

EXCERPTS

PLANNING AND ZONING COMMISSION MEETING

COLUMBIA CITY HALL COUNCIL CHAMBER

701 EAST BROADWAY, COLUMBIA, MO

MAY 6, 2021

Case Number 132-2021

A request by Crockett Engineering (agent), on behalf of the Eric and Lori Kurzejeski Trust (owners), seeking permanent R-1 (One-Family Dwelling) district zoning, upon annexation of 21.21 acres of land located on the west side of Scott Boulevard across from Copperstone Creek Drive.

Case Number 131-2021

A request by Crockett Engineering (agent), on behalf of the Eric and Lori Kurzejeski Trust (owners), for approval of a 35-lot preliminary plat to be known as "Timberbrook." The 21.21-acre subject parcel is located on the west side of Scott Boulevard across from Copperstone Creek Drive. The preliminary plat depicts 32 single-family lots and one common lot. Additional lots D1 and #2 are designated for an existing City-owned storm-water BMP and for access to the existing home, respectively.

MS. LOE: May we have a staff report, please -- or two staff reports?

Staff report was given by Mr. Rusty Palmer of the Planning and Development Department. Staff recommends Approval of R-1 zoning as permanent City zoning, upon annexation, and approval of the preliminary plat subject to minor technical corrections.

MS. LOE: Thank you, Mr. Palmer. Before we move on to questions for staff, I would like to ask any Commissioner who has any ex parte related to this case to please share that with the Commission at this time so all Commissioners have the benefit of the same information on the case in front of us. I see none. Okay. Any questions for Mr. Palmer? Ms. Russell?

MS. RUSSELL: I seem to remember within the last couple of years, we had a presentation on the sewer capacity in that area. Is this going to overload that or are we going to be okay?

MR. PALMER: From my recollection, the trunk line was the response to that, and the trunk line is a very large trunk line, and it was almost comical that the -- the single-family home had access to it.

MS. RUSSELL: At that one?

MR. PALMER: Yeah. It was the only point of access for them at some point. And so, you know, normally, we would -- we would require it to enter some smaller line before it got to that point, but because it was the closest and accessible, they -- they were granted access, so --

MS. RUSSELL: Thank you.

MR. PALMER: Yeah. The broader development is definitely served, so --

MR. ZENNER: And I think the issue, Ms. Rushing -- or, Ms. Russell, had to deal further with the south where we had other limitations, so this would be south of -- south on Sinclair, further in that area. This particular trunk line actually does have adequate flow back to the treatment plant. So anything flowing into the Sinclair Pump Station down towards Route K is where the limitation generally is. Once you get beyond that pump station, and we're flowing back into the Mill Creek system, we are good.

MS. RUSSELL: Okay. Thank you.

MS. LOE: Mr. MacMann?

MR. MACMANN: This may be a question for Manager Zenner. The stream buffer averaging, didn't Mr. Brush do that near Mr. Slavits' house on that little fed-in development; do you remember that?

MR. ZENNER: I -- that project never actually went anywhere.

MR. MACMANN: But that was the -- one of the concepts down there.

MR. ZENNER: That is correct.

MR. MACMANN: Yeah.

MR. ZENNER: Stream buffer averaging is not something that we regularly see. It is used sparingly, and in this particular instance, as Mr. Palmer pointed out, our review staff, in reviewing the location of the extra stream buffer, realized the conflict with that sanitary sewer main and therefore, have

worked with the engineer to relocate it into an area where it actually does serve the purpose. Given the fact that you've got the floodplain overlay that will affect the property, that coupled with -- basically with the stream buffer, would have taken out of those lots on the northern end of the development really necessitated the use of that -- that option in development. So we're not losing anything. Ultimately, we'll still protect the same level or same area, just in a slightly different fashion.

MR. MACMANN: All right. I'll have a -- I have another question, and I bet it's for Mr. Crockett, though. All right. Thank you.

MS. LOE: Any additional questions for staff? Ms. Carroll?

MS. CARROLL: I may ask the same question of the applicant, but do you ever consider, given that single-family housing could also be built on R-2, do you ever consider R-2 as a comparison when evaluating zoning applications?

MR. PALMER: You mean, did I consider R-2 as an alternative?

MS. CARROLL: Or R-MF?

MR. PALMER: Is that what you want to --

MS. CARROLL: When evaluating?

MR. PALMER: Yes and no. I mean, the request that -- in front of us is for R-1, so I -- I wouldn't necessarily evaluate it based on R-2 zoning. If I saw some value to it, I might suggest it, but, again, the applicant is requesting it, so the general answer is not -- not really, no.

MS. LOE: Additional questions for staff? Seeing none, we'll open up the floor to public comment.
PUBLIC HEARING OPENED.

MS. LOE: If you can give your name and address for the public record.

MR. CROCKETT: Madam Chair, members of the Commission, Tim Crockett, Crockett Engineering, offices at 1000 West Nifong. I'm here tonight on behalf of the applicant, who is with me tonight. You know, Mr. Palmer did a very good job in his staff report and we -- we concur. This property is served by a rather large 16-inch water main that runs down Scott Boulevard. Scott Boulevard is an improved street, and the sanitary sewer that runs in the area is a 27-inch trunk sewer. So obviously, we -- we have the utilities in that area to serve this development. And, Ms. Carroll, when we -- when you talk about have we -- have we looked at other zoning classifications for this property, this property has been in my client's family for quite some time and, yeah, he did look at different alternatives. However, he has a buyer for this development, and so given what the applicant -- what the buyers have come forward with, I mean, they're expressing interest in single-family in this location, and not so much as, you know, R-2 or R-MF. And so that was kind of the reason for the application to come in as R-S -- or, excuse me -- R-1 to match the R-S zoning in the county. With regards to the stream buffer, Mr. MacMann, we have done averaging before in the past. We've done it several times. Recently, there was a development up off of Route PP that had some stream buffer averaging on it. The situation in this case is the City allows us to average the outer buffer; okay? So we have stream buffer, a Type 1, Type 2, Type 3, and there's an inner and an outer. The inner has different restrictions in what we can and can't do compared to the outer what we can and can't do. In this case, I believe, an outer buffer, we can -- we can -- we can't cut trees, but we can mow the grass and we can do things like that. We can -- we can keep it much shorter. The inner is much more restrictive. So in this case here, to -- to remove the stream buffer off of the -- out of the backyards, so they're not on the residential lots themselves, we're doing a stream buffer averaging. Now it's -- we can -- we can average up to the entire width of the outer buffer. So if the outer buffer is 50 feet, we could -- we could buffer -- we could average that entire 50 feet. We're not doing that in this case. We're about half or less than half of just the outer zone to that particular case. The situation here, though, is when we relocate that to another location and protect it in an average situation, we add area to that stream buffer, but when you go back to the area that we took away from that, it's still backyard. So it's still going to be -- you know, all the activities that have taken place in that backyard can still take place if there was stream buffer there. And so the situation there is it's really not -- as Mr. Zenner kind of indicated, they're really not giving anything up by doing it in this case because that area is still not buildable. We're still not going to put homes or anything like that in there. So the buffer will, in essence, will still be there. We're just adding some additional area, as well.

MR. MACMANN: Thank you for that presentation. My questions was just a little more technical.

MR. CROCKETT: Sure.

MR. MACMANN: Does someone have to have special licensure or certification to do that work?

MR. CROCKETT: Do which work is that?

MR. MACMANN: The averaging, the -- like, you're essentially moving the stream buffer.

MR. CROCKETT: Yeah. That's right. What we do is we illustrate to the City and we give them - you know, give them exhibits saying this is the area, and we give them an area of that buffer, the distances in the -- in the actual area itself, and then illustrate to them where we are locating it to. In this case, our original proposal was down where Mr. Palmer indicated we had a sanitary sewer crossing and the City didn't like that idea. They wanted it moved to more restricted area, and so we -- we concurred with that and we moved it to that location. So it's done by us. It's -- while it's shown on -- as reference on the preliminary plat, it will be noted on the final plat just like an easement would, so it's very well defined.

MR. MACMANN: That's -- that's where I was going. All right.

MR. CROCKETT: Yeah. Yeah. So it will be very well defined on the final plat reviewed by the City Surveyor.

MR. MACMANN: Thank you, Mr. Crockett.

MR. CROCKETT: Okay. Thank you. So with that, I'll be happy to answer questions.

MS. CARROLL: Sorry. It seems like questions section.

MR. CROCKETT: Sure.

MS. CARROLL: So I'm aware that your client is seeking R-1 clearly.

MR. CROCKETT: Correct.

MS. CARROLL: And wants single-family housing. I guess what I want to clarify is that you are aware that single-family housing can be built in R-2 zoning?

MR. CROCKETT: Yes. Correct. And we also area aware that when you -- when you bring up R-2, if our intention is to do R-1, and we bring up R-2, we ask for a zoning to R-2, it has a negative connotivity [sic] to certain individuals and that -- you know, the neighbors across the street and the neighbors to the south may have a different feel for that, and especially if it's our intent to do R-1, we want to be transparent and ask for R-1. I understand what you're saying is that it opens up --

MS. CARROLL: Yeah.

MR. CROCKETT: -- affords us a lot more tools to develop at a higher density and -- and-- and R-2 is not bad zoning if done correctly and we need that. And we need R-MF in this community, as well. I think, just in this case, with the surrounding neighborhoods, R-1 is -- fits in better for what they're looking for.

MS. LOE: Any additional questions for Mr. Crockett?

MR. CROCKETT: Thank you.

MS. LOE: Ms. Carroll is building on our work session here.

MS. CARROLL: I'm building on the last year of observing annexation cases.

MS. LOE: Any additional speakers on this case?

MS. DOKKEN: My name is Dee Dokken; I live at 804 Again Street. And I appreciated that description, too, of the stream buffer averaging because I was afraid that the inner buffer, which is the most important, would be taken away, so that was good to hear. And I'm really glad that the City, you know, is looking out for the stream buffer. I would just like to echo Ms. Carroll's R-2 push. I think we need to start looking at that more, especially as areas are annexed in. And I think the one thing -- I think I heard him say they were going to raze two houses in order to get it out of the floodplain; did I hear that? The Sierra Club is opposed to any fill in floodplain -- in the flood overlay in order to put a house into it, and also likes to remind people that those flood designations are probably obsolete with climate change.

MS. LOE: Thank you, Ms. Dokken. Any questions for Ms. Dokken? I see none. Thank you. Any additional speakers on this case? Seeing none, we'll close public comment.

PUBLIC HEARING CLOSED

MS. LOE: Commission comment? Ms. Carroll?

MS. CARROLL: I can elaborate. Here's what I'm trying to get at. We have 80 percent of our residentially zoned land as R-1, 7 percent as R-2, 12 as R-MF. As we annex land, we very frequently annex to R-1. We're being asked to decide the appropriateness of the zoning upon annexation. We have vastly more mechanisms to add R-1 to our residential zoning in the City than we have mechanisms to add R-2 and R-F. But a single-family residential home can be built on R-2. It doesn't preclude the building that you would like to have. If, as a goal, we want to have dense, compact development as a City, then we need to have mechanisms to add R-2 and, right now, our growth is favoring R-1. I'm not sure if that's a healthy growth management.

MS. LOE: Mr. Stanton?

MR. STANTON: My fellow Commissioner, oftentimes R-1 is used to protect a particular vibe or a particular neighborhood or particular density, you know. So it's often used as a protection and the R-2 may not have -- like Mr. Crockett said open -- may open up a can of worms that the applicant did not want in the future -- in the future.

MS. CARROLL: I understand that, too. I think that there are competing mechanisms of what we're trying to protect sometimes.

MS. LOE: I would also like to point out that R-1 is often the zoning that's used for schools and churches. So while I agree it's probably still the majority of our residential zoning, it's a zone -- you can't -- that percentage does not represent housing alone. Any additional comments? Ms. Russell?

MS. RUSSELL: I'm going to make a motion. I know you're surprised. In Case Number 132-2021, I move to approve R-1 zoning as a permanent City zoning upon annexation.

MR. STANTON: Second.

MS. LOE: Second by Mr. Stanton. We have a motion on the floor. Any discussion on that motion? Seeing none. Ms. Carroll, may we have roll call, please.

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

MS. CARROLL: We have eight votes to approve; the motion carries.

MS. LOE: Thank you. That brings us to Case 131-2021. Ms. Russell?

MS. RUSSELL: Timber -- in the case of Timberbrook Subdivision Preliminary Plat, Case 131-2021, I move to approve the preliminary plat for Timberbrook pursuant to the minor technical corrections, (1) a stream buffer averaging revised and (2) staff technical comments are addressed.

MR. STANTON: Second.

MS. LOE: Second by Mr. Stanton. We have a motion on the floor. Any discussion on this motion? Seeing none. Ms. Carroll, may we have roll call, please.

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

MS. CARROLL: We have eight votes to approve; the motion carries.

MS. LOE: Thank you. Recommendation for approval for both cases will be forwarded to City Council. That ends our cases for the evening.