRE: Okay. Okay.

MS. KIRKPATRICK: I mean, did I misunderstand?

MR. MACINTYRE: All right. I see what you mean. Yeah. So you're saying if Creasy Springs is still going through this way and we add this connector, what's going to --

MS. KIRKPATRICK: It seems like an awful dangerous spot.

MR. MACINTYRE: Kind of safety considerations.

MS. KIRKPATRICK: It would make more sense to go up to Blue Ridge and out, and that would be a much better spot for traffic to enter Creasy Springs.

MR. MACINTYRE: So you think traffic will come off of Creasy Springs and --

MS. KIRKPATRICK: No. I'm just saying why would you even connect right there on that hill. The traffic from the new subdivision phase two should go up to Blue Ridge Road and over to a much safer spot.

MR. MACINTYRE: Okay. I think I've got it now.

MR. ZENNER: Ms. Kirkpatrick, I believe -- I understand your question and I believe Steve does, too, but we're having -- just a disconnect. The segment that would be required as part of the construction of phase two will require the City's traffic engineers to approve that connection to the existing alignment of Creasy Springs. If, at that point, it is determined that sight distances and traffic safety cannot be -- cannot be assured, our traffic engineers potentially could have the applicant that would be developing the remaining portion of this property not make that connection, thereby Lot 2 and Lot 3, which are in phase two, would have to go north to Blue Ridge until such time that we could complete the connection of the connector roadway to the capped existing Creasy Springs once the new alignment is constructed. But until we know the pattern and the approach of the development coming from the east out of Willow Falls, it's very difficult for us to say what will or what will not happen. What our traffic engineers, however, will have to verify at the time that this comes in is can that intersection be adequately constructed to meet sight visibility and safety standards. If that can't be done because of what is happening here along the southwest corner of the property, it is possible that we, as a city, may take action to not have the road connected. But, ultimately, when the road is capped as it's shown in this diagram and the new alignment is built, the flow of traffic between this small connector is basic to allow folks that are either in the Prairie Lane Subdivision or property that's to the south to be able to circulate back up to Blue Ridge without having to come all the way back over to Creasy. There's factors that are in play that we can't speak to as to will this connection be made when phase two is developed. It may or it may not be. If it's developed as

a single-family home with no development up on Blue Ridge at that point, the connection you see north of where the blue box is that says phase one, that connection will not be made. It will serve no useful purpose for people to come from the north south. You'll have two residential lots accessing this driveway, which is no different than just a residential driveway accessing the dangerous curve right now. Not best practice, but our traffic engineers are going to have to evaluate that at the time that the development is actually proposed and the roadway construction condition is actually kicked in. So I think your point -- I understand your point, and I believe our Commission does, that this is a dangerous intersection or a dangerous curve. This is the whole reason why we're realigning Creasy Springs. We're not going to probably want to open liability by having the public travel on public streets to a dangerous street.

MS. KIRKPATRICK: So why is that a condition of phase two that they would have to make that road?

MR. ZENNER: And I'll let Steve respond to that because he's been working with the project, but our traffic engineers have -- they have a great deal of latitude to ensure that the safety of that intersection is maintained, so hopefully that at least addresses one aspect of your question. The rest I can have Steve answer for you as to why we want it built at this point.

MS. KIRKPATRICK: But let me -- but I just don't understand why you would make it a requirement if the City would have to go back and see if it's needed later.

MR. MACINTYRE: Well, I think long-term, it is needed. It's desired for connectivity, as I mentioned, through the residential neighborhoods or between the residential neighborhoods. As Pat mentioned, the -- the safety concerns, and I apologize for being dense when it came to your initial question there, but I think I understand what you're getting at now, is as it relates to the existing conditions of Creasy Springs Road, if this were to open, you're saying that it would be a potential cut-through, and a safety concern to have a new street enter in on that dangerous curve where -- where it serves as a through major thoroughfare currently. And so Pat mentioned, of course, that the requirement or conditions of opening that segment and the timing of opening that segment would be dependent on safety assessments by our traffic engineers. The reason that we want the entire section of this street to be built with phase two and we want phase two to be -- to complete out the development that we're discussing tonight is to ensure that it -- that the street is constructed on the property. What we see in many subdivisions is a phasing of development that goes one lot at a time or completes all of the lots up to a point where one or two lots remain at the far end where it would be connecting -- you know, where it shows a connection that perhaps the developer isn't interested in making, and then they leave that and it never, ever gets connected because they don't ever finish out the plat. So in this case, we want to ensure that the potential exists for that street to become usable at such time that it's appropriate and safe to do so. So your point about timing is -- is well taken. I acknowledge that. I'm sorry it took so long for me to understand what you were saying, but -- but that would be certainly something that our traffic engineers would assess the safety of if the timing worked out so that the street was in place prior to Creasy Springs being relocated and cut off.

MS. KIRKPATRICK: I just don't understand why you're making it a condition, and yet you're



saying, well, we'll have to look at it. That kind of doesn't make sense.

MR. MACINTYRE: Well, we -- we want the street in the end. Once all of these improvements are inevitably made, we want that street to be in place so that we don't have to pay for the construction of it, essentially, and to ensure that the -- the onus is on the developer of these future lots to construct the improvements to the streets that will serve them.

MS. KIRKPATRICK: Why couldn't it go up to Blue Ridge Road extension? That's what I don't understand.

MR. MACINTYRE: Because we have a mission to encourage and support connectivity.

MS. KIRKPATRICK: What activity?

MR. MACINTYRE: Connectivity, so connections --

MS. KIRKPATRICK: Okay. Got you.

MR. MACINTYRE: -- between neighborhoods are part of that mission. It moves people in various ways between like uses that are consistent and compatible and supported by our comprehensive plan's mission to encourage this type of connection between compatible uses.

MS. KIRKPATRICK: Thank you for your time. I thank you for listening. I just think that needs reworked a little bit.

MR. REICHLIN: Thank you. Do you have any questions of this speaker? Seeing none.

MS. KIRKPATRICK: I'm sorry.

MR. REICHLIN: That's okay. Is there anybody else who would care to comment on this for our --

MR. LUECK: I'm Ron Lueck; I'm Lueck Surveying. I'm the one doing the plats for these. And what started out in August as a -- what I proposed was just a tract split and worry about all this other stuff later on didn't fly by City staff. So what we have here is the result of a lot of working with it. The first preliminary plat I turned in was from a newer preliminary road plan that would have went right through Ms. Kirkpatrick's house. And Pat and I had agreed upon this kind of a location, just sketching it in his office, back on August 24th -- this kind of configuration for a preliminary plat. Trying to organize my thoughts on all this. The process from there, a few days later, found out that there was supposed to be a straight-through shot for the new road cutting through there, right through Lot 1, which is the Kirkpatrick house, and taking out the house. The right-of-way department and Public Works didn't like that idea at all, and they're back to the older 2006 version that I was shown for the -- this configuration of a new roadway through the -- through the lot -- through the five acres. Mr. Kelly bought this in 2010, purchased it from the Reed tract, the Reed family, the Reed heirs. And at that time, there was a house, a shack, and a mobile home on this. Three driveway entrances had been installed in 2010, shortly about the time he had bought it when they did -- the County did a road improvement. They asphalted the road, current location for Creasy Springs, and put in three new driveway culverts for this place, 40-foot long for all three of the drives. The reason the access for the middle driveway that's shown up there is given as an easement to get to this piece of property is because that north driveway just really isn't a safe one. It's a right turn in, right turn out. It really shouldn't be used to go to the southbound lane. So then we got to the easement offsite, so that's -- that's the reason that came about on this thing. The City, at that time back in 2010, was

very appreciative, as I understand it, of Mr. Kelly cleaning up this. They took out the mobile home, rehabbed the house, got rid of the shack and just-- well, pulled some junk automobiles out of there and just graded it, filled it -- filled the big draw to be a little bit nicer of a yard area there south of the house. The desire is to sell off that house. He's rehabbed it. It's a 1970 construction -- rehabbed it in 2010 and then some time. The desire was to sell off an acre 90 feet wide. We ultimately made it 100 feet wide. Realized it will be -- whenever the cut-through road there, Salamander Drive or Salamander Lane will go through, the access for that house is already in place for a driveway off of that new road. There's plenty of rock out there at the place. And that brings me to the sidewalk variance. The variance request for a sidewalk -- for not doing a sidewalk is because of Blue Ridge Road extension is currently not on a five-year plan, as I understand. They're -- they're going to build out east of there and not get out here to Creasy Springs with Blue Ridge to make any kind of connection on the current Creasy Springs location. The new location, as you can see on the preliminary plat, is going to be well west of the current location. Maybe a little bit of right-of-way will be on this five-acre piece or this -- yeah -- the whole five-acre piece for Creasy Springs. The sidewalk location, when all that program -- that project for the Creasy Springs relocation is done, the sidewalk will be west of the west road ditch and a good 60 feet from where it's being proposed to be put in right now, 60 feet farther west. The location where the sidewalk would have to go, according to City standards, would be directly through a place that Mr. Kelly has landscaped to provide a little buffer for the house. There are stabilization rocks in there and that's where the trees are. Couldn't put it over by the -- any closer to the road because of the unimproved road ditch. That road ditch is about two-and-a-half-feet deep. What else? When the new Creasy Springs -- and I've seen two plans on it and they both are indicating it to be farther west of this piece of property. Maybe the right-of-way catches a couple feet of the west end of it. The new -- the old Creasy Springs pavement is to be taken out. I imagine it'll be grassed over and be added to this property for lawn maintenance. There is no funding for that thing and it's not on the ten-year plan. There's no funding for the complete road program for relocating Creasy Springs. As I understand, it's a \$9 million project and they aren't even on the ten-year agenda, so I don't know. I'm thinking -- I think you should support the variance for the sidewalk request. If you've got any questions for me on the rest of it?

MR. REICHLIN: Any questions for this speaker? Seeing none, thank you for your time.

MR. LUECK: Thank you.

MR. REICHLIN: With those comments, we'll go forward with turning this over to the Commission for their input. Ms. Burns?

MS. BURNS: One question for Mr. MacIntyre. I'm looking at the staff report, and it might not have been required, but was there notification to existing homeowners? How -- how was information provided to those that might be impacted by this?

MR. MACINTYRE: Well, as with all preliminary plats, we did a notification for the public information meeting and that was how these folks here learned about the proposal and were able to raise their concerns -- know to come up and share them tonight, so --

MS. BURNS: Thank you.

MR. REICHLIN: Anybody else? I'd like to just make a mention of the fact that when we look at -- and mostly for the record, I would have to say. When we look at something like this, we're looking at the potential for what can happen in an area out ten years, twenty years, thirty years. And so with that -- those kind of thoughts in mind, when we look at connectivity issues and such, we're planning ahead. Now whether or not any of these -- any of these items actually come into play within the time frame that affects us in the near future, that's questionable. But without this kind of looking ahead, you -- you don't have the accommodation for what the goals are for the community as a whole. So that -- if -- if in some way helps with anybody's understanding of what they see in front of us tonight, I think that's my take on it. With that, I would like to suggest that we are discussing at this time just the three-lot preliminary plan for Bear Creek Vistas. So if somebody would care to make a motion with regard to that plan, it would be appreciated. Mr. Stanton?

MR. STANTON: As it relates to Case 15-216, I move to approve the preliminary plat.

MR. STRODTMAN: Second.

MS. RUSHING: And does that include the sidewalk variance or are we handling --

MR. STANTON: That's not part of the --

MS. RUSHING: That's not part of this one. Okay.

MR. REICHLIN: Take a roll call, please.

MS. LOE: Yes, sir. In case of 15-216.

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

MS. LOE: The motion carries. Recommendation for approval will be forwarded City Council for their review.

MR. REICHLIN: Okay. I'm going to preface this mentioning of 15-217 with that it appears as though that we've had a pretty good sense of what the issues are with that and have gone over them, so I'm forego any additional public comment. And with that, Case No.15-217, A request by Jerry D. Kelly (owner) for approval of a one-lot final plat to be known as "Bear Creek Vistas," and a sidewalk variance. The 0.98-acre subject site is located on the east side of Creasy Springs Road, approximately 400 feet north of West Prairie Lane, and contains a home that is addressed 3628 North Creasy Springs Road. If staff has anything more to share with us, I kind of suspect not, but go right ahead.

MR. MACINTYRE: No, I don't have anything to add at this point.

MR. REICHLIN: Now that we have it in the record and we've taken comments on both items, given the previous 15-216, throw it open to the Commission for comments regarding this matter. Ms. Burns?

MS. BURNS: I guess what I would say is -- is we move forward with this and with the final plat and the preliminary plat and the dedication of the roadway that could connect. That's still up for discussion in the future for anyone that has an interest in that issue, would be my understanding. So I

would encourage those that are interested in it to continue the discussion.

MR. REICHLIN: Mr. Stanton?

MR. STANTON: After hearing the public comments, I really understand where, you know, both parties are coming from. But like the Chairman said, we've got to think of the future and if we don't plant these seeds now, then the future plans for this area can't -- can't come to fruition. If we don't hold the developer responsible for that connector, we've got plenty of examples where, you know, we end up with roads to nowhere, and the City and the taxpayer are held liable for the bill. And because neighborhood connectivity is very important in urban development, urban planning -- city planning and all that, it helps with emergency response, all of these things. So it's essential that we think ahead of time and we -- we plan for this stuff in the future. So Ms. Burns brought up a good point. When this comes more realistic, this will come up again and you'll have time to discuss -- discuss that. I also would like to say that, you know, have faith in the engineers to make a safe pass. However that street, you know, we're just kind of preliminary where they think the street might work out, they have to do traffic studies, they have to do a lot of other stuff, and these guys go to school for a long time and put a lot of hours in to be experts at this kind of stuff, so, you know, take that in consideration. I think that you'll be -- you might not be tickled pink, but I think you'll be happy with the results they'll come up with when this comes up. So I plan to support it myself.

MR. REICHLIN: Anybody have any comments regarding the sidewalk variance? Ms. Loe?

MS. LOE: After hearing the discussion about the proposed roadways, all of them, it does sound like there's still quite a bit up in the air. And after driving the site, I did have some concerns about connectivity and how the sidewalk would extend south of site one. It does to me -- appear to me with the proposed new connection road that there is a much better opportunity for sidewalks to be put in there planned with the road and that a greater degree of connection and pedestrian activity could be achieved there. So I guess I really don't have a strong sense that that 100-foot sidewalk along Creasy Springs is really going to get us very far in this proposal. I guess I see that pedestrian activity shifting to the inside street. So it makes more sense to me that we are including it in that package and that it would be supported and provided there, which it appears to be accounted for in this plan. So because of that, I would actually be in support of approving the waiver for sidewalks.

MR. REICHLIN: Ready to make a motion? Anybody else who has a comment?

MS. LOE: I'll make a motion.

MR. REICHLIN: Thank you.

MS. LOE: In the case of 15-217, a request for approval of the one-lot final plat to be known as Bear Creasy Vistas and in support of the sidewalk variance. Does that work as stated?

MR. MACINTYRE: The only --

MS. LOE: Bear Creek Vistas, if I misstated that.

MR. MACINTYRE: The only thing I would ask if you intend to include the condition that the sewer connection be made prior to forwarding to Council.

MS. LOE: Oh. I think I'm still in the report for the last -- can you phrase that?

MR. MACINTYRE: There was a recommendation on 217 –

MS. LOE: Including approval of final plat subject to sewer connection.

MR. REICHLIN: There you go.

MS. RUSSELL: I'll second that.

MR. REICHLIN: Thank you, Ms. Russell. May we have a roll call, please.

MS. LOE: Is everyone clear what we're voting on?

MR. REICHLIN: Everybody? Anybody else?

MR. ZENNER: Mr. Chairman?

MR. REICHLIN: Yes, sir.

MR. ZENNER: Given the fact that this is a variance, we would like to have the aspect of the sidewalk handled as a separate motion and the final plat being handled as the other half. So the final plat motion would need to be approval of the final -- of the one-lot final plat subject to the sanitary sewer connection being made prior to forwarding to Council, and then a recommendation to approve the requested variance to sidewalk construction as your second action.

MR. REICHLIN: Thank you, sir. Okay. We'll –

MS. LOE: All right. So new motion to approve the preliminary plat to be known as Bear Creek Vistas.

MR. REICHLIN: No. It's approval of one-lot final plat.

MS. LOE: I'm reading off of this.

MR. REICHLIN: Approval of the final plat subject to sewer connection.

MR. STANTON: It's --

MS. LOE: An approval of final plat subject to sewer connection.

MR. STANTON: I second.

MS. BURNS: Second.

MR. REICHLIN: Is that good? Are we all right there and will it work?

MR. ZENNER: It'll work.

MR. REICHLIN: I'll take a roll call, please.

MS. LOE: Quick, before we change it again.

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

MS. LOE: The motion carries. The recommendation for approval on the final plat will be forwarded to City Council for their review. And I'll go ahead and do the second part of the motion. So second motion is for approval of the sidewalk variance.

MS. BURNS: Second.

MR. REICHLIN: Ms. Burns.

MS. LOE: Okay.

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

MS. LOE: The motion carries. The recommendation for approval will be forwarded to City Council for their review.

MR. REICHLIN: Yes, sir.

MR. ZENNER: It is time for a ten-minute break if the Commission would like to break.

MR. REICHLIN: That sounds like a plan. We're going to take a ten-minute recess.

(Off the record)

MR. REICHLIN: Let's try and get things going again, please.