

EXCERPTS
PLANNING AND ZONING COMMISSION MEETING
COLUMBIA CITY HALL COUNCIL CHAMBER
701 EAST BROADWAY, COLUMBIA, MO
DECEMBER 10, 2020

Case Number 26-2021

A request by A Civil Group (agent), on behalf of Mary and William Gadbois (owners), for approval of a one-lot final minor plat to be known as "Vawter School Plat 1". The applicant also requests a design adjustment from Section 29-5.1 of the UDC relating to sidewalk construction. The property is located on the southern side of Vawter School Road approximately 1,600 feet east of Scott Boulevard. The 0.5-acre property is zoned R-1 (One-Family Dwelling) and addressed 3900 Vawter School Road.

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

Staff report was given by Mr. Brad Kelley of the Planning and Development Department. Staff recommends approval of the recommended design adjustment to 29-5.1 of the UDC relating to payment-in-lieu of sidewalk construction and approval of the final plat to be known as "Vawter School Plat 1".

MS. LOE: Thank you. Before we move to Commissioner questions, I'd like to ask any Commissioner who has had any ex parte related to this case to please disclose that now so all Commissioners have the benefit of the same information on the case in front of us. I see none. Are there any questions for staff? Ms. Geuea Jones?

MS. GEUEA JONES: I believe Commissioner MacMann was first.

MR. MACMANN: Just real -- just real quick. Mr. Kelley, how many linear feet of sidewalk are we talking about?

MR. KELLEY: I think it's approximately 800 -- or sorry. Not 800. A hundred and fifty-eight feet.

MR. MACMANN: A hundred and fifty-eight feet. I have a question of Mr. Teddy, real quick, if we could.

MS. LOE: Mr. Teddy?

MR. MACMANN: Yes. Just real quick, Mr. Teddy. We've run into the fee in lieu of before, and legal put a kibosh on it when it went to Council. Have we resolved all those issues?

MR. TEDDY: Which situation are you talking about?

MR. MACMANN: Fee in lieu of?

MR. TEDDY: Oh. The fee in lieu of. The legal issue was, was asked could money from fee in lieu be spent elsewhere, and that is a concern from a legal perspective. I don't know if Ms. Thompson could address that, but --

MS. LOE: Mr. Teddy, if you could use your microphone.

MR. TEDDY: Yeah. And by the way, I'm Tim Teddy, Community Development Director. Yeah. It's -- it's -- sidewalks, if paid for by an applicant, they really need to benefit that property.

MR. MACMANN: Uh-huh. And the benefit is --

MR. MACMANN: Uh-huh. And that's the --

MR. TEDDY: -- they get a sidewalk.

MR. MACMANN: Well, we -- we ran into this on another A Civil Group, and Jay Gebhardt brought something around the tree long ago and far away, and I know there was a problem with that before. I just was trying to make sure that we've resolved those issues, and the question -- your answer is you're not sure if we've resolved those issues yet on the fee in lieu of?

MR. TEDDY: No. I think we can't have -- we can't collect a fee that's spent elsewhere, so --

MR. MACMANN: So that money has to be dedicated, like escrowed for this --

MR. TEDDY: Yeah. We'd have to have it to determine that it's constructable, and I think you've heard some testimony like --

MR. MACMANN: Like Tower Road where it was -- yeah.

MR. TEDDY: Yeah. It's making a constructability argument on that, so yeah. And if it's just a fee to support sidewalk construction generally, you know, that could be spent elsewhere, but nearby in the neighborhood, there still is a concern about that because that's like an offside improvement for which we don't have a --

MR. MACMANN: Well, that takes us in a different place, a different legal avenue.

MR. TEDDY: Yeah. We --

MR. MACMANN: That's why I asked you to come up here, because this was not -- the last time this came before Council, it was not thoroughly resolved, to my recollection.

MR. TEDDY: Yeah. I think you can do what's termed a deferral where you escrow funds, and then if there's a project planned, a road project, that deferred fee in lieu, or that deferred installation happens with the road project, but there's going to be a limitation, a reasonable number of years, you have to get that done. Do you follow me?

MR. MACMANN: And I'm with you, I just -- I want to make sure.

MR. TEDDY: Yeah.

MR. MACMANN: I'm all for the fee or the payment in lieu of. I just want to make sure it can actually happen. That's why I asked you to come up here. Thank you, Mr. Teddy, very much.

MS. LOE: Mr. MacMann, any more questions?

MR. MACMANN: No. I needed to clarify that issue because it'll determine how I vote.

MS. LOE: Yeah. No. I have the same question. Ms. Geuea Jones?

MS. GEUEA JONES: When is Vawter School Road's improvement planned, or is it planned yet?

MR. KELLEY: I spoke with a traffic engineer, and they say it's -- it's best to say unknown at this time. I did consult with the Public Works Director, and they give me this as the best alternative. They do think it would happen, but it's not in CIP yet, I believe. I think the next list would be up for vote in 2025.

MS. GEUEA JONES: And there is sidewalk leading up to it and there's sidewalk and a lot of development on the other side of Vawter School Road. Right?

MR. KELLEY: Correct. Yeah. A sidewalk to the west on the southern side and then on the north side. There are a few places with gaps to the north though.

MS. GEUEA JONES: Thank you.

MS. LOE: Any additional questions for staff? I see none. That being the case, we will open the floor to public comment.

PUBLIC HEARING OPENED

MS. LOE: If anyone has any comments they would like to make on this case, please come up and give us your name and address for the record.

MR. DARR: Commissioners, I'm Cody Darr, an engineer at A Civil Group. I'm representing the owners. I don't have much to add from the staff report, In the interest of brevity, I will answer any questions though that you have.

MS. LOE: We love those reports. Any questions? I see none. You're off the hook. Thank you.

MR. DARR: Thanks.

MS. LOE: Okay. Any other speakers? If there's none, we'll close public comment.

PUBLIC HEARING CLOSED

MS. LOE: Commission discussion?

MR. ZENNER: Two votes.

MR. MACMANN: Two votes?

MS. LOE: Two votes. Two votes; two motions.

MR. MACMANN: If no one has --

MS. LOE: Ms. Burns?

MS. BURNS: Yes. I'd like to make a motion, please.

MR. MACMANN: All right.

MS. BURNS: On the first action, I'd like to approve on Case Number 26-2021, Vawter School Plat 1, Final Plat, I'd like to move to approve the requested design adjustment to Section 29-5.1(d) pertaining to sidewalk construction.

MR. STANTON: Second.

MS. LOE: Second by Mr. Stanton. We have a motion on the floor. Any discussion on that motion? Ms. Geuea Jones?

MS. GEUEA JONES: I -- I'm sympathetic to the fact that this is hard to put a sidewalk in, but I also understand that they are majorly redeveloping this site. And so, to me, I am concerned if we start saying, oh, it's hard, so we're not going to make you put a sidewalk in even though there's an indeterminate amount of time before the City will get around to doing so for you. So I just -- I think sidewalks are important. I am terrified every time I drive past a jogger who is on a narrow shoulder instead of a sidewalk. And so I -- I would just point out that this is a lot of wishing and hoping, and very little actually being done to help the people that live around this property.

MS. LOE: Any additional comments? Mr. MacMann?

MR. MACMANN: Just real quick. I will be voting no and I think it needs to go in, but I think we need to have a fee in lieu of, and I think we need to have that rectified, and it sounds like we might, but we might not, so -- because Vawter School will get -- that's going to get developed right there. It's just -- it's just literally a matter of time.

MS. LOE: Any additional discussion? Ms. Carroll?

MS. CARROLL: I thought the point of the fee in lieu of building the sidewalk was because it's going to be developed soon. I acknowledge that the City sometimes takes a while to finalize such plans.

MS. GEUEA JONES: I would be much more comfortable if it was on the schedule.

MR. MACMANN: Just if I --

MS. LOE: Mr. MacMann?

MR. MACMANN: -- may -- may redirect. I think what Mr. Kelley said, and he checked the CIP. And as most of you know, and I'll just remind us if we don't know, if it's not two or three years out, it doesn't exist. There's a wish list that goes out ten, fifteen, twenty years. We've all seen -- we know that there's been a lot of development out there, so it's sooner rather than later. It's inside ten years, so, yes. To answer your question, but I don't think it's twenty.

MS. CARROLL: I did --

MS. LOE: Any additional comments, Mr. MacMann?

MR. MACMANN: No. No. I just -- I just wanted to bring up the CIP developments.

MS. LOE: Any additional comments? Ms. Carroll?

MS. CARROLL: Try to be quick, I know. I did note that there is a sidewalk on the other side of the street that is a good sidewalk, a recent sidewalk, and a broad sidewalk. I frequently am the jogger in the narrow lane, and as that jogger, I would probably use the sidewalk on the other street and feel comfortable doing so in this case. That's my consideration.

MS. LOE: Any additional discussion? Seeing none, may we have roll call, please.

Roll Call Vote (Voting "yes" is to recommend approval.)

Voting Yes: Mr. Toohey, Ms. Burns, Ms. Carroll, Ms. Loe, Mr. Stanton. Voting No: Mr. MacMann, Ms. Geuea Jones. Recused: Ms. Rushing. Motion carries 5-2-1.

MS. CARROLL: We have six to approve, two deny. The motion carries.

MR. KELLEY: I think it's five.

MR. ZENNER: Five to approve.

MS. CARROLL: Oh, five. There's one recused. Sorry. Five approve, two deny, one abstention.

MS. BURNS: If there's no other discussion, I will make a second motion. In the Vawter School Plat 1, Final Plat, Case 26-2021, I recommend approval of the final plat titled "Vawter School Plat 1".

MR. STANTON: Second.

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

Roll Call Vote (Voting "yes" is to recommend approval.) Voting Yes: Mr. Toohey,

**Ms. Burns, Ms. Carroll, Ms. Loe, Mr. MacMann, Mr. Stanton, Ms. Geuea Jones. Abstention:
Ms. Rushing. Motion carries 7-0-1.**

MS. CARROLL: That is seven to approve, and one abstention. The motion carries.

MS. LOE: Point of order. How often do we want to take breaks tonight? Mr. MacMann?

MR. MACMANN: I think because the City stuff will go quickly, just one. Get it done now and go back quickly. That's my input.

MS. LOE: Okay. Let's take a five-minute break.

MR. MACMANN: Yeah. The next couple of items might take a minute, but when we get to the -- in general, I think when we get to the City stuff at the end, it's -- even though we're doing separate votes for everything, are we not, Mr. Zenner?

MR. ZENNER: Separate votes. Correct.

MR. MACMANN: Okay. All right. I --

MS. LOE: We're at the two-hour mark, so I'm going to say --

MR. MACMANN: I think we could wrap in another two, is what I'm thinking.

MS. LOE: We're going to have a five-minute break and come back.

(Off the record)

MS. LOE: We're going to call the Planning and Zoning Commission Meeting back to order.