

**EXCERPTS**  
**PLANNING AND ZONING COMMISSION MEETING**  
**COLUMBIA CITY HALL COUNCIL CHAMBER**  
**701 EAST BROADWAY, COLUMBIA, MO**

**May 24, 2018**

**COMMISSIONERS PRESENT**

**Ms. Sara Loe  
Ms. Tootie Burns  
Ms. Lee Russell  
Mr. Dan Harder  
Mr. Brian Toohey  
Mr. Michael MacMann  
Ms. Joy Rushing**

**COMMISSIONERS ABSENT**

**Mr. Rusty Strodtman  
Mr. Anthony Stanton**

**Case No. 18-102**

**A request by A Civil Group (agent) on behalf of McGary Properties, LLC, and the McGary Family Trust, for approval of a three-lot final minor plat to be known as McGary Subdivision, Plat 3. The 5.1-acre subject property is zoned A (Agriculture) and addressed 4217, 4301, and 4305 St. Charles Road. A design adjustment from Section 29-5.1(f)(1)(v) of the Unified Development Code to allow the platting of a tier lot with a stem less than thirty (30) feet in width in the A District is requested.**

MS. LOE: Before I ask staff for their report, I'd like to ask any Commissioner who has had any ex parte prior to this meeting related to Case 18-102, to please disclose that now so all Commissioners have the same information to consider on behalf of this case in front of us. Seeing none. May we have a staff report, please?

Staff report was given by Ms. Rachel Bacon of the Planning and Development Department. Staff's recommendation: The proposed plat has been reviewed by staff and is found to comply with the provisions of the UDC with the exception of the requested design adjustment. Staff supports the design adjustment and subsequent approval of the plat. Staff proposes the following motions for approval of this request:

1. Approval of the design adjustment to Section 25-5.1(f)(1)(v), to permit creation of a stem lot with less than 30 feet of stem width in the A district, and
2. Approval of the McGary Subdivision Plat 3.

MS. LOE: Thank you for the report. Are there any questions for staff? Seeing none. This is -- even though this is not part of our public hearing portion of the meeting, if there is anyone that would like to come forward and offer some information on this matter, we would welcome that. Please give us your

name and address for the record.

MR. MURPHY: Commissioners, my name is Kevin Murphy; I'm with A Civil Group, offices at 3401 Broadway Business Park Court. We -- I'm here on behalf of the McGary family in two different capacities that owns these properties. Basically, they want to codify to make these lots of legal status so either they or their heirs, if they decide to sell these in the future, they are legal lots for, you know, the future owners to be able to make improvements on, and then not have to go through this process in the future and delay potential additions or other building permit items on these lots. It addressed these lots are basically the way they sit. Again, as pointed out by staff, the rear lot line of Lot 1 is adjusted, a minor adjustment to it. But as they said, these lots could be sold as they are. Again, the McGarys are spending the money to bring these into legal lot status and with that dedicating additional right-of-way along St. Charles Road and utility easements, as well. I guess that's all I have. If you have any questions, I'd be happy to answer them.

MS. LOE: Any questions? Mr. MacMann?

MR. MACMANN: Just a follow up on the design -- excuse me -- a follow up on the design adjustment. The lack of willingness to go -- to expand the stem to 30 feet was because it encroaches on lot -- on the lower-left lot, Lot No. 3; is that -- I'm trying to understand why we need to keep it so narrow.

MR. MURPHY: Yes. That was a portion of it. There is one single drive that accesses the three houses to the rear that kind of snakes through there. These are, again, following the existing lots as they are. As staff pointed out, the reason for that extra width is for larger vehicles that are not going to be present on these properties. It encroaches on an easement and further into that Lot 3, as well. I think there might be -- again, there would -- it would make it an additional nonconformity, I believe, as far as side yard setbacks. There are already some nonconformities as they sit -- the houses. Both the house -- I think both of the houses on the left -- on the west side of the property may be nonconforming --

MR. MACMANN: They're too close.

MR. MURPHY: -- in to the side yard setback and --

MR. MACMANN: But they're --

MR. MURPHY: It's just their desire to follow those lines. It was easier, cheaper for us to do that.

MR. MACMANN: All right. I just kind of wanted -- I'm familiar with the property. I had a shop next to it until recently. I'm just -- was trying to figure out why we went with 22 rather than 30. That's the only question I have.

MS. LOE: Thank you.

MR. MURPHY: Thank you.

MS. LOE: Any questions, discussion among Commissioners? Ms. Russell?

MS. RUSSELL: I'd be happy to make a motion or two.

MS. LOE: I think we might need two on this one.

MS. RUSSELL: In regards to Case 18-102, the McGary Subdivision Plat 3, final minor plat design adjustment, I move to approve the design adjustment to Section 29-5.1(f)(1)(v) to permit creation

of a stem lot with less than 30 feet of stem within the A District.

MS. RUSHING: Second.

MS. LOE: Okay. Second was —

MS. RUSHING: Rushing.

MS. LOE: -- Ms. Rushing. Sorry. Any discussion on that motion. Seeing none. Ms. Burns, may we have a vote.

**Roll Call Vote (Voting "yes" is to recommend approval.) Voting Yes: Mr. Harder, Mr. MacMann, Ms. Rushing, Ms. Russell, Mr. Toohey, Ms. Burns, Ms. Loe. Motion carries 7-0.**

MS. BURNS: Seven to zero, motion carries.

MS. RUSSELL: Okay. The second half in the case of 18-102, McGary Subdivision Plat 3, final minor plat and design adjustment, I move to approve the McGary Subdivision Plat 3.

MS. RUSHING: Second.

MS. LOE: Second by Ms. Rushing. Any discussion on this motion? Seeing none.

Ms. Burns, may we have a vote.

MS. BURNS: Yes.

**Roll Call Vote (Voting "yes" is to recommend approval.) Voting Yes: Mr. Harder, Mr. MacMann, Ms. Rushing, Ms. Russell, Mr. Toohey, Ms. Burns, Ms. Loe. Motion carries 7-0.**

MS. BURNS: Seven to zero, motion carries.

MS. LOE: Thank you. So two motions to be forwarded for approval or recommendation is for approval. Thank you.