

City of Columbia

701 East Broadway, Columbia, Missouri 65201



Agenda Item Number: B 373-15

Department Source: Community Development - Planning

To: City Council

From: City Manager & Staff

Council Meeting Date: December 21, 2015

Re: Bear Creek Vistas - Plat 1 - final plat (Case #15-217)

Documents Included With This Agenda Item

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

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

Executive Summary

Approval of this request will result in the creation of a one-lot final plat to be known as "Bear Creek Vistas - Plat 1," and approve a variance from the requirement to install sidewalk along the subject site's approximately 100-foot length of frontage on Creasy Springs Road.

Discussion

The applicant is requesting approval of a one-lot final plat to allow for the existing single-family home to be subdivided from the five-acre tract. The requested subdivision is consistent with the preliminary plat of Bear Creek Vistas, which was approved by Council on November 2, 2015 (R 178-15).

The applicant is requesting a variance from Section 25-48.1, which requires that a sidewalk be constructed along the site's Creasy Springs Road frontage. Creasy Springs is an unimproved road with no sidewalks on either side.

No members of the public spoke on this request at the October 22nd Planning and Zoning Commission meeting. Commissioners voted 8-0 to recommended approval of the final plat, subject to the condition that a public sewer line be extended to Lot 1, and that the existing home on Lot 1 shall be connected to the public sewer prior to the plat being forwarded to Council for introduction. This condition has since been met. The Commission voted 8-0 to recommend approval of the sidewalk variance, suggesting that the future construction of a residential connector street on the east side of the subject site should satisfy pedestrian connectivity needs in this area.

The Commission report (including maps, plat, and previously approved preliminary plat), and excerpts from the minutes are attached.

City of Columbia

701 East Broadway, Columbia, Missouri 65201



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 or may not 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 final plat and requested variance from the requirement to construct a sidewalk along the site's Creasy Springs Road frontage as recommended by the Planning and Zoning Commission.

Legislative History

11/2/2015: Approved preliminary plat of Bear Creek Vistas (R 178-15)


Department Approved


City Manager Approved

Introduced by _____

First Reading _____

Second Reading _____

Ordinance No. _____

Council Bill No. B 373-15

AN ORDINANCE

approving the Final Plat of Bear Creek Vistas – Plat 1;
accepting the dedication of rights-of-way and easements;
authorizing a performance contract; granting a variance from
the Subdivision Regulations regarding sidewalk construction;
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 Bear Creek Vistas – Plat 1, as certified and signed by the surveyor on October 21, 2015, a subdivision located on the east side of Creasy Springs Road and north of Prairie Lane (3628 N. Creasy Springs Road), containing approximately 0.98 acre 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 Jerry D. Kelly in connection with the approval of the Final Plat of Bear Creek Vistas – Plat 1. 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 along the east side of Creasy Springs Road adjacent to the property's frontage.

SECTION 5. This ordinance shall be in full force and effect from and after its passage.

PASSED this _____ day of _____, 2016.

ATTEST:

City Clerk

Mayor and Presiding Officer

APPROVED AS TO FORM:

City Counselor

PERFORMANCE CONTRACT

This contract is entered into on this _____ day of _____, 20____ between the City of Columbia, MO ("City") and JERRY D. KELLY ("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 BEAR CREEK VISTAS - PLAT 1, 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. *SEE VARIANCE REQUESTS FOR SIDEWALKS & R/W SEE NOTES 5, 6 & 7 ON PRELIM PLAT OF BEAR CREEK VISTAS - OCT 2015*
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 all utilities and 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 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 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.

9. This contract is not intended to confer any rights or remedies on any person other than the parties.

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

CITY OF COLUMBIA, MISSOURI

BY: _____
Mike Matthes, City Manager

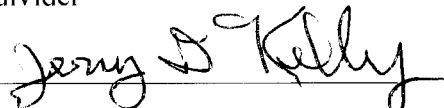
ATTEST:

Sheela Amin, City Clerk

APPROVED AS TO FORM:

Nancy Thompson, City Counselor

Subdivider

BY: 
JERRY D. KELLY



SUPPORTING DOCUMENTS INCLUDED WITH THIS AGENDA ITEM ARE AS FOLLOWS:

Summary of Board/Commission Reports (including maps, plat, and previously approved preliminary plat), Excerpts from Minutes

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

SUMMARY

A request by Jerry D. Kelly (owner) for a one-lot plat of R-1 (One-Family Dwelling District) zoned land to be known as "Bear Creek Vistas Plat 1", and for a sidewalk variance. The 0.98-acre subject site is located on the east side of Creasy Springs Road, approximately 400 feet north of W Prairie Lane, and contains a home that is addressed 3628 N Creasy Springs Road. (Case 15-217)

DISCUSSION

The applicant is requesting approval of a one-lot final plat to allow for the existing single-family home to be subdivided from the five-acre tract. A pending preliminary plat shows the one-acre subject site, as well as two additional lots and a future public local residential street to be extended through the tract as part of the next phase of development.

Since Creasy Springs is an access-restricted roadway, no new driveways will be permitted to serve the proposed single-family development. Lot 1 will be required to construct a new driveway to access the new residential street that will be extended along its east side. The lot's existing driveway onto Creasy Springs Road will not be allowed to reconnect following planned improvements to this roadway.

A public sewer is being extended to the subject site to ensure that the existing private lateral service line will not pass through other private properties being platted in phase 2 of the development. A permit has been issued for the necessary sewer extension; however, this improvement has not yet been completed. Since the subject site is already improved with a single-family home that is served by a private sewer line, staff recommends delaying final plat approval until the home is connected to public sewer.

The applicant is requesting a variance from Section 25-48.1, which requires that a sidewalk be constructed along the site's 100-foot wide Creasy Springs Road frontage. Creasy Springs is an unimproved road with no sidewalks on either side. Improvement of this roadway will involve relocating it to the west, which would result in any sidewalk constructed along its existing alignment to be replaced. However, the timing of this improvement is uncertain as it is unfunded and does not appear in the 10-year Capital Improvements Program.

The applicant's rationale for a sidewalk variance is predicated on the relocation of Creasy Springs Road, which is unlikely to occur within the next 10 years. Staff believes the adjacent subdivision to the north will develop before Creasy Springs is improved, causing a sidewalk to be extended to the subject site which connects it to Blue Ridge Road and the surrounding Vanderveen neighborhood. If this occurs there may be many years of utility gained from building a sidewalk along the site's existing frontage on Creasy Springs Road. Furthermore, there does not appear to be any major topographical or other obstacle that would make it particularly difficult to construct a sidewalk along the site's frontage. Therefore, staff is reluctant to support a sidewalk variance in this case.

With the exception of the requested sidewalk variance, the proposed plat meets all applicable City development regulations.

RECOMMENDATION

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 the public sewer prior to the 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.

ATTACHMENTS

- Locator maps
- Proposed final plat of Bear Creek Vistas Plat 1
- Sidewalk variance request letter

SITE HISTORY

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

SITE CHARACTERISTICS

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

UTILITIES & SERVICES

| | |
|------------------------|----------------------------|
| Sanitary Sewer | City Public Works Dept. |
| Water | CPWSD #1 |
| Electric | Boone Electric Cooperative |
| Fire Protection | Columbia Fire Dept. |

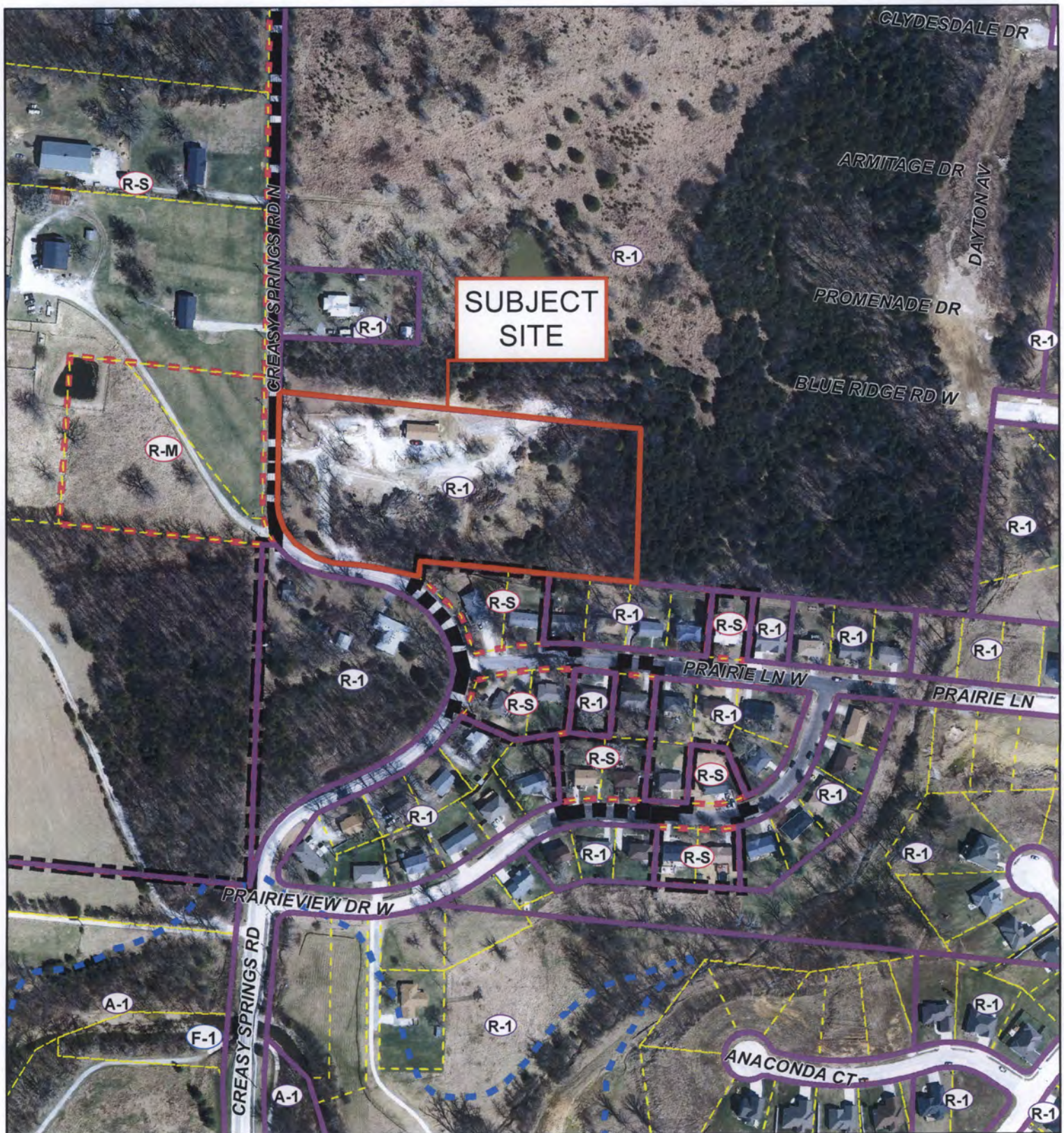
ACCESS

| | |
|----------------------------|-------------------|
| Creasy Springs Road | West side of site |
| Major Roadway Plan | Minor Arterial |
| CIP Projects | None |
| Sidewalk | Needed |

PARKS & RECREATION

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

Report prepared by Steve MacIntyre; Approved by Pat Zenner



15-217: Bear Creek Vistas Final Plat & Sidewalk Variance



City of Columbia Zoning



Boone County Zoning



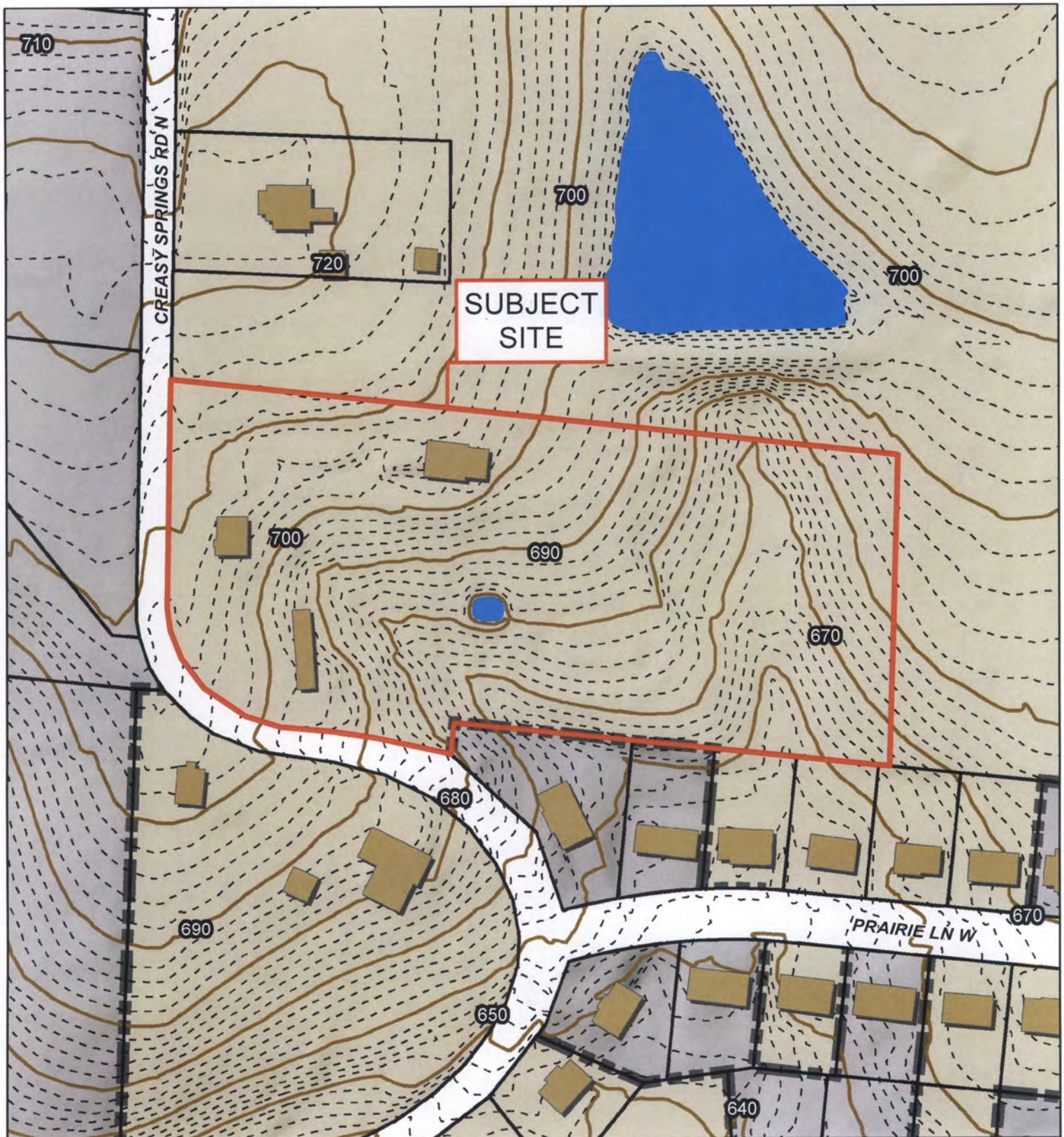
Columbia City Limit



100-Year Flood Plain



Parcels

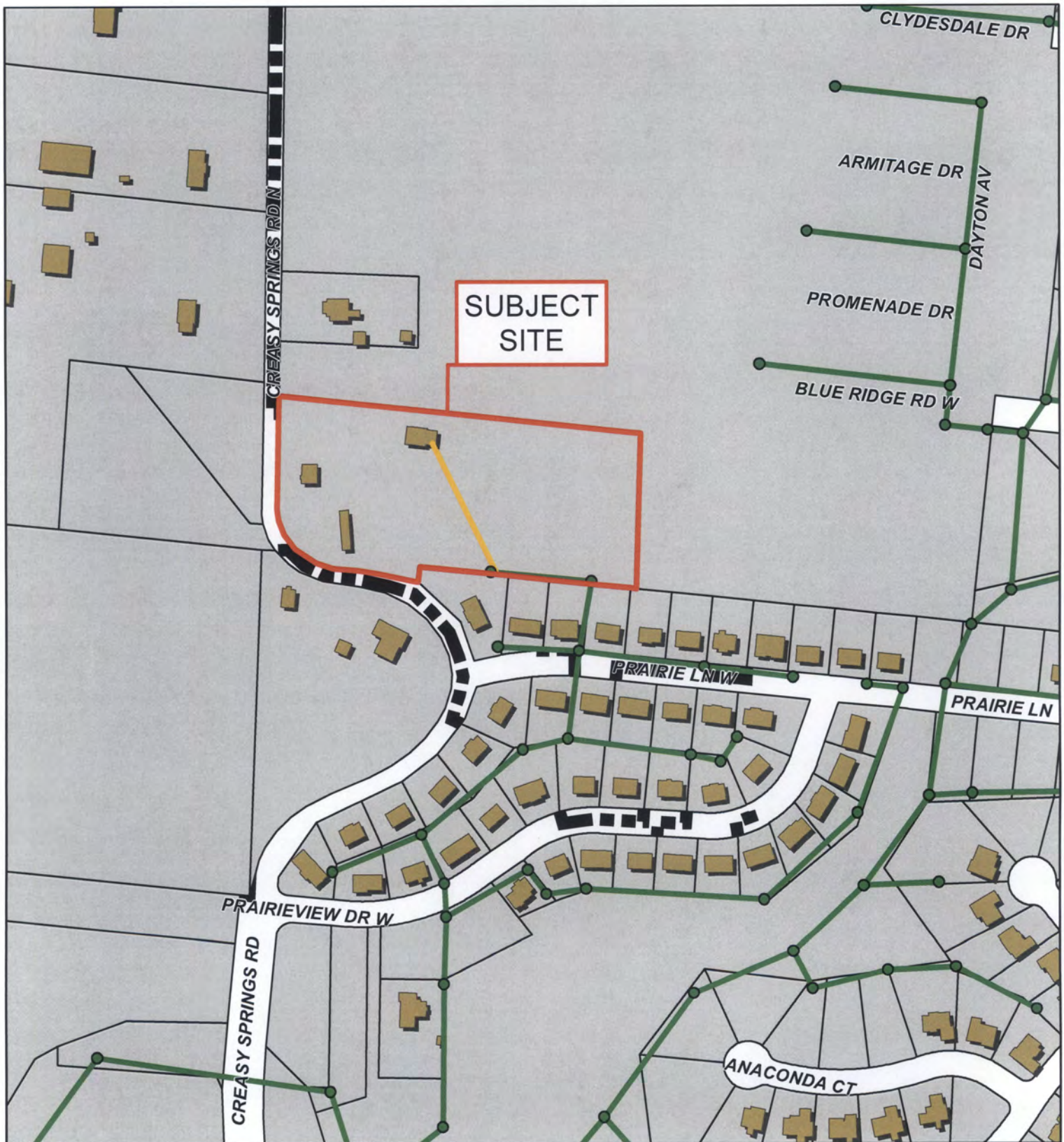


15-217: Bear Creek Vistas Final Plat & Sidewalk Variance



- 10 Foot Contour Lines
- - - 2 Foot Contour Lines
- ▭ Parcels
- Building Footprint
- Bodies of Water





15-217: Bear Creek Vistas Final Plat & Sidewalk Variance

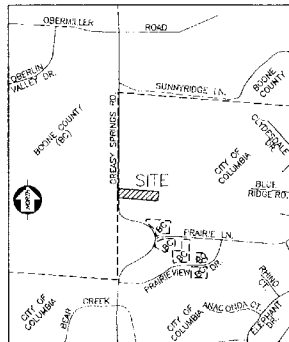
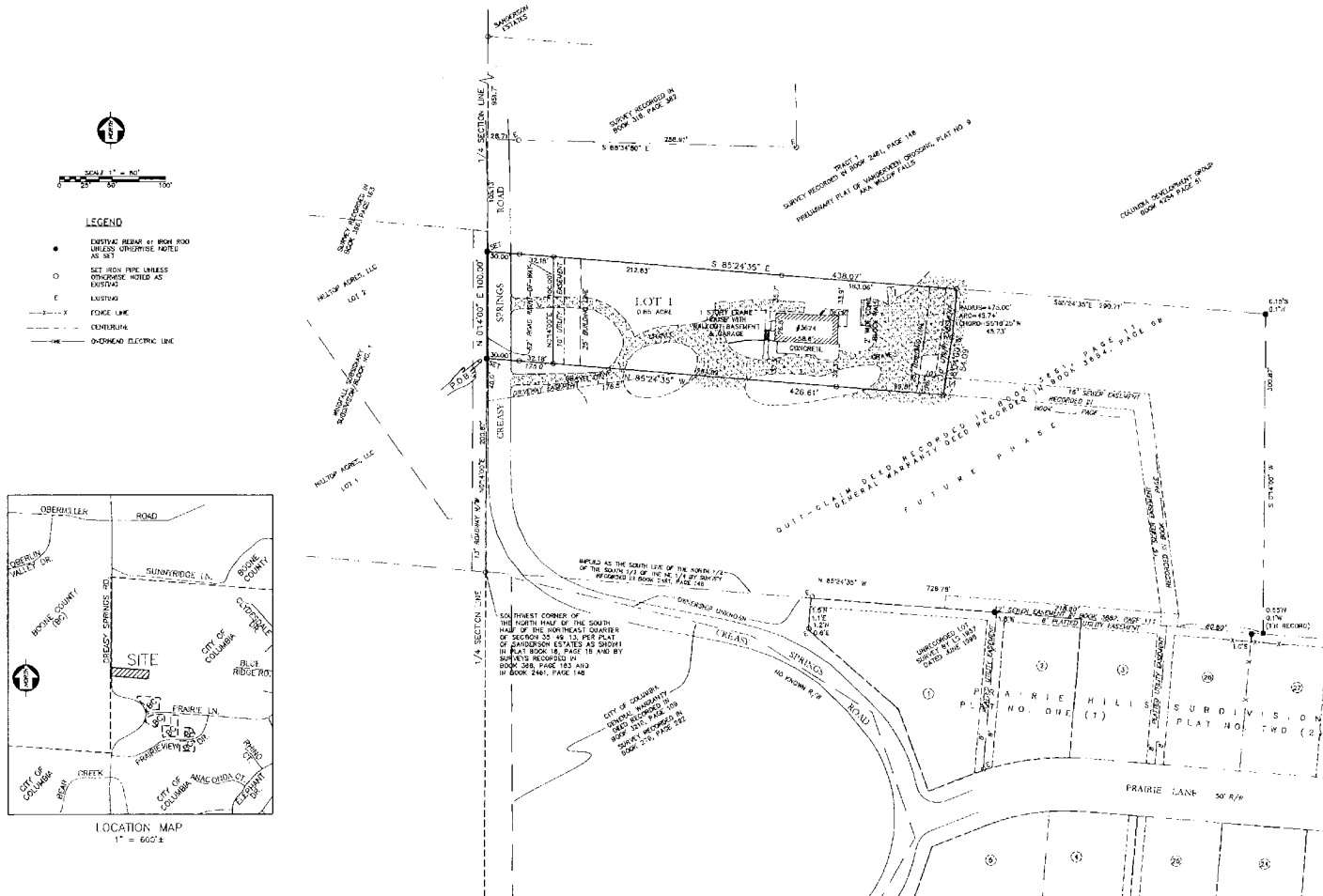


- City Sanitary Structure
- City Sanitary Line
- Building Footprint
- Private Sanitary Line
- Parcels



BEAR CREEK VISTAS - PLAT 1

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



LOCATION MAP
1" = 600'

ACCEPTED BY ORDINANCE OF THE CITY COUNCIL OF COLUMBIA,
MISSOURI, THIS ____ DAY OF ____, 2015.

ROBERT HOWARD, MAYOR

SHEILA AMP, CITY CLERK

KNOW ALL PERSONS BY THESE PRESENTS:

I, Jerry D. Kelly, owner of the above described tract, have caused the same to be surveyed and divided as shown on this plat. The road right-of-way, located along
Crescy Springs Road, and the utility easement, located along Crescy Springs Road and
the east line of Lot 1, are hereby dedicated to the City of Columbia for public use
forever.

Jerry D. Kelly

STATE OF MISSOURI
COUNTY OF BOONE

On this ____ day of ____, 2015, before me appeared
Jerry D. Kelly, to me personally known to be the person described in and who
executed the foregoing instrument and acknowledged that they executed the same in
their free act and deed. In testimony whereof, I have hereunto set my hand and
affixed my official seal of my office in said county and state, the day and year first
above written.

My commission expires

Notary Public

A tract of land being the west part of the north 100 feet of 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, 14th, R13W, Columbia, Boone County, Missouri, as described by a
General Warranty Deed recorded in Book 3654, Page 98 and by a Quit-Claim Deed
recorded in Book 3581, 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.

Starting at the southwest corner of the north half of the south half of the northeast
quarter of Section 35, 14th, R13W, being the southeast corner of Winfield Subdivision
Subdivision Block No. 1 as shown in Plat Book 11, Page 330, and as shown by
Sunderson Estates in Plat Book 18, Page 18; thence N01°14'00"E, along the west line
of the northeast quarter of said Section, 200.07 feet to the point of beginning.

From the point of beginning, continuing N01°14'00"E along the said Quarter Section
line, 100.00 feet to the westernmost southwest 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,
438.07 feet to a non-tangent curve having a radius of 475.00 feet; thence, along said
curve to the right, 45.74 feet (a chord S85°18'25"W, 45.73 feet) to the P.T. of said
curve; thence S85°04'00"W, 55.08 feet to a line, 100 feet south of and parallel with
said south line of said Tract 1; thence N85°24'35"W, along said parallel line, 426.61
feet to the point of beginning and containing 0.98 acre.

I then divided this 0.98 acre tract into Lot 1, containing 0.85 acre, and the street
right-of-way for Crescy Springs Road, containing 0.14 acre, both as shown herein.

This LOT is subject to an electric easement, 30 feet wide, "blanket"-type as described
in Book 3748, Page 58. The tract may be subject to other easements and
restrictions of record.

Bearings are based on lines of Tract 1 of the survey recorded in Book 2461, Page 148
of the Boone County records.

The results of the survey of this urban property showing the house & improvements,
made for Jerry D. Kelly, and executed in accordance with the current Missouri Minimum
Standards for Property Boundary Surveys, are shown on this plat.

On this date, the FLOOD INSURANCE RATE MAP, community-panel number
2801902200, dated March 17, 2011, was reviewed. The review showed that Lot 1, as
described above, is not contained within any flood hazard area.

LUECK SURVEYING Columbia, MO 65201

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

Subscribed and sworn to before me, a notary
public in and for Boone County, Missouri, this
____ day of ____, 2015.

My commission expires June 16, 2017.

Larry E. Bishop
Notary Public

OCTOBER 21, 2015

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 driveways shown on this Plat 1, are existing drives to three residences that were formerly located upon the parent tract of 5.02 acres. 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 Crescy Springs Road. Access to Lot 1 will be provided through an existing shared driveway crossing through Lot 2 until Crescy Springs Road is relocated and Salamander Lane is constructed. All driveway connections onto Crescy Springs Road shall be terminated when Crescy Springs Road is relocated and when 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 of their own expense.
- 3) No new driveways shall access Crescy Springs Road per City of Columbia Subdivision Regulations Section 25-53.
- 4) Sewer Service to the southeast corner of Lot 1 is provided through a sewer easement, 15 feet wide, recorded in Book ____ Page ____.
- 5) Streams, designated as Type I, per City Definition by the Code of Ordinances, Section 12A-233, exist within 1500 feet of this Lot. Cow Branch is located 1100 feet northwest of the northwest corner of this Lot north of the ridge located between the stream & Lot, and is not affected by any drainage from this Lot. Bear Creek is located 1050 feet south of the southeast corner of this Lot, and the drainage area concerned with this plot is less than 50 acres. Waterways, classified as a Type II or III by the City of Columbia Code of Ordinances, Chapter 12A-233 do not exist on or within 1500 feet of this Lot as described herein. No stream buffer is required.

PRELIMINARY PLAT BEAR CREEK VISTAS

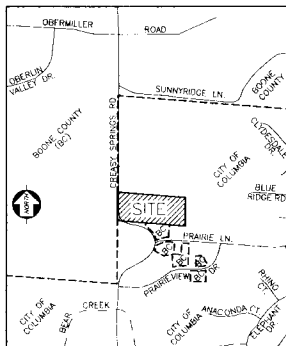
LOCATED IN THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF
SECTION 35, TOWNSHIP 49 NORTH, RANGE 13 WEST
COLUMBIA, MISSOURI
SEPTEMBER 14, 2015



0 25 50 100
Feet

LEGEND

- EXISTING REMAIN OF IRON ROD (UNLESS OTHERWISE NOTED AS SET)
- SET IRON PILE UNLESS OTHERWISE NOTED AS EXISTING
- EXISTING
- ZONING DESIGNATION
- [R-1] UTILITY POLE
- FENCE LINE
- CENTERLINE
- OVERHEAD ELECTRIC LINE
- WATER LINE
- SANITARY SEWER LINE



LOCATION MAP
1" = 600'

Utility Contacts:

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

Telephone: Centurylink
625 E. Cherry Street, Columbia, MO
Contact: Tim Dahmen 573-886-3507

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

Gas: Ameren Missouri
2001 Maguire Blvd., Columbia, MO
Contact (north): Luke Martin 573-876-3061
(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 573-874-7764

Sewer Maintenance:
4900 Celeste Bridge Road, Columbia, MO
Contact: David Sorrell, Manager, or
Lester Addison 573-445-9427

APPROVED BY THE PLANNING AND ZONING COMMISSION OF THE CITY
OF COLUMBIA, MISSOURI, THIS 22nd DAY OF October, 2015

STEPHEN REICHLIN, CHAIRMAN
PLANNING AND ZONING COMMISSION

OWNER:

Jerry D. Kelly
1200 W. O'Brien Road
Columbia, MO 65202
(573) 888-3507

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 52'-30" W
200 feet south of the southwest corner of this 5.02
acre tract. Elev. = 625.64
(GPS Elev. = 625.36 Sept. 3, 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, 149N, R13W, Columbia,
Boone County, Missouri, as described by a General Warranty Deed recorded in Book 3654,
Page 18 and by a Quit-Claim Deed recorded in Book 3661, 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, 149N, R13W, being the southeast corner of Windfall Subdivision
Subdivision Block No. 1 as shown in Plat Book 11, Page 330, and as shown by Sanderson
Estate 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 southwest 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, 728.78 feet to a corner of said Tract 1; thence S27°-24'-33"E, along a western line of
said Tract, 300.87 feet to the southernmost southwest 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 said quarter quarter quarter Section line, 728.78 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 218.8 feet
in length along the south line as described by Book 3682, Page 111 and shown herein, and
to an electric easement, 30 feet wide, "blanket"-type as described in Book 3748, Page 39,
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

OCTOBER 22, 2015

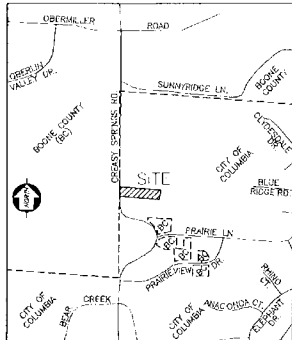
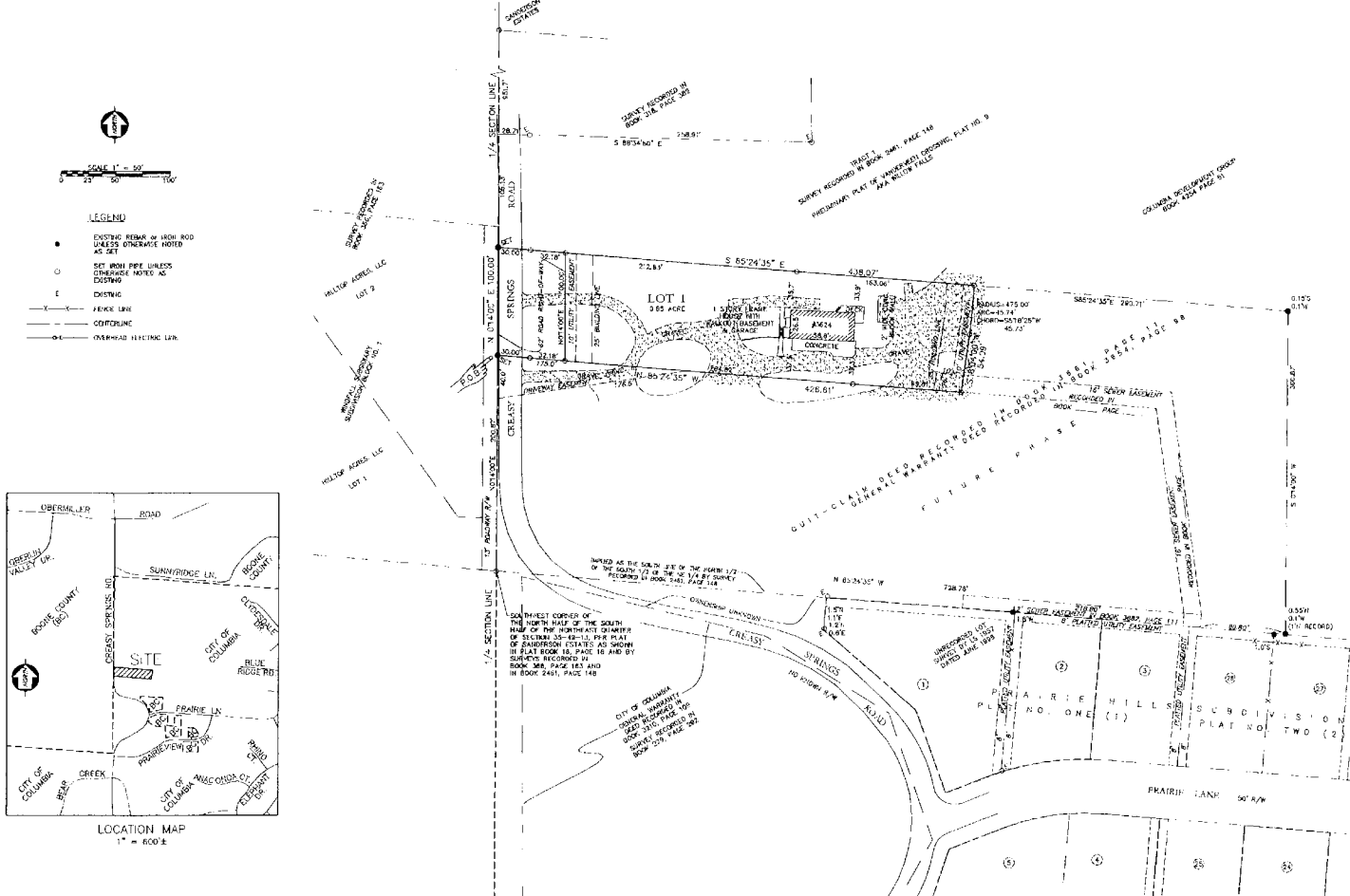
Notes:

- Bearings are based on lines of Tract 1 of the survey recorded in Book 2461, Page 148 of the Boone County records.
- 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.
- 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 easements along 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.
- No new driveways shall access Greasy Springs Road per City of Columbia Subdivision Regulations Section 25-33.
- The proposed sewer service to Lot 1 shall be completed prior to approval of the final Plat of Bear Creek Vistas. 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.
- 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.
- 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 sidewalks along the east side of Lot 1, if not constructed previously through the Greasy Springs Road Relocation Project.
- 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.
- No stream buffer is required for this plat of Bear Creek Vistas.
- Parts of the gravel trail, located along the eastern boundary of this 5.02 acre tract and encroaching 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.
- 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 not clearly still is with the developers of Prairie Hills Subdivision Plat No. One & Two. Names for the dedication of streets & easements on the plat are Oscar L. Foley and his son, William D. Foley, both deceased. Ownership is hereby made with the heirs of the two signers: William Foley's wife 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 279, Page 232, defining the centerline.

LUECK SURVEYING
114 N. HOLLYWOOD AVE., SUITE 2
COLUMBIA, MISSOURI 65201
COLUMBIAMISSOURI.NET
PHONE: (573) 443-8219

BEAR CREEK VISTAS - PLAT 1

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



LOCATION MAP
1" = 600'

ACCEPTED BY ORDINANCE OF THE CITY COUNCIL OF COLUMBIA,
MISSOURI, THIS _____ DAY OF _____, 2015.

ROBERT McDAVID, MAYOR

SHEELA ANN, CITY CLERK

KNOW ALL PERSONS BY THESE PRESENTS:

I, Jerry D. Kelly, owner of the above described tract, have caused the same to be surveyed and divided as shown on this plat. The road right-of-way, located along Greasy Springs Road, and the utility easements, located along Greasy Springs Road and the east line of Lot 1, are hereby dedicated to the City of Columbia for public use forever.

Jerry D. Kelly

STATE OF MISSOURI }
COUNTY OF BOONE }

On this _____ day of _____, 2015, before me appeared Jerry D. Kelly, to me personally known to be the person described in and who executed the foregoing instrument and acknowledged that they executed the same as their free act and deed. In testimony whereof, I have hereunto set my hand and affixed my official seal at my office in said county and state, the day and year first above written.

My commission expires _____

Notary Public

A tract of land being the west part of the north 100 feet of 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 3654, Page 98 and by a Quit-Claim Deed recorded in Book 3651, Page 11, and defined by the 70.78 acre survey of Tract 1 recorded in Book 2451, Page 148, all of the Boone County records.

Starting at the southwest corner of the north half of the south half of the northeast quarter of Section 35, T49N, R13W, being the northeast corner of Woodall Subdivision Subdivision Block No. 1 as shown in Plat Book 11, Page 330, and as shown by Sanborn Enclaves in Plat Book 16, Page 18, thence N07°14'03"E, along the west line of the northeast quarter of said Section, 200.97 feet to the point of beginning.

From the point of beginning, continuing N07°14'03"E along the said Quarter Section line, 100.00 feet to the westernmost southwest corner of Tract 1 of a survey recorded in Book 2451, Page 148; thence S85°24'35"E, along the south line of said Tract, 435.07 feet to a non-tangent curve having a radius of 475.00 feet; thence, along said curve to the right, 40.74 feet (a chord S85°18'25"W, 45.73 feet) to the PT of said curve; thence S87°04'00"W, 104.09 feet to a line, 100 feet south of and parallel with said south line of said Tract 1; thence N85°24'35"W, along said parallel line, 426.61 feet to the point of beginning and containing 0.98 acre.

I then divided this 0.98 acre tract into Lot 1, containing 0.85 acre, and the street right-of-way for Greasy Springs Road, containing 0.14 acre, both as shown herein.

This LOT is subject to an electric easement, 30 feet wide, "blanket"-type as described in Book 3748, Page 39. This tract may be subject to other easements and restrictions of record.

Bearings are based on lines of Tract 1 of the survey recorded in Book 2451, Page 148 of the Boone County records.

The results of the survey of this urban property showing the house & improvements, made for Jerry D. Kelly, and executed in accordance with the current Missouri Minimum Standards for Property Boundary Surveys, are shown on this plat.

On this date, the FLOOD INSURANCE RATE MAP, community-panel number 290100202B0C, dated March 17, 2011, was reviewed. The review showed that Lot 1, as described above, is not contained within any flood hazard area.

LUECK SURVEYING Columbia, MO 65201

by *Ronald G. Lueck*

Ronald G. Lueck
Professional Land Surveyor
LS #1857

Subscribed and sworn to before me, a notary public in and for Boone County, Missouri, this _____ day of _____, 2015.

My commission expires June 16, 2017.

Larry E. Bishop
Notary Public

OCTOBER 16, 2015

NOTES:

- Bearings are based on lines of Tract 1 of the survey recorded in Book 2451, Page 148 of the Boone County records.
- The driveways shown on this Plat 1, are existing drives to three residences that were formerly located upon the parent tract of 5.02 acres. Only the northern houses remain, and have undergone renovation. Boone County Public Works replaced all three driveway road culverts in 2010 in an improvement project to Greasy Springs Road. Access to Lot 1 will be provided through an existing driveway crossing through 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 when 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.
- No new driveways shall access Greasy Springs Road per City of Columbia Subdivision Regulations Section 25-33.
- Sewer Service to the southeast corner of Lot 1 is provided through a sewer easement, 10 feet wide, recorded in Book _____ Page _____.
- Streams, designated as Type I, per City Definition by the Code of Ordinances, Section 12A-233, exist within 1000 feet of this Lot. Cow Branch is located 1100 feet northwest of the northwest corner of this Lot north of the ridge located between the stream & Lot, and is not affected by any drainage from this Lot. Bear Creek is located 1000 feet south of the southwest corner of this Lot, and the drainage was concerned with this plat is less than 500 acres. Watersheds classified as a Type II or III by the City of Columbia Code of Ordinances, Chapter 12A-233, do not exist on or within 1000 feet of this Lot as described herein. No streams suffer is required.

LUECK SURVEYING

914 N. COLLEGE AVENUE • COLUMBIA, MISSOURI 65201-4725 • (573) 443-6219 • FAX (573) 875-8832 • rlueck@socket.net

September 14, 2015

Department of Planning & Community Development
City of Columbia
Post Office Box N
Columbia, Missouri 65205

Tim Teddy - Director

Dear Planning Dept.:

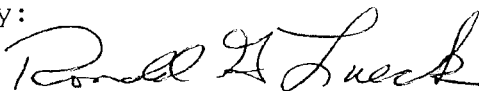
RE: The final platting of Lot 1 of Bear Creek Vistas, a 0.85 acre tract located at 3624 Creasy Springs Road & in the north half of the south half of the southeast quarter of Section 35, T49N, R13W, Columbia, Boone County, Missouri.

On behalf of Jerry D. Kelly, this letter is to request a variance from the sidewalk construction along the east side of Creasy Springs Road on the above described Lot.

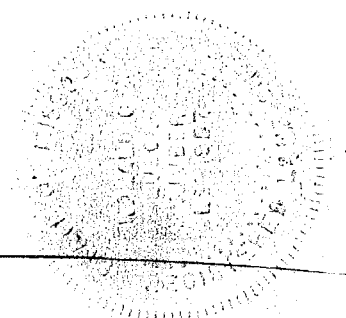
The relocation of Creasy Springs Road per a preliminary plan for the extensive road project, will move the pavement for the new roadway significantly to the West, rendering the current asphalt road excessive and to be removed to become a grass area. The project's plans show a future sidewalk to be located west of the existing pavement, of which the western edge of the pavement is the western boundary of this plat, more or less. The new sidewalk, constructed in conjunction with the project, will likely not be located on this plat at all.

Professionally,
Lueck Surveying

By:



Ronald G. Lueck
Registered Land Surveyor
LS #1957



OCTOBER 14, 2015

Submitted in conjunction with a final plat of proposed Bear Creek Vistas - Plat 1.

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 Driver 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. Strodtman. 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. Strodtman. 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.