

EXCERPTS
PLANNING AND ZONING COMMISSION MEETING
COLUMBIA CITY HALL COUNCIL CHAMBER
701 EAST BROADWAY, COLUMBIA, MO
August 24, 2017

Case No. 17-169

A request by Crockett Engineering (agent), on behalf of G&L Holdings of Missouri (owner), for approval of a PD Plan to be known as "Tower Drive Industrial Park" and a design modification to allow creation of a stem over 250 feet in length. The subject 11-acre lot is located at the terminus of Tower Drive, north of Prathersville Road, and is zoned PD without an approved PD Plan. (This item was tabled at the August 10, 2017 meeting.)

MR. STRODTMAN: At this time, I would like to ask any Commissioners who have had any ex parte communications prior to this meeting related to Case 17-169, please disclose that now so all Commissioners have the same information to consider on behalf of this case in front of us.

MR. STRODTMAN: May we have a staff report, please?

Staff report was given by Mr. Rusty Palmer of the Planning and Development Department. Staff recommends approval of the PD Plan and design modification.

MR. STRODTMAN: Thank you, Mr. Palmer. Commissioners, do we have any questions for staff? Mr. MacMann?

MR. MACMANN: Thank you, Mr. Chairman. Mr. Palmer, public welfare. Can you fill me in on the storm water here? Maybe Mr. Crockett can do that later on with this stem, how it will or will not or if it does or does not affect storm-water flow.

MR. PALMER: I believe --

MR. MACMANN: I see sanitary, I see transportation. I just don't see --

MR. PALMER: Yeah. I believe it flows to the north. It's on the plan. There is storm water B & P here and another -- a larger one here, so the flow is to the north. And the stem has largely no -- no effect on it.

MR. MACMANN: That was my thought. I just -- I just wanted to clarify that because we're not -- well, this one won't come back to us, so I wanted to ask that question. Thank you.

MR. STRODTMAN: Any additional -- yes, Ms. Rushing?

MS. RUSHING: I have two basic questions. What are the long-term roadway plans for this area; do you know?

MR. PALMER: Well, as I stated, the Tower Drive is currently not even maintained by the City.

It's a private-access drive for their -- private-access road for those properties. To the north, it -- it runs into Highway 63, and it's almost -- well, it's about an eighth of a mile or less even away from the Prathersville Road overpass, so I don't see any potential for that. I think extending the roadway here would be about what you see on the plan there. It would be a little bit wider and access both sides, but it would get to that same point probably where the access drive ends here and just be another cul-de-sac bulb and terminate there.

MS. RUSHING: It looks like there is the potential for maybe even three lots out of this piece of property. Then you're looking at the area that's directly across from this piece of property, and I was just wondering what the planned access is for those various pieces of property?

MR. PALMER: Yeah. The lot to the east, which is cut off the top edge of this plan, actually has roadway frontage on the existing cul-de-sac bulb for -- for Tower Drive. You might see a similar arrangement on that side of the property line as well, at which point we would either have another access drive, or what we would probably prefer is just an easement for them to use that or to widen it.

MS. RUSHING: And then the other question I had, staff finds that such an easement is less desirable than actual lot frontage given the potential for future separate ownership of the parcels. It would seem to me to be just the opposite, so could you tell me why you think the -- this stem is more desirable than an easement across that property?

MR. PALMER: Well, a stem is -- it is their property. And as -- as opposed to having an easement, which is granted --

MS. RUSHING: And that's exactly my point. If -- if this lot and I'm not -- okay. North is that way. So, if the south lot becomes owned by somebody else, then there's -- and say that somebody else wants to split that lot, they're not guaranteed access to this stem, whereas if they were -- if it was their property and they had granted an easement -- access easement to the northernmost portion, then they would have access.

MR. PALMER: So you're saying the -- the lot to the south would not have access to the stem necessarily without an easement?

MS. RUSHING: Particularly if they split, if they decided to split that lot, I could see there would be, yeah, access issues.

MR. PALMER: Yeah. As -- as shown on this plan, the -- I think the long and short of it is that there is going to have to be an easement at some point. But the stem allows the lot to the back unfettered access no matter what. The way it's arranged now would have the lot to the south, the building to the south would have to have an access easement to access the driveway within the stem because it's a part of Lot 3-B, not 3-A.

MS. RUSHING: But it's --

MR. PALMER: But they're also -- there is a way around that for them whereas they can have an access drive directly into the cul-de-sac immediately adjacent to the one shown on the plan there. Whereas if 3-B weren't allowed to have that stem, they would not have that second alternative access

point, because they can access Highway 63 to the north.

MS. RUSHING: Right. But they can get an easement -- I mean, I'm assuming right now it's the same property owner for both lots; is that correct?

MR. PALMER: Correct.

MS. RUSHING: So they could get an easement across that entire property. If they sell it, they could retain an easement for access?

MR. PALMER: True. But I don't know if --

MR. ZENNER: Ultimately, Ms. Rushing, the decision that staff doesn't believe that the access easement provision is acceptable has to deal with the philosophy of lots should have their own right-of-way and roadway frontage in order to be able to sustain themselves on their own. And easements have a tendency to, at some point, be able -- they can get eliminated. They can create other difficulties in trying to recreate how parcels were improved, whereas having the stem and having direct driveway frontage or direct lot frontage for Lot 3-B does not create that difficulty in understanding how did 3-B get created. 3-B is created because it has roadway frontage. It meets in all aspects more appropriately, without an alternative being utilized, the intent of lot frontage -- the definition of lot frontage within our Unified Development Code. The Unified Development Code offers an ability to create an irrevocable ingress and egress easement when you cannot meet our other requirements. In this particular instance, it is staff's belief that the requested design modification does no harm to the public health, safety, or welfare, and that the extension of the excessive length on the actual stem does no harm either from a regulatory provision, such as the fire access, because the driveway that will be installed in there is more than adequate in its width and the ability for fire apparatus to circulate around the proposed construction. It -- it permits this parcel to develop more consistently with our code than creating an easement, while it is an allowed option, this is a far more clean way to do it. Now, I think what Mr. Palmer is trying to express with the southern parcel 3-A, the driveway accesses that are proposed onto the stem will need a private ingress-egress easement between the future property owners. Yes, they are likely owned at this point by the same property owner, but as one building gets built, the ability to access that because it is better from a transportation perspective, that will need to be resolved as a private matter. If that private agreement cannot be arrived at, Lot 3-A is also guaranteed its required street frontage by maintaining road access directly to the cul-de-sac bulb. So I think the point of dividing Lot 3-A, though, the northern portion of Lot 3-A, that does create a potential problem. However, in our industrial zoning districts, unless there is a desire to create a separate fee simple ownership lot, multiple structures could go on Lot 3-A or on Lot 3-B without having to have any increased access to Tower Drive. They could access the additional improved area through common access drive aisles within each of the subject sites themselves. So additional development could be accommodated without having to subdivide. And in this particular setting, as an industrial development, these may be small, first-phase buildings, and Mr. Crockett may be able to speak to that more, that there is an expansion plan for these two buildings over time, and that is why these lots are this large and they will accommodate that. Or if there is a separate right of business that gets created

for these industrial lots, they could have multiple structures on that lot without having to have any change in its access. Again, it goes back to the idea, as I said at the beginning of my comments, individualized, fee simple access to lots is what is consistent with the code. That is what we want. We want every lot to have legitimate street access. We only want to utilize that shared access -- irrevocable access easement in instances where it is truly a necessity. Here, we do not believe it's a necessity. We do understand that the excessive length of the stem, though, is something that may trouble the Commission, but we do not believe it to be a problem, as I have stated.

MS. RUSHING: Thank you.

MR. STRODTMAN: Any additional questions, Commissioners? I see none. We'll go ahead and open this public hearing up. We would just ask for your name and address.

PUBLIC HEARING OPENED

MR. CROCKETT: Tim Crockett, Crockett Engineering, 1000 West Nifong. Give you a little background on this property. It was submitted some time ago and -- and, honestly, Ms. Rushing, it was our desire to split it similar to what you had indicated, two lots with -- with an easement over the driveway. And I think we discussed it many times with staff and we bounced it back and forth, and I think actually staff was even going that route at one point. But we weighed all the pros and cons, and staff has said that the stem lot is the better route. And, furthermore, they've actually explained it to us and actually persuaded us that we believe that that's the -- honestly, the best route to take in this case. And so I believe that -- you know, Pat talked about the irrevocable access easement. I think that's an appropriate document that we can use in certain instances, and I think he's exactly right. In this case, it may not be the best -- best route, and I think that going the stem in this case makes more sense. If we were to ever to subdivide the property, we will have easements in place to cover that drive. That's certainly the intent. And as far as future development, I mean, it is in two different pieces of -- two different developments, two different buildings. There's multiple parties that want to purchase their respective sites for their prospective building. They're not -- these aren't speculative buildings. They're actually for intended uses for intended industrial purposes. You can kind of see that between the two -- the two buildings, it drops down, so they're kind of naturally padded already, so it kind of lends itself to two different building sites, and so that's kind of the reason why they selected that. There's a lot of places in town where we can buy ten or twenty or thirty acres of industrial-zoned property, but there's not many places that we can buy five acres. And so that's what these intended -- these users were looking for was something that was smaller, something that they could own themselves. They are local businesses, and so, you know, they're looking for a place to go. With regard to the storm water, Mr. MacMann, the water does go to the northwest, so really the -- the private drive is basically on the -- I don't want to say the high point, but the higher location of this site, and it all drains down towards 63, so each site is going to have their water quality B & P on their -- on their respective property, and then we have detention in there, as well, so all of that will be handled. With regard to future expansion, both -- both parties have indicated they like the idea that maybe some day they may come back in with an amended plan that shows some expansion. That's not

their sole purpose. That's not what their desire is at this point. They don't have any plans for that right now. When they do, obviously, we'll come back in with a revised PD plan for -- for your consideration. But, right now, they're just looking at the two buildings on the two different pieces. With that, I'm happy to answer any questions the Commission may have.

MR. STRODTMAN: Thank you, Mr. Crockett. Commissioners, any questions for this speaker? Mr. MacMann?

MR. MACMANN: Just real quick for clarification. Thank you, Mr. Chairman. My only area of concern there, Mr. Crockett, was where the stem descends the ridge and also abuts the adjoining property.

MR. CROCKETT: Uh-huh.

MR. MACMANN: If it's going to flow to the east and cause erosion, that type of thing.

MR. CROCKETT: Yeah. Right. No. It -- it all comes back on our site.

MR. MACMANN: Okay.

MR. CROCKETT: And -- and, of course, we have a design plan on it. We're doing a lot of overland route flow, so we're not going to -- we're trying to minimize the amount of conduits we put in the ground and point discharge, so we would like to bring it across our site. In the storm-water manual, they -- they recommend that or they encourage that, and so that's what we want to do here. I have been in contact with the neighborhood to the east with regarding -- obviously, we're having to come down that little slope, and so we have a little grade work we have to do on the neighboring property. They've given us permission. They have no problem. I believe that owner is out of St. Louis. And so what their desire, what their plans are, we don't know at this point, but we certainly would be willing to discuss and talk and, you know, if they want to have access off this private drive potentially in the future and the -- and the uses are compatible, you know, we're -- we certainly want to be good neighbors, as well. So they -- they know what we're doing and they've had no -- no issues with it.

MR. MACMANN: I just wanted to make sure that we were addressing these issues.

MR. CROCKETT: Yes.

MR. MACMANN: But I haven't seen the -- the big picture.

MR. CROCKETT: Sure. Right. Right. Yeah. All the water comes through us, so we're not putting additional storm water onto them.

MR. MACMANN: All right. Thank you very much.

MR. CROCKETT: Thank you.

MR. STRODTMAN: Any additional questions, Commissioners? I see none. Thank you, Mr. Crockett.

MR. CROCKETT: Thank you.

MR. STRODTMAN: All right. We'll go ahead and close the public hearing.

PUBLIC HEARING CLOSED

MR. STRODTMAN: Commissioners, questions, discussion, thoughts, motions? Questions for

staff? Mr. MacMann?

MR. MACMANN: No other questions.

MR. STRODTMAN: No one is fighting you for it.

MR. MACMANN: Okay. In the matter of Case 17-169, Tower Drive Industrial Park PD Plan, I move to approve.

MR. STRODTMAN: Thank you, Mr. MacMann, for approval of -- a motion for a request approval of Case 17-169. Do we have a second?

MR. TOOHEY: I'll second.

MR. STRODTMAN: Mr. Toohey has made the second. Commissioners, any additional discussion needed on the motion and second? I see none. Ms. Burns, when you're ready.

MS. BURNS: Yes.

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

MS. BURNS. Seven to zero, motion carries.

MR. STRODTMAN: Thank you, Ms. Burns. Our recommendation for approval will be forwarded to City Council for their consideration.