

ESCERPTS
PLANNING AND ZONING COMMISSION MEETING
COLUMBIA CITY HALL COUNCIL CHAMBER
701 EAST BROADWAY, COLUMBIA, MO
DECEMBER 20, 2018

Case No. 23-2019

A request by Engineering Surveys & Services (agent) on behalf of Hamlet Limited Partnership and Joseph Tosini (owner) for approval of a 15-lot preliminary plat on PD (Planned Development) zoned land, to be known as Westbury Village Subdivision. The approximate 45-acre subject site is generally located at the northwest and southwest corner of Scott Boulevard and Smith Drive.

MS. LOE: May we have a staff report, please.

MR. SMITH: Staff is recommending approval of the preliminary plat with the development agreement condition that it be approved along with it. I'd be happy to answer any questions.

MS. LOE: Before we move to questions, I'd like to ask any Commissioner who has had any ex parte prior to this meeting related to Case 23-2019 to please disclose that now so all Commissioners may have the same information to consider on behalf of the case in front of us. Seeing none, are there any questions for staff? Mr. Smith, I have a question. The report we were given had two exhibits. One included the plats with the zoning identified. If we haven't approved the M-C zoning, how do we move forward?

MR. SMITH: Very good question. These are related. As we had said with the zoning recommendation prior is that it is probably a package deal. It's probably not practical for the preliminary plat to be approved unless a rezoning is approved for the entire site, whatever that zoning may be. It would be very difficult to leave a portion of this in a planned district given that there is a plan development plan over part of it and then to approve a preliminary plat which would then reconfigure it which would probably then require an amended PD plan or CPOP plan to be submitted after that. So it gets complicated and again I think the reasonable way forward there probably is that this is going to be a package request. If the rezoning isn't approved, the preliminary plat would not probably be approved either.

MS. LOE: Thank you.

MR. ZENNER: If I may add also, Ms. Loe. The preliminary plat, so the way that this operates through the public process, the rezoning is an ordinance which requires two readings of city council, whereas the preliminary plat is actually a resolution. So the preliminary plat will lag one meeting behind. They will be placed on the council's agenda where the preliminary plat will be behind actually the approval of the zoning since they are contingent which does allow the applicant the opportunity at that point to withdraw the preliminary if the rezoning has been denied by council. So that action would be moot, but it

does still require I believe a recommendation of the Planning Commission. You can't just punt. We have to basically take action to make a recommendation.

MS. LOE: Thank you. Mr. Stanton?

MR. STANTON: So what you're recommending is that we go against your recommendation or we can go with your recommendation and it gets muted because of the previous judgment we just made?

MR. ZENNER: If the city council would agree with that. I mean, I never want you to go against our recommendation but that's okay. So I think you do have to -- it would be muted if you made a recommendation of approval, council chooses to deny the rezoning. It really -- it likely -- it would kill it.

MR. STANTON: A clean win-win would be go with your recommendation, it would make it clean, because it is contingent on the previous judgment?

MR. ZENNER: That is if you feel that the plat is -- if the plat being approved, I would suggest as we discussed in work session today, if you make a recommendation of approval as the Planning Commission after making a recommendation of denial of two-thirds of the project, you're going to have this mismatch. Why would you approve a preliminary plat that doesn't mirror up with a zoning action that you just took action on. Quite honestly, as Mr. Smith pointed out, as we did the rezoning action we weren't looking as to which zoning was better. We were looking at where was it appropriate and how did it fit in. Similarly we look at preliminary plats or any platting actions as how do they comply technically with the code. This plat is in conformance with all of our technical requirements of the code. It therefore does not have any reason that it should not have been recommended for approval. You will note that there is not a design adjustment here that's been presented. The applicant was very clear that they wanted to meet all of our regulatory standards. That would have potentially opened a door for a possible denial from a staff perspective because it may not have been technically compliant. That is not the case. So I think council can choose to deny the preliminary plat for other purposes under their purview. However, a recommendation probably in keeping with your zoning is most likely I think from staff's perspective may be appropriate given what you just concluded while it is contrary to what we're offering as our recommendation but we're offering you only learned advice.

MS. LOE: Mr. MacMann? Mr. Smith?

MR. SMITH: Yes. In speaking here with Mr. Caldera, he did point out that council may very well have a different opinion about the zoning in which case evaluation of the preliminary plat, the recommendation here would be a valid recommendation once it gets to them. So I think we do probably have the obligation here to view it as if the zoning was approved as requested would this be an appropriate preliminary plat. With that said, it does include the zoning on there. So it would have to be amended if council then decides that the initial application wasn't appropriate and that they recommended a different zoning that the applicant then conceded to. They'd have to update the preliminary to make it accurate and then council could decide whether or not they can vote on it or remand it back to Planning and Zoning as well. Likely they would just move ahead I would guess.

MS. LOE: Mr. MacMann?

MR. MacMANN: I'm sitting here watching Council Person Thomas and legal's face the entire time. I'm all up for taking your recommendation for approval. I would recommend or suggest that for those council persons not present and those members of legal not present that they're fully briefed on exactly what's going on so no one is confused, because it can be -- If we vote yes, it's going to be very confusing to someone who has not studied it.

MS. LOE: Mr. Stanton?

MR. STANTON: So I'm leaning on going with the staff's recommendation solely because if things change in council then this automatically -- everything to me seems like it lines up. Am I correct in that thinking?

MR. ZENNER: That would be a correct statement.

MR. STANTON: I would like to make a motion.

MR. MacMANN: We're ahead of our program.

MS. LOE: We're still on questions for staff.

MR. MacMANN: Commissioner Stanton, I would like for you to make a motion also. We have some process issues that we must address. Our apologies.

MR. STANTON: I'm sorry.

MS. LOE: All right. It's getting late. We're getting a little punchy up here. We'll close Commissioner questions and move on to public questions or public comments. We're going to follow the same procedure. If you come to the podium, please give us your name and address. The first person speaking for the group gets six minutes. Every subsequent person gets three. And if you're speaking as an individual, you get three. I wasn't quite clear on that previously.

PUBLIC HEARING OPENED

MR. KRIETE: Good evening. My name is Matthew Kriete. I'm with Engineering Surveys and Services, offices at 1113 Fay Street. So I'll speak a little slower this time and try to -- I don't have as much to say. As you can see, these applications, they do tend to kind of work together. Now is the time to talk about the roads, the access, the traffic, not so much then with the zoning. And you can see they all kind of got together here. So I wanted to point out a few things. I think Mr. Smith highlighted a lot of this. In terms of the improvements, again, we've got improvements at the intersection of Smith and Scott. The addition of a dual left turn lane to accommodate the traffic. Limited access at Faurot, at this site access here and this site access here. Again, right in, right out here. Right in, right out here. Three-quarter. That means lefts in, no lefts out. You notice there's no restrictions on Christian Fellowship. The restriction here is so that this access can remain as it is today. Allowing that full access conflicts. We didn't want to change that existing condition or cause problems with that. That was considered in the traffic study. The other thing to note is the cross access easements internal to this site. These lots will not have direct access onto Scott. The only direct access onto Scott from one of the lots is really this

right in, right out here. This will be within an internal driveway to circulate the traffic internal to the development. And that drive is set back according to the traffic study from the intersection so that it does not conflict with the stacking and cueing that will occur at the signal. And then kind of the last point I want to make is again this western extension of Faurot on the north side of the site, this is due to the UDC. Again, we wanted no design adjustments. I can't think of many plats that have come through without a design adjustment of late. We're required to have a 600-foot block length. Removing that, remove this. So to be in conformance with the code we've got it here. Other than that, I would be happy to answer any questions you would have.

MS. LOE: Are there any questions for the speaker? Mr. MacMann?

MR. MacMANN: Just a quick comment, Mr. Kriete, kind of a bigger issue. I want to say for me and I know some of the other Commissioners truly appreciate that you all did not come in with design adjustments and you tried to follow the two-year process that is UDC that we all spent time on. On that point I'd like to thank you.

MS. LOE: Any additional questions? I see none. Thank you.

MR. KRIETE: Thank you.

MS. LOE: Come on up.

MR. GARDEEN: James Gardeen, 4705 Samantha Court. I spoke before. I just want the Commission to remember the concerns of the Stoneridge Association about the traffic on Stone Valley Parkway, our concern about the connector going west toward our subdivision, also traffic on Scott Boulevard, then Christian Fellowship's concern about the Dayspring connector. We all discussed this in the last case. And this is still out of concern on this, I believe.

MS. LOE: Thank you, Mr. Gardeen. Are there any questions for the speaker? I see none. Any additional speakers on this matter?

MS. JUSTICE: Hi, again. I'm Sarah Justice from 4200 Rollins. I realize that this is a separate issue because this is the plat. Since it is so closely tied with the earlier recommendations on zoning, I just want to remind everyone that the overwhelming feeling from the neighborhoods around was that something like this development, which is the plat presented by the developers, was not something that was approved by either the neighborhoods or the committee earlier and I hope that this is not a back door to a yes vote. I just want to make sure that that's not the intention. Thank you.

MS. LOE: Thank you. Any questions for this speaker?

MS. PATTON: Hello. Gena Patton, 4705 Glenn Wesley Court. Once again, I live three doors down from Stone Valley Parkway, and where the extension is coming from Faurot I live on Glenn Wesley Court. It's directly connecting to a court, and it's going to bring the traffic down to the cul-de-sac, they're going to realize they're on a cul-de-sac and they're going to be turning around in the cul-de-sac. If they're going to have that connector, I request that they offset it to the berm on Stone Valley so it's not direct connector to Glenn Wesley Court. That would be my main request because that would negate traffic

going down the cul-de-sac. Thank you.

MS. LOE: Thank you. Any questions? I see none. Any additional speakers? Seeing none, I'm going to close public comments on this.

PUBLIC HEARING CLOSED

MS. LOE: Commission discussion? Mr. MacMann?

MR. MacMANN: If none of my other Commissioners have questions, do you guys have follow ups? I think we've addressed this. I do have a motion.

MS. LOE: Please.

MR. MacMANN: Just real quickly. Ma'am, to answer your question about back doors, that's one of the things we're talking about. It is not. With that in mind, I would move to approve the preliminary plat Case 23-2019.

MR. STANTON: Second.

MS. LOE: Second by Mr. Stanton.

MR. ZENNER: Is that with the condition of the development agreement being approved?

MR. STANTON: Yes.

MR. MacMANN: Yes, sir.

MR. ZENNER: Do you second -- do you agree to the second, Mr. Stanton?

MR. STANTON: I agree to that.

MR. ZENNER: Thank you.

MR. MacMANN: With the approval of the preliminary plat with the development agreement condition, yes.

MS. LOE: All right. We have a motion on the floor for Case 23-2019 to approve the preliminary plat with development agreement condition. Any discussion on the motion? Seeing none, Ms. Burns, may we have the roll call, please.

Roll Call Vote (Voting "yes" is to recommend approval.) Voting Yes: Mr. Stanton, Mr. Strotzman, Mr. Toohey, Mr. Harder; Voting No: Ms. Rushing, Ms. Russell, Ms. Burns, Ms. Loe, Mr. MacMann. 5-3 motion is denied -- 5 to 4, I apologize, motion fails.

MS. LOE: So five nos, four yeses. Motion fails. But we don't have -- okay. That recommendation will be forwarded -- there's no recommendation.

MR. ZENNER: There is a recommendation and it will be forwarded.

MS. LOE: Point of clarification. There's only no recommendation if we have a tie?

MR. ZENNER: That's correct. All these Robert's Rules of Order.

MS. LOE: We don't have a tie tonight. Sorry. All right. Moving on to our last item for the evening.

VIII SPECIAL ITEM

MS. LOE: It is a special item.