

Jefferson City  
Planning & Zoning Commission

March 10, 2016

**Case No. P16001  
River Bluff Condominiums, LLC  
1600 Block of Hayselton Drive  
1414 W. Main Street**

- A. Rezoning from PUD to RS-3**
- B. Comprehensive Plan Amendment**
- C. Preliminary & Final Subdivision Plat of River Bluff Estates**

**PLANNING STAFF REPORT**  
**JEFFERSON CITY PLANNING AND ZONING COMMISSION**  
**March 10, 2016**

**Case No. P16001 – 1600 Block of Hayselton Drive and 1414 West Main Street.** Request filed by River Bluff Condominiums LLC and Paul Chinn Trust, property owners, for the following:

1. A rezoning of 14.69 acres from PUD Planned Unit Development to RS-3 Single Family Residential.
2. An amendment to the Development Plan Map of the Comprehensive Plan to show the property, consisting of 14.69 acres, as Low Density Residential.
3. A Preliminary and Final Subdivision Plat of 10.9 acres consisting of 9 lots.

The property is accessed from Hayselton Drive 200 feet east of Beverly Street and from West Main Street 150 feet east of Manila Street. The property is described as part of the Southwest part of the Northeast Quarter, the Northwest part of the Southeast Quarter, the East Half, and the Northwest Quarter of Section one, Township 44 North, Range 12 West, Jefferson City, Missouri. (Central Missouri Professional Services, Consultant)

**Nature of Request**

This request comes as two parts. The first part of the request to revert the zoning of property back to the single family residential status it held prior to 2005. A comprehensive plan amendment is also proposed to revert the planned use of the property back to the low density residential designation it held prior to 2005. The single family zoning is proposed for the entirety of the 14.69 acre PUD zoned property owned by River Bluff Condominiums LLC.

The second part of the request is for approval of a Preliminary and Final Subdivision Plat for a nine lot subdivision, with one lot being platted around an existing single family home, one lot designated for construction of a sewer pump station, and 7 lots made available for new single family homes. This request pairs the northern portion of the PUD zoned property with the property to the west, and includes a 650 feet long cul-de-sac street with access off of Hayselton Drive.

**Zoning History**

A Concept PUD Plan for the PUD zoned property was approved by the City Council in June of 2005 and a Preliminary and Final PUD Plan was approved by the City Council in October of 2005. This proposal consisted of a 50 unit condominium development with two buildings on the 14.69 acre property owned by River Bluff Condominiums LLC . While the plans for this development were approved, the development was never constructed. The property was rezoned from RS-3 and RA-2 to PUD and a Comprehensive Plan Amendment to show the property as intended for High Density Residential use was approved at the time of this PUD Plan approval.

A proposal for a 15 lot Planned Unit Development/Single Family Subdivision Plat for property owned by both applicants was approved by the Planning and Zoning Commission in December of 2010. This proposal was withdrawn by the applicants prior to introduction to the City Council.

A refiling of the 2010 proposal was heard and approved by the Planning and Zoning Commission in January of 2012. This proposal was also withdrawn by the applicants prior to the public hearing on the case in front of the City Council.

**Parcel Division History**

An administrative parcel division that would have rearranged the property boundary between the Chinn Trust property and the neighboring property at 1602 Hayselton Drive was administratively approved by city staff in February of 2009. This parcel division would have had the effect of increasing the side setback of the house at 1602 Hayselton from 5.8 feet to 15.1 feet in exchange for a small triangle (6.4 square feet) of property located adjacent to Hayselton Drive that would have given the Chinn property the 50 feet of width outlined in the Subdivision Code as the minimum right-of-way width for a cul-de-sac street. While the parcel division was approved and recorded, the property transfer did not take place.

In May of 2012, a special warranty deed was filed by the owner of 1602 Hayselton transferring the small triangle of property to the Chinn's, but with restrictions that would prevent it being used as part of a subdivision plat. A petition was filed by the Chinn's in Circuit Court in May of 2012 and the issue has not been resolved at the Circuit Court level.

**Location**

The property consists of two tracts. One tract is owned by River Bluff Condominiums LLC consisting of 14.69 acres accessed from W. Main Street and one tract is owned by the Chinn Trust consisting of 4.28 acres accessed from Hayselton Drive.

Adjacent zoning and land use is as follows:

	Surrounding Zoning	Surrounding Uses
North	RC/RS-3	Missouri River / Railroad
South	RS-3/RA-2	Residential uses along W. Main Street
East	RS-3/RA-2	Vacant Land / St. Joseph's Home
West	RS-3	Single Family Residential Neighborhood

**Staff Analysis**

**Rezoning and Comprehensive Plan Amendment:**

The current PUD zoning of the property is a result of the 2005 development proposal, which envisioned a multi-family residential use of the property. The development plan map of the comprehensive plan was amended at that time to show the property as appropriate for high density residential use, despite being surrounded by property shown as intended for low density residential use. The southern portion of the property adjacent to West Main Street was formerly zoned RA-2 Multi-family residential, although the development plan map shows this area as intended for low density residential use along with the rest of the RA-2 zoned property along the north side of the 1400 block of W. Main Street.

**Staff Position:**

The property to the east and west of the property proposed for rezoning is shown as intended for low density residential use on the development plan map of the Comprehensive Plan. With the abandonment of the multifamily PUD plan for the property, a reversion of the property back to low density residential status, in line with the 1996 Comprehensive Plan, is appropriate. A downzoning of the property to single family residential to match the neighboring property to the east and west and the low density residential status on the development plan map is also appropriate. Staff is in support of the proposed rezoning and comprehensive plan amendment.

**Preliminary and Final Subdivision Plat:**

The Preliminary Subdivision Plat details the street layout, lot layout, grading, and utility plan for the proposed River Bluff Estates Subdivision. The Final Subdivision Plat shows property boundaries of lots and is the document that would be recorded with the Cole County Recorder's Office after approval by the City Council.

**Acreage:** The total size of the subdivision is 10.9 acres. The property proposed for subdivision is comprised of the part of the property owned by River Bluff Condominiums LLC north of Coon Creek and the entirety of the adjacent Chinn property. The southern part of the property owned by River Bluff Condominiums LLC is not included in the proposed subdivision plat. The property would require a split via an administrative parcel division, to separate the portion of the property contained within the proposed subdivision, prior to final recording of any plat.

**Number of Lots:** Nine (9) lots are shown on the Subdivision Plat, one lot is platted around an existing house, one lot is planned for a sewer pump station site, and seven (7) lots would be available for new single family homes. One reserved tract is shown on the plat adjacent to the house at 1602 Hayselton.

**Lot Sizes:** The average lot size is 1.1 acres. All lots meet the minimum width (70') and area (8,000 sf) requirements of the RS-3 zoning district.

**Streets:** The Plat proposes one new cul-de-sac street to be named River Bluff Court. River Bluff Court is a valid street name not used elsewhere in the City of Jefferson, Cole County, or the Jefferson City urbanized area. The length of the street is 650 feet, below the maximum cul-de-sac length of 800 feet outlined within the Subdivision Code

**Sidewalks:** Sidewalks are shown on the southern side of River Bluff Court in accordance with code requirements.

**Utilities:** All lots are shown with access to water lines, sanitary sewer lines, underground electric lines, telephone lines, and gas lines. Fire hydrants within the subdivision meet the applicable spacing requirement of 600 feet. Street lights within the subdivision meet the applicable spacing requirement of 300 feet.

**Traffic:** The Zoning Code requires that a traffic impact analysis be submitted for developments expected to generate large amounts of traffic (including developments that contain more than 75 single family units). The proposed development consists of 7 new single family lots and does not trigger the requirement for a site specific traffic impact analysis. Estimated traffic generation for the development is approximately 7 additional peak hour vehicle trips (approximately one per unit). A good comparison of the anticipated traffic would be that generated by the subdivision on Beverly Street, which is a cul-de-sac street with 11 houses. More detailed information regarding vehicular traffic and analysis of the intersection is included in the Engineering Division staff report.

**Setbacks for existing structures:**

Two existing houses are located adjacent to proposed River Bluff Court. The platting of the new right-of-way would result in a setback less than the 25' front setback called for within the RS-3 zoning district for both houses. The house at 1608 Hayselton Drive sits 22 feet from the proposed right-of-way line and the house at 1602 Hayselton Drive sits 15.6 feet from the proposed right-of-way line. A garage at 1608 Hayselton Drive sits 10.6 feet from the proposed right-of-way line. Street right-of-way can be platted when it results in a smaller setback for existing structures than is normally required. There are other examples of similar situations in Jefferson City, including the intersection of Ware Street with West Main Street, the intersection of Redwood Drive with Boonville Road, and the intersection of Anderson Drive with Boonville Road.

The existing structures would be "grandfathered" as non-conforming in terms of setback distance.

**Street Width Variance Request**

The Chinn's intended to acquire, through the above mentioned parcel division, a small 6.4 sf sliver of property in order to meet the 50 feet right-of-way width standard for residential streets prior to applying for subdivision of the property. Failure to execute that property transfer and subsequent filing of restrictions on the property results in a right of way width of 48 feet 4 inches at the Hayselton Drive street line rather than the 50 feet standard width, but widens to the standard width once beyond the small sliver of property. Please see the attached visual showing the location of the 6.4 sf property in relation to the proposed roadway and right-of-way.

Section 33-13 of the Subdivision Code allows for variations from provisions of the Subdivision Code where such provisions would present a serious obstacle to the formulation of a plat for the reasonable use and development of land in subdivision form.

**Staff Position:**

Unusual circumstances surround the transfer of the small sliver of property, including litigation in Circuit Court that has lasted nearly four years. The presence or absence of the small sliver of property has no effect on the design of the street nor its relation to adjacent structures, and should not prevent a reasonable subdivision of the subject property. Staff recommends approval of the right-of-way width variation.

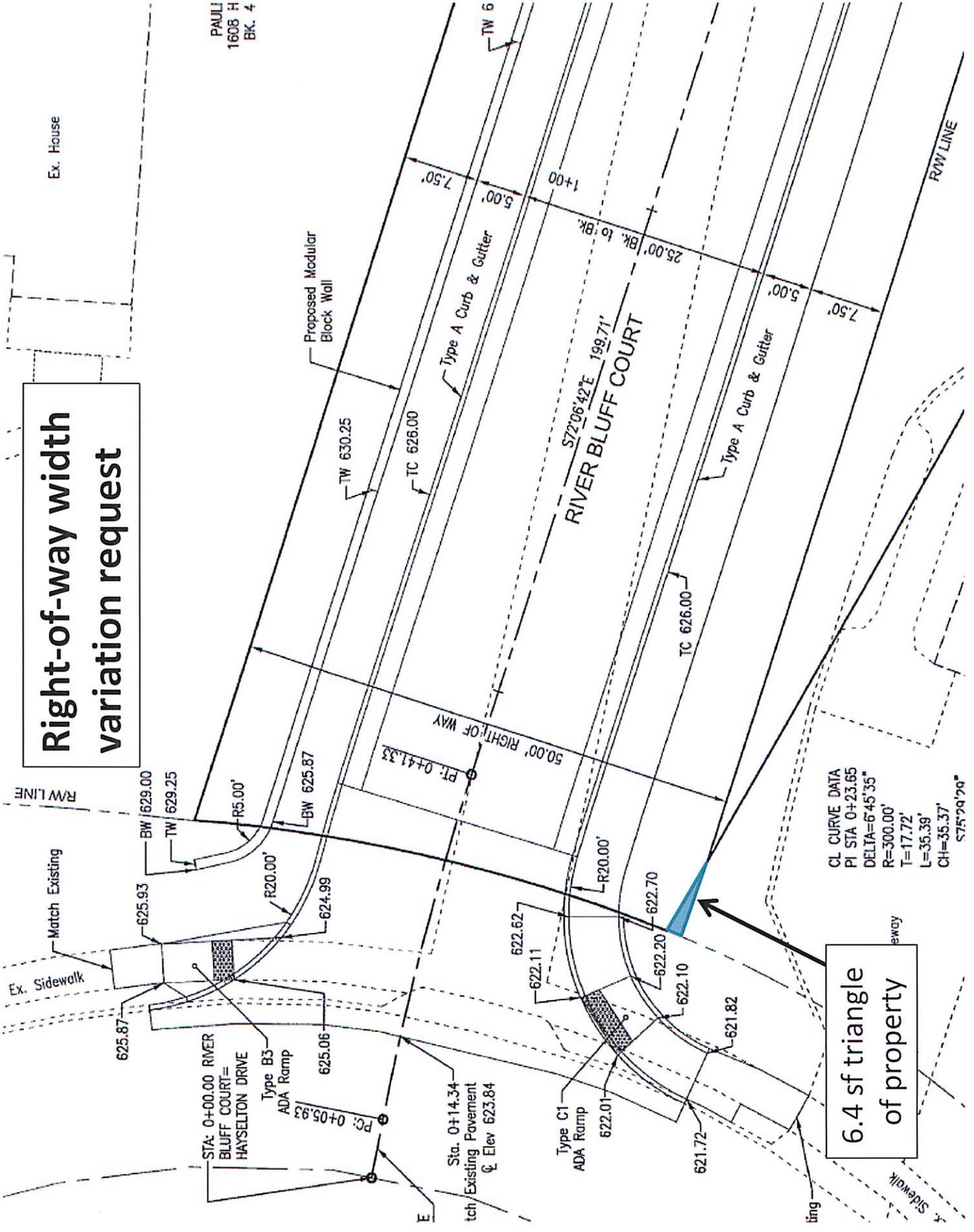
**Form of Motion**

1. Motion to approve the proposed amendment to the Development Plan Map of the Comprehensive Plan to show the 14.69 acre property as intended for low density residential use.
2. Motion to approve the proposed rezoning of the 14.69 acre property from PUD Planned Unit Development to RS-3 Single Family Residential.
3. Motion to approve the proposed Preliminary and Final Subdivision Plat of River Bluff Estates Subdivision subject to comments and technical corrections of the Planning and Engineering Divisions.

PAULI  
1608 H  
BK. 4

Ex. House

# Right-of-way width variation request



6.4 sf triangle  
of property

CL CURVE DATA  
PI STA 0+23.65  
DELTA=6°45'35"  
R=300.00'  
T=17.72'  
L=35.39'  
CH=35.37'  
S75°00'00"

STA: 0+00.00 RIVER  
BLUFF COURT=  
HAYSELTON DRIVE

Sta. 0+14.34  
Existing Pavement  
Elev 623.84

Type C1  
ADA Ramp

Type B3  
ADA Ramp

Match Existing  
RWLINE

Ex. Sidewalk

eway

ling

Ex. Sidewalk



Department of Planning and Protective Services

# Memorandum

320 East McCarty Street • Jefferson City, Missouri 65101 • P: 573.634.6410 • F: 573.634.6457 • www.jeffcitymo.org

## Variation from Provisions in Chapter 33, Subdivision Code

City of Jefferson Subdivision Regulations, Chapter 33 of the Code, Sec. 33-13. Variations from provisions.

- A. When the Director of Planning and Protective Services determines that in a particular instance an owner cannot possibly or practically observe the requirement of any provision or provisions of this chapter, except in regards to construction of sidewalks, because of the presence of unusual circumstances or conditions, and that the strict application of the requirements of such provisions would either prevent, or present a serious obstacle to the formulation of a plat for the reasonable use and development of land in subdivision form, the Director shall make a written recommendation to the Commission that a variation from the requirements of such provisions be permitted and state the facts upon which the recommendation is made. (Ord. 13600, §12, 9-2-2003; Ord. 14277, §3, 11-19-2007)
- B. The Commission, upon consideration of the facts presented with the recommendation, may permit the owner to vary from the requirements of such provisions if it determines that the intent of this chapter is not being violated and adjoining property is not materially or adversely affected.
- C. Variation or waivers from the requirement to construct sidewalks in new major subdivisions shall be governed by the variance provisions contained in Chapter 32. (Ord. 14277, §3, 11-19-2007)

### Record of Decision

#### Variation to Subdivision Regulations, River Bluff Estates Subdivision

The Request: The developers of River Bluff Estates Subdivision (River Bluff Estates Condominiums LLC and Chinn Trust) requested a variance to the provisions of Chapter 33, subdivision code regarding the minimum right-of-way width of a street, as follows:

**Section 33-11.A.6 Place Court. The right-of-way shall be at least fifty feet (50) wide and the improved roadway shall be at least twenty-four feet (24) wide (face-to-face of curb). Parking may be designed for one side.**

Findings:

1. There is an ongoing legal dispute regarding a 6.4 square feet triangle of property that was acquired for the purpose of obtaining the required 50 feet of right-of-way width.
2. No improvements are planned for the 6.4 square feet of property in question.
3. The presence or absence of the 6.4 square feet as platted right-of-way has no effect on the design or function of the proposed street nor its relation to adjacent structures.
4. The requested variance is for 1.64 feet (approximately 20 inches) of right-of-way width at the street line of Hayselton Drive. The disputed triangle of property measures 1.64 feet by 7.83 feet.
5. Outside of the disputed 6.4 square feet, the remainder of the right-of-way meets the 50 feet standard width.

Recommendation: The undersigned find that the inability to include the 6.4 square feet of property within the right of way for the proposed subdivision is an obstacle to the reasonable use and development of the property and hereby recommend the requested variance be approved.

Recommended:

\_\_\_\_\_  
Janice McMillan, AICP  
Director, Planning and Protective Services

\_\_\_\_\_  
Date

\_\_\_\_\_  
Matt Morasch, PE  
Director, Public Works

\_\_\_\_\_  
Date

**Jefferson City Planning & Zoning Commission Meeting  
Engineering Division Staff Report  
Thursday, March 10, 2016, 5:15pm**

**Item 6. – New Business/Public Hearings**

**Case No. P16001 – Preliminary and Final Subdivision Plat, River Bluff Estates Subdivision,  
1600 Block, Hayselton Drive and 1414 West Main Street (PUD to RS-3)**

**ENGINEERING STAFF RECOMMENDATION-**

Recommend approval, subject to issues **highlighted** being addressed prior to the rezoning and plat being considered by the City Council.

Also, subject to **technical corrections** being addressed on revised versions of the preliminary and final plats and improvement plans, prior to City Council Consideration.

**Existing Infrastructure Summary**

- Public infrastructure exists in the vicinity.
- Existing storm water facilities are at the end of Beverly Street and at the low point of Hayselton Drive.  
Coon Creek crosses the subject property and flows into the Missouri River.
- The existing neighborhood drains to Coon Creek and is part of the Coon Creek watershed.
- Sanitary sewer exists in the vicinity.  
An existing wastewater pump station, scheduled for replacement in 2017, serves the area from a location on Hayselton Drive.
- Hayselton Drive is an existing curb and guttered roadway, approximately thirty (30) feet in width.  
Parking is allowed on either side of the roadway.
- Sidewalks exist along Hayselton Drive in the vicinity of the proposed development.

**Improvements Summary**

**Roadway**

- River Bluff Court is planned with a 25' width, which allows parking on one (1) side of the street.  
This meets the design for a place-court, with twenty (20) or less units, with an ADT (average daily traffic) of 0-200 vehicles a day.
- A permanent cul-de-sac is planned at the end of River Bluff Court for a turnaround.

- Curb radii at the intersection of Hayselton Drive are shown as twenty (20) feet in accordance with the Subdivision Code requirements.

### **Storm Water / Erosion Control**

- Storm water detention is not a requirement of this project. Velocity and permanent erosion control will be necessary. **Additional channel protection (rip-rap) will need to be placed from the cul-de-sac inlet to the creek area. Disturbance of existing vegetation shall be minimized.**
- Provisions to address Storm Water Quality are required per the Storm Water Code. **The City has proposed to the consultant/owner that a 'deed restricted tract of ground, encompassing the low area/floodplain area of the owner's property around and downstream from the proposed pump station, be dedicated as a Reserve Tract. This areas shall perpetually remain as a 'do not disturb' area for naturally occurring vegetation to filter storm water pollutants from the new development.** This method seems to be the most plausible to address storm water quality requirements; other methods contained within the MARC Manual could be used to address the requirements.
- Storm water has been planned to drain directly to the creek from the subdivision, within the property boundary.
- Inlets are not shown to be constructed on River Bluff Court near the intersection of Hayselton Drive. The amount of drainage flowing into the existing neighborhood from the proposed development will then be increased in quantity. **Calculation/analysis of the downstream system(s) capacities will be needed before the City will allow the drainage from the new development to flow to Hayselton Drive.** **Downstream capacities of the storm water systems must be shown to handle part of the additional drainage proposed from the development. Some type of drainage control system may still be necessary at the intersection of the new street with Hayselton Drive. Additional information is necessary to determine this.** The new curbed street will collect the storm water currently flowing into properties located on Beverly Street and redirect it to the Hayselton Drive, or to the end of the new street. This will help minimize existing and reported drainage problems on Beverly Street.
- An erosion and sediment control plan is included with infrastructure plans and is in substantial conformance with Code requirements. **A Storm Water Quality Benefits Summary should be added to the improvement plans.**
- **Floodplain-** The property exists within the designated Floodplain of the Missouri River.

## Sanitary Sewer

- The City of Jefferson Wastewater Division of Public Works plans to replace the existing Hayselton Drive sewer pump station with a new facility to be constructed on a tract of ground within this proposed development.
- The City is obligated by EPA to have the new pump station operable by the Summer of 2017.
- The proposed development is to be served by a new sanitary sewer main that will tie directly to the newly proposed sewer pump station.
- Sewer main extension is proposed to serve all the proposed lots within the subdivision.
- There is not enough room to build a new pump station facility necessary to serve the watershed and neighborhood adequately at the current location on Hayselton Drive.
- A new force main to West Main Street, along with a new gravity main from the old station location to the new location will be designed by the City in conjunction with the pump station project.

## Sidewalk

- A five (5) foot sidewalk is being proposed along River Bluff Court on the southerly side of the roadway.

## Street Access / Traffic Impact Information and Analysis

- In accordance with the Zoning Code, a specific Traffic Impact Analysis is not required for this proposed subdivision, as fewer than 75 single family lots are being proposed.
- Existing conditions and impacts on the neighborhood were previously examined.

Please refer to the enclosed attachment which outlines the following information on an aerial view of the neighborhood.

- Hayselton Drive is considered a local residential roadway.
- **Trip Generation-**

For seven (7) new single family lots, the ADT for the proposed subdivision will fall well within the range mentioned above for a place-court cul-de-sac street with twenty (20) or fewer units.

During a morning or evening peak hour, approximately seven (7) new vehicle trips would be expected to be generated from the new development. The threshold for a Traffic Impact Analysis (TIA) in a new development for peak hour trips is one-hundred (100) trips or greater, per provisions within the Zoning Code.

- **Sight Distance-** The consultant has previously provided sight distance information as follows-

<u>Location</u>	<u>Actual/Measured</u>	<u>Required</u>
Hayselton Drive NW, Exiting Development -	195'	165'
Hayselton Drive SW, Exiting Development-	240'	165'
Entering Development from NW, turning left-	145'	130'

- **Speed and Volume-** The City previously performed both a traffic volume and speed count on Hayselton Drive. The results have been summarized on the attached drawing.

Locations of counters were near 1622 Hayselton Drive, northwest of the proposed development, and approximately 100' southwest of Beverly Street, southwest of the proposed development.

The 85<sup>th</sup> percentile speed ranged from 28 -29 mph during these periods at the specific locations the counters were placed.

The mean (or average) speed ranged from 22 -23 mph at the specific locations the counters were placed.

Average daily traffic volumes indicated on the attached drawing of 222 ADT northwest of the proposed development and 339 ADT southwest of Beverly Street.

- **Accident History-** Accident data for the area was previously reviewed.

In 2011, an accident was identified in the immediate vicinity of the proposed development and was a sideswipe of a parked vehicle on Hayselton Drive approximately 500' from Beverly Street. No other information was obtained for the area between the Allen Drive intersection with Hayselton Drive, Beverly Street, to Hayselton Drive on the bluff.

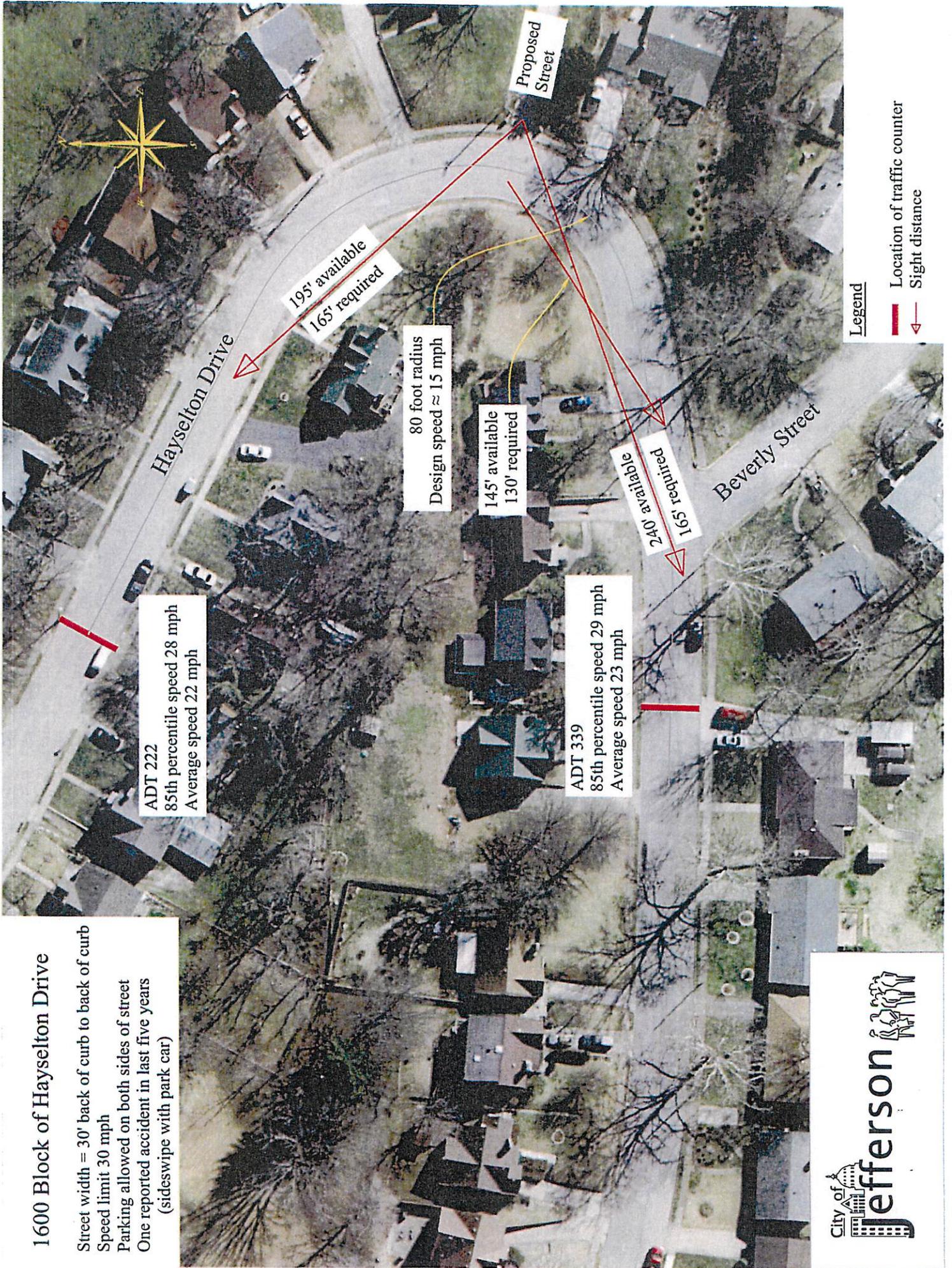
In 2012, a motorcycle lost control at the driveway at 1606 Hayselton Drive. Alcohol and excessive speed were probable contributing circumstances for this accident.

#### **Fire Hydrants / Street Lights**

- Facilities are proposed along River Bluff Court and within the subdivision and are in accordance with City standards.
- A street light was previously added to one (1) of the utility poles near the proposed intersection of River Bluff Court with Hayselton Drive. This will illuminate the new proposed intersection at night.

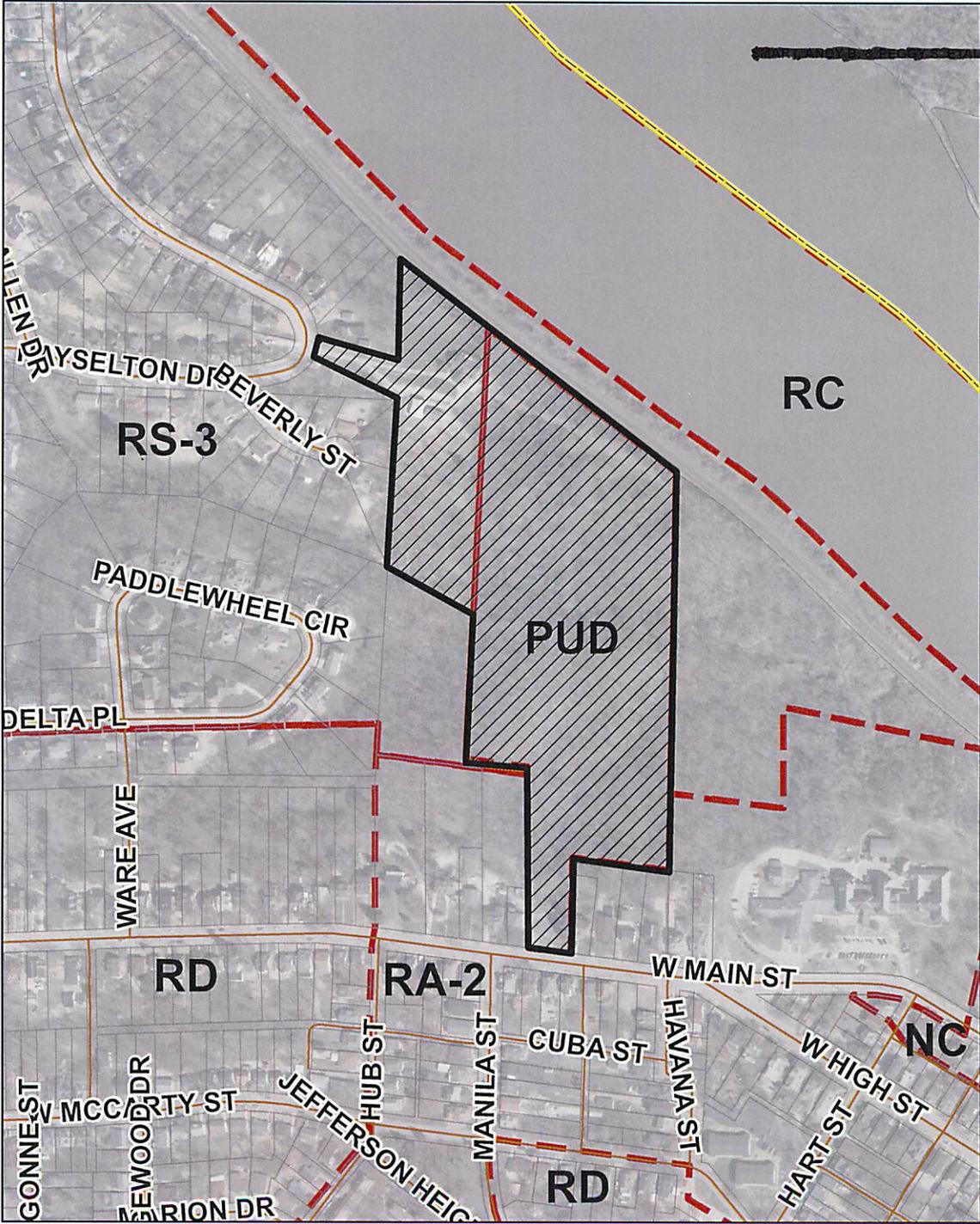
## 1600 Block of Hayselton Drive

Street width = 30' back of curb to back of curb  
 Speed limit 30 mph  
 Parking allowed on both sides of street  
 One reported accident in last five years  
 (sideswipe with park car)



# City of Jefferson Planning & Zoning Commission

## LOCATION MAP



Case No. P16001  
River Bluff Estates Subd  
Rezoning from PUD to RS-3