

## A. VARIANCE REQUEST

The following are subdivision regulations in which a variance is requested:

- **CCSR 10-15(F)(1)** Legal and Physical Access – Access to the property in all major subdivisions shall be provided by a minimum of two approaches, located as remotely from each other as possible to assure more than one ingress/egress route for residents and emergency service providers.

### **Variance Request:**

*The following are the criteria set forth in the subdivision regulations that need to be met in order for the variance to be granted.*

***The conditions on which the request for a variance is based are unique to the property on which the variance is sought and are not generally applicable to other properties.***

The proposed subdivision is on a feature of the Missouri River known as the Big Bend area, where the Missouri River takes a large sweeping bend creating a peninsula type feature. There are two distinct areas within the parent property being 1) the highlands, left by the Missouri river cutting through the landscape over the millennia and 2) the other low lying area adjacent to the Missouri River, which has some developable acreage.

The overall area was master planned initially and the preliminary plat was extended through various phases. To date, the developer has platted fifteen separate phases of the subdivision in various areas within the parent property with the first phase being recorded on May 23, 2002. Subdivision regulations did not require two means of ingress/egress until ~2007. The most recent phase (phase 15) was recorded on September 5<sup>th</sup>, 2018. Currently, the parent property contains over 1,100 acres of un-subdivided property. In the future, the developer intends to subdivide some of the highland area 'view lots' and the southern portion of the Big Bend land, 'river lots', which are in an Approximate Zone A regulatory floodplain. A study was performed on the floodplain area and portions of the lower lying areas were formally removed from the floodplain by Letter of Map Amendment (LOMA) which is attached to this variance request.

See attached map for reference pertaining to the following paragraph. An established road network currently exists in the immediate area. Primary access to the proposed subdivision is anticipated to be from Fox Farm Road/Dune Drive which turns into Stone Gate Road. A secondary access is available from Big Bend Lane and Bend View Lane. Bend View Lane generally runs from east to west and eventually connects to Bend Park Road which connects to the developed portion of Stone Gate Road. Stone Gate Road pre-existed subdivisions in the area and was used as a primary 'road' to serve the ranch property. At the intersection of Bend Park Road and Stone Gate Road begins Missouri Bend Road, which is intended to serve the proposed subdivision. Missouri Bend Road connects to the unimproved portion of Stone Gate Road. The proposed subdivision roadway, terminating in a cul-de-sac, is an extension of Missouri Bend Road. At the beginning of the proposed subdivision road, there are technically two means of ingress/egress; however one of these roads is not constructed to subdivision regulation standards, but has served as a ranch access road for several years.

Lastly, at this point, there are several variables and planning efforts that will need to be considered in order to plat more lots. Given the variability and unknowns at this time, the developer does not wish to invest into improving roadways, when alignments can evolve and change as higher level planning dictates, therefore possibly making the investment of improving roads as being wasted.

***Physical conditions, such as parcel shape or topography, prevent the applicant from meeting the strict letter of these regulations.***

Given the size of the original parent property (approximately 1,500 Acres) and the proximity to the Missouri River on the west and south perimeter there are several challenges with the property not common to a vast majority of subdivisions within the County. Topographically, the overall property has highlands well above the Missouri River (150' – 175' vertically) which makes road construction transitioning from the highland areas to low lying river frontage property difficult and requires a more extreme level of planning. Furthermore, the southern edge of the property is located within an approximate Zone A, according to DHS-FEMA Flood Insurance Rate Maps (FIRM). Zone A designations indicate that there are areas within the 100-year base flood zone, however a base flood elevation has not been established. BSCE has performed a detailed study on this section of river to determine the base flood elevation and has since obtained a Letter of Map Amendment (LOMA) to formally remove portions from the 100-year floodplain. In order to extend a roadway through the flood zone requires additional planning so as to not impede or change the overall flood characteristics and obtain any necessary Letter of Map Revisions based on Fill (LOMR-F) due to any necessary earth moving activities and more than likely additional permitting will be required.

***The granting of the variance will not be detrimental to the public health, safety, or general welfare or injurious to other adjoining properties;***

The granting of the variance is not anticipated to have any negative ramifications on adjoining properties as adjoining properties are owned by the individual developing the proposed subdivision. Adverse impacts to public health, safety, or general welfare are not anticipated as the terminus end of the roadway will be a temporary cul-de-sac which will allow for traffic to turn around if necessary. Furthermore, the ranch road can and will be utilized as a secondary means of ingress and egress in the event of an emergency. The unimproved portion of Stone Gate Road is accessible during all seasons as the road has been utilized for the operating ranch for several years. Given the gravelly nature of the existing soils, the road is not rutted or in disrepair and can be traversed by an ordinary passenger vehicle.

***The variance will not cause a substantial increase in public costs;***

The variance, if granted, is not anticipated to cause any increase in public costs as all internal subdivision roads will be funded by the developer and maintained by the homeowner's association.

***The variance will not place the subdivision in nonconformance with any adopted zoning regulations.***

Currently the land within Big Bend Ranch No. 16 is zoned Suburban Residential II. The proposed subdivision is acceptable per the zoning regulations and the variance, if granted, will not cause any element of the subdivision to be non-conforming with zoning regulations.