

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

**JANUARY 18, 2018**

**Case No. 18-22**

**A request by Brush and Associates (agent) on behalf of Trevor Lally (owner) for approval of a one-lot subdivision of M-N (Mixed-Use Neighborhood) zoned property, to be known as "CGS Subdivision Plat 2." The .78-acre subject site is located at 4006 West Broadway.**

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

Staff report was given by Ms. Rachel Bacon of the Planning and Development Department. Staff recommends approval of the final plat CGS Subdivision-Plat 2.

MR. STRODTMAN: Thank you, Ms. Bacon. Commissioners, is there any question of staff at this time? Mr. MacMann?

MR. MACMANN: Thank you. Ms. Bacon, the former West Broadway right-of-way, that's a private drive now you were saying. Who currently owns that?

MS. BACON: No. It's actually -- it's a part of what was the existing road, so the road right-of-way from the old West Broadway has been continued into the new West Broadway right-of-way --

MR. MACMANN: Okay.

MS. BACON: -- if that makes sense.

MR. MACMANN: So their -- their stem lot will discharge into -- that's publicly owned property?

MS. BACON: This is -- this is not publicly owned property. So the right-of-way for West Broadway takes into account the right-of-way from old West Broadway, so it's the general quarter, it's not the actual alignment of what was old West Broadway.

MR. MACMANN: Okay. I just was --

MR. ZENNER: We've got a use permit on the driveway, though; correct -- the private drive here, I think is what Mr. MacMann is asking.

MS. BACON: No. There is no right of use for that. It's --

MR. ZENNER: It's the former roadway.

MS. BACON: It's the former just corridor.

MR. MACMANN: Okay. All right. I just -- we -- it's still going to be land-locked despite its shape?

MS. BACON: Correct.

MR. MACMANN: Thank you.

MR. STRODTMAN: Any additional questions for staff? Ms. Rushing, do you have a question?

MS. RUSHING: Well, I could ask the applicant, but I'll go ahead. So the stem part, does the applicant own that property?

MS. BACON: So the stem part, yes. This is included, so it's actually half of the stem is included on this proposed plat. CGS Subdivision Plat 1, which is over here, contains the other portion of that stem lot.

MS. RUSHING: As the property is currently owned?

MS. BACON: Correct.

MS. RUSHING: Okay.

MR. STRODTMAN: Any additional questions, Commissioners? Ms. Loe?

MS. LOE: Just to clarify, Ms. Bacon. Does the property connect to a public road?

MS. BACON: No. This is a private road right here.

MS. LOE: And it has easement right-of-way to that road?

MS. BACON: The Broadway easement right-of-way is here, so I'm not sure of the ownership of the private drive.

MS. LOE: I'm talking about the property owner's easement -- the access easement to their property. Do they have access easement across the private drive?

MS. BACON: I don't --

MR. ZENNER: Well, it's -- I believe, Ms. Loe, the 20-foot driveway of which half of this being platted with Plat 2, that 20-foot-wide driveway is commonly -- it serves as the common access between the rear developed parcels. So the parcel in question with the day care on it here and this multi-family development here share this 20-foot driveway today.

MS. LOE: Who maintains the private drive running east-west?

MR. ZENNER: This here, at this point?

MS. LOE: Yes.

MR. ZENNER: I believe what Ms. Bacon is trying to explain is that this is actually within the former right-of-way of West Broadway. We do not know if there is a right-of-use permit for this driveway or if this is actually a -- the old roadbed that just existed to provide access back to these lots which previously was a single lot that basically connected to the roadway -- the old West Broadway.

MS. RUSHING: So who maintains it?

MR. ZENNER: This piece here?

MS. RUSHING: Uh-huh.

MR. ZENNER: We do not have that information.

MS. BACON: MoDOT did review the subdivision plat and did not ask for any permits, so I'm not sure if there is a right-of-use access or not, but I do want to point that out.

MS. LOE: I'm just curious because I'm --

MR. STRODTMAN: Interesting.

MS. LOE: -- most of the lots I'm familiar, you have to have access to that lot and --

MS. BACON: That's a question --

MR. STRODTMAN: Be an easement.

MR. ZENNER: Given that the survey was recorded quite some time ago that created these lots, then -- so the lot in question is a survey parcel. The other two lots of Jimmy John's immediately to the north and then the multi-family are actually part of a platted subdivision. One would assume that the access that's the east-west access in the former West Broadway right-of-way is somehow commonly owned and maintained by the lots that are here through the survey. We're just platting for legal lot purposes the last remaining survey tract, which will use common access down this 20-foot ingress-egress easement. It's functioned like this forever and a day since the survey was recorded in, I believe, the late '80 -- early '80s.

MS. BACON: Early '80s. Yeah.

MR. ZENNER: And I don't believe Ms. Bacon covered the -- not only are we -- the purpose of this is to create legal lot for the ability to be able to take and pull a permit to build a new structure on this green space. So, obviously, if there was no need to have desired a building permit, this plat would never be before you. They would have just allowed it to exist in its current configuration. There was no need to have legal lot status on it. The creation of the legal lot is really just to allow them to get the building permit as required by our City code and to legitimize, basically, the legal parcel that's existed here since the early '80s. None of the access issues are changing at all from how they have existed since the property was -- was originally surveyed and has been being utilized.

MR. STRODTMAN: One of those gray areas. Additional questions, Commissioners? This is a subdivision matter, but as in past practices, we will open it to the audience. So if anybody would like to come forward that has any relevant information on this item, please come forward and give us your name and address.

MR. SCHWEIKERT: Kevin Schweikert with Brush & Associates representing the owner. And I think Planning staff report covered it well, but I'm just here to try and answer any other questions you might have. I think you asked all of the important questions to them and they've asked -- they answered them appropriately, so --

MR. STRODTMAN: Well, Mr. Schweikert, maybe you can answer the question of the night. It seems to be who -- who owns or who maintains the private drive; do you know that?

MR. SCHWEIKERT: Who maintains that? Don't have any idea. Whoever it has been, I guess.

MR. STRODTMAN: Do you know owns it? Do you know who owns it, by chance?

MR. SCHWEIKERT: It's -- it's part of the -- of the right-of-way of old -- of old Highway TT or Broadway going through there, so it's just part of that corridor. So you can say that it's publicly owned, in my opinion. It's not privately owned. So in that regard, who maintains it, I don't know.

MR. STRODTMAN: Any questions for this speaker? Mr. MacMann?

MR. MACMANN: Just a comment while Mr. Schweikert is up here. I do know it's maintained, and I have seen the State on it. I'm not going to leap to the next conclusion and say that the State maintains it, but it is a well-maintained area. I was just -- I'm just concerned about land-lock. That was my concern. All right. Mr. Schweikert, do you have anything to add to that, but thank you for your time.

MR. SCHWEIKERT: Okay. Yeah.

MR. STRODTMAN: Any additional questions, Commissioners? I see none. Thank you, Mr. Schweikert. Anyone else like to come forward tonight? I see no one. Commissioners, any additional discussion, information needed from staff, a motion? Mr. Stanton?

MR. STANTON: As it relates to Case 18-22, CGS Subdivision Plat 2, final plat minor, move to approve.

MR. STRODTMAN: Thank you, Mr. Stanton. Do we have a second?

MS. RUSSELL: Second.

MR. STRODTMAN: Thank you, Ms. Russell. Commissioners, we have a motion on the table in front of us made by Mr. Stanton, received its appropriate second from Ms. Russell. Is there any additional discussion needed on this motion? I see none. Ms. Burns, when you're ready for a roll call.

MS. BURNS: Yes.

**Roll Call Vote (Voting "yes" is to recommend approval.) Voting Yes: Mr. MacMann, Mr. Stanton, Mr. Strodman, Ms. Rushing, Ms. Russell, Mr. Toohey, Ms. Burns, Ms. Loe, Mr. Harder. Motion carries 9-0.**

MS. BURNS: Nine to zero, motion carries.

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