

EXCERPTS
PLANNING AND ZONING COMMISSION MEETING
COLUMBIA CITY HALL COUNCIL CHAMBER
701 EAST BROADWAY, COLUMBIA, MO
February 10, 2022

Case Number 68-2022

A request by McKenzie Daly (owner) for the assignment of permanent R-1 (One-family Dwelling) district zoning to a single 12.7-acre parcel of land upon annexation. The currently vacant site is zoned County R-S (Single Family Residential) and is identified as tax parcel 12-415-20-04-003.00 01. The property is located on the north side of North Oakland Gravel Road approximately one-half mile northeast of the US 63 and Prathersville Road interchange.

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 R-1 zoning as permanent City zoning, upon annexation.

MS. LOE: Thank you, Mr. Kelley. Before we ask questions of staff, I would like to ask any Commissioner who has had any ex parte related to this case to please share that with the Commission now so all Commissioners have the benefit of the same information on the case in front of us. Seeing none. Are there any questions for staff? Commissioner Carroll?

MS. CARROLL: I did have a question. So we have two cases related to this tonight, the one for the sidewalk waive and the one for permanent zoning, plus the annexation -- the concurrent annexation will go to Council. So I guess my question is because there's three related questions, when this goes to the Council agenda, will the annexation get merged all three together as one case to Council, or are the two separated?

MR. KELLEY: I believe the two would separated. So the annexation and zoning would be heard as one, and the design adjustment would be heard as another item.

MS. CARROLL: Okay. Can you -- you had a zoning graphic comparing the City zoning to the County zoning. Can you throw that back up?

MR. KELLEY: I don't think I have it on here --

MS. CARROLL: Oh. I thought you showed it tonight.

MR. KELLEY: -- so it was --

MS. CARROLL: It was in the agenda.

MR. KELLEY: For the City zoning, the tract that's directly to the south of this is zoned Ag -- agriculture, the tract to the east, you can see this narrower parcel, that's zoned City R-1.

MS. CARROLL: And the one to the south, that would become a noncontiguous island, wouldn't it, of County? The one to the southeast of this portion would be a noncontiguous island of County zoning? If you look at your graphic on the agenda.

MR. KELLEY: Yeah. So I don't recall off the top of head. I know that there's -- there's generally more City -- property within City limits to the south and southeast. I can't recall specifically if that's -- that would not be -- the County property would not be connected.

MR. ZENNER: Ms. Carroll, you're immediately -- you're referring to the property that is immediately south of the finger of R-1 that is close to the northern boundary of the subject tract, the two parcels immediately to the south?

MS. CARROLL: The R-S, it's southeast of this.

MR. ZENNER: Yes. Immediately to the east of the agriculturally zoned City tract; is that correct?

MS. CARROLL: Correct.

MR. ZENNER: Yes. That would become a disconnected island of County zoned property. Again, as Mr. Kelley has pointed out, the annexation is required due to the fact that the applicant is desiring to connect to the City sanitary line that runs directly through this site and cannot otherwise connect without the annexation agreement -- or the annexation.

MS. CARROLL: Understood. Thank you.

MS. LOE: Commissioner MacMann?

MR. MACMANN: Ms. Geuea Jones, did you have something?

MS. GEUEA JONES: No. I was just saying that it's four parcels.

MR. MACMANN: A semi-related question, and you all may not know this off the top of your heads, but you may. Does this trigger any other annexation in the area?

MR. ZENNER: There are annexations, if I recall correctly. There are some annexation agreements to the northwest of this property, but I do not believe any in the immediate vicinity that this parcel is contiguous with.

MR. MACMANN: No Oakland crossing automatic triggers or anything like that, to your knowledge?

MR. ZENNER: Not that I'm aware of.

MR. MACMANN: All right. Thank you.

MS. LOE: Any additional questions for staff? Seeing none. We'll open up the floor to public comment. If anyone has any public comments they would like to make about the case, please come up to the podium. Seeing none -- oh. Please come up. We need your name and address for the public record.

PUBLIC HEARING OPENED.

MS. DALY: I'm McKenzie Daly; I'm the owner of the property in question.

MS. LOE: And can we have your address, Ms. Daly?

MS. DALY: Current address would be 1710 Gypsy Moth Drive, Columbia, Missouri 65202.

MS. LOE: Thank you.

MS. DALY: So kind of in regards to -- and I apologize. Kind of in regards to what you brought up was that we desired to connect to City sewer. We were informed -- oh, I'm so sorry.

MS. LOE: Oh, it's okay. It's okay.

MS. DALY: We were informed when I went and applied for building permits that we were required to apply or to connect to City sewer. We were not given an option. So we have been put on hold for our -- from our project for, give or take, about five months. So I don't -- I just -- I just wanted to clarify that that wasn't something we sought out. It was something we were informed must be done to continue with our project.

MS. LOE: Understood.

MS. DALY: That's all I have at the moment.

MS. LOE: Thank you. Any additional speakers on this case? Seeing none. We're going to close public comment.

PUBLIC HEARING CLOSED

MS. LOE: Commissioner comment? Ms. Placier?

MS. PLACIER: I was just wondering if I could ask the previous speaker a question, because she left the podium before --

MS. LOE: Sure. We're going to open public comment back up, and we will need your name and address again.

PUBLIC HEARING REOPENED

MS. DALY: McKenzie Daly, 1710 Gypsy Moth Drive, Columbia, Missouri.

MS. PLACIER: I just wanted to clarify your statement. You were informed -- there -- without the annexation, you would have no way to deal with sewage on this property?

MS. DALY: More or less. At least my understanding. I went to County Assessor's office and applied for building permits. That includes wastewater, which would be for a lagoon on the property, which was how we went and approached the bank in all of the steps prior to starting our construction. And the day after I received the permits that you're presented at the County Assessor's office, I received a phone call -- and I'm horrible at names, so I apologize that I didn't bring that with me -- that since that City sewer main runs across that southwest -- southeast corner of the property, that that was our only option and they would not issue us wastewater permits to put a lagoon on the county property at that time.

MS. PLACIER: Thank you. Thank you. I just wanted to clarify that --

MS. DALY: Sure.

MS. PLACIER: -- where the pressure was coming from. As you said, it was not -- the pressure for annexation was not initially from you --

MS. DALY: Correct.

MS. PLACIER: -- it was from this --

MS. DALY: It was presented to me as we did not have an option, that we had to connect to the City sewer because they would not issue us a wastewater permit, and those were our only options to go forward.

MS. PLACIER: Right.

MS. LOE: Thank you. Are there any other questions for this speaker? I see none. Thank you. If there are no additional speakers, we will close public comment.

PUBLIC HEARING CLOSED.

MS. LOE: Commissioner comment? Commissioner MacMann?

MR. MACMANN: Just a point of information. I spent a whole lifetime several years ago with DNR, and Mr. Zenner may have been exposed to this, also, and some of the rest of you who have dealt with things. Just a little information thing. DNR's perspective, and this is the way it is across the United States, to go with the best sewer possible. So when you have situations where an enclosed piped sewer is possible or a lagoon, they always default to the next one up. That's just -- that's their policy and that's to minimize pollution. I just wanted to bring that forward. And I also wanted to state that for our previous speaker and for everyone else, we are asking questions to make sure that the -- in regards to the annexation and the property, and this is for your all's consumption, that all the I's and T's got crossed, so questions were read into the public record so answers would be there for folks like you to read them when this comes before Council. Thank you, Madam Chair.

MS. LOE: Any additional comments? Commissioner Geuea Jones?

MS. GEUEA JONES: I know we've discussed this before and I apologize for my poor memory, but if I may briefly inquire of legal. Is it correct that during the discussion on the motion, I can request that it not be put on the consent agenda regardless of the outcome of the vote, or do I do that now?

MS. THOMPSON: You can make that motion at any time --

MS. GEUEA JONES: Okay.

MS. THOMPSON: -- to have that not go onto the consent agenda, to have that pulled from the consent agenda.

MS. GEUEA JONES: Okay. I would -- I would then suggest that after we have taken a vote on this, I would like to make a motion that this, combined with the annexation, stays as a separate agenda item as opposed to being rolled into the consent agenda in front of Council.

MS. LOE: Any additional discussion? Commissioner MacMann?

MR. MACMANN: If there are no more questions or concerns by staff or my fellow Commission members, I have a motion. In the matter of 68-2022, Horse Fair Lot 3, assignment of permanent zoning, I move to approve.

MR. STANTON: Second.

MS. LOE: Seconded by Commissioner Stanton. We have a motion on the floor. Any discussion on this motion? Commissioner Geuea Jones?

MS. GEUEA JONES: Again, just for the transcript and the record, this is purely as to the zoning should it eventually be annexed.

MS. LOE: Any additional discussion on this motion? Seeing none. Commissioner Carroll, may we have roll call, please.

Roll Call Vote (Voting "yes" is to recommend approval.) Voting Yes: Ms. Geuea Jones,

Ms. Placier, Ms. Kimbell, Ms. Carroll, Ms. Loe, Mr. Stanton, Ms. Burns, Ms. Rushing, Mr. MacMann.

Motion carries 9-0.

MS. CARROLL: We have nine votes to approve; the motion carries.

MS. LOE: Thank you. Recommendation for approval will be forwarded to City Council.

MS. GEUEA JONES: Madam Chair, I would like to formally move that this item, along with its attendant annexation case, be removed from Council's consent agenda so that it may be considered separately.

MR. MACMANN: Second.

MS. LOE: Do we need to vote on that motion or --

MS. GEUEA JONES: I think we can just do thumbs up.

MS. THOMPSON: That's appropriate.

MS. LOE: Thumbs up. All right. I'll take a thumbs up on that. So, again, this is moving it from the consent agenda.

(Unanimous vote for approval.)

MS. LOE: It looks unanimous. Thank you.

MS. GEUEA JONES: Thank you for your indulgence.

MS. LOE: Moving on to the next case of the evening.