

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

**AUGUST 24, 2017**

**COMMISSIONERS PRESENT**

**Mr. Brian Toohey  
Ms. Joy Rushing  
Mr. Dan Harder  
Mr. Rusty Strodtman  
Ms. Tootie Burns  
Ms. Sara Loe  
Mr. Michael MacMann**

**COMMISSIONERS ABSENT**

**Ms. Lee Russell  
Mr. Anthony Stanton**

**I) CALL TO ORDER**

MR. STRODTMAN: Good evening. I would like to go ahead and call the Thursday, August 24th, Planning and Zoning Commission to order. Can I have a roll call, please.

MS. BURNS: Yes. We have seven; we have quorum.

MR. STRODTMAN: Thank you, Ms. Burns.

**II) APPROVAL OF AGENDA**

MR. STRODTMAN: Any changes to the agenda, Mr. Zenner?

MR. ZENNER: No, there are not, sir.

MR. STRODTMAN: Okay. Thumbs up on the agenda?

(Unanimous vote for approval.)

**III) APPROVAL OF MINUTES**

MR. STRODTMAN: August 10, 2017. We have sent those out earlier. Are there any corrections or adjustments needed to the August 10th minutes? I see none. We'll just do a thumbs up for approval of those minutes.

(Unanimous vote for approval.)

MR. STRODTMAN: All approved. Thank you.

**IV) TABLING REQUESTS**

MR. STRODTMAN: We have two tabling requests this evening.

**CASE NO. 17-76**

**A request by Crockett Engineering (agent) on behalf of Michael Charles Caulder (owner) to annex 161.84 acres of Boone County A-R (Agricultural Residential District) zoned land into the City of Columbia and apply R-1 (One-Family Dwelling District) as permanent zoning. The subject site is located on the north side of State Route WW, approximately 900 feet west of South Rolling Hills**

**Road. (The applicant has requested that this item be tabled to the September 21, 2017 Commission meeting.)**

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

MR. ZENNER: Yes, you may, Mr. Chairman. And this is also associated with the next request for tabling, which is actually a preliminary plat that goes along with this. The request is tabled to the September 21st meeting as a result of the applicant's need to be completing its review of a proposed development agreement that goes along with the annexation to allocate out particular on-site and off-site improvements that would be required to offset the impacts of the proposed residential subdivision that is your next tabling request. To do so, the applicant has asked to be given the next two meetings, and we'll bring this back at the end of September, in order to then have the development agreement fully reviewed and any amendments to that potentially having been address. The development agreement will be overviewed as part of the actual permanent zoning report that will be provided to you, but the development agreement contents, as we have told you previously, are actually between the applicant and City Council to finalize. But it is what we are using as a basis by which to arrive at a recommendation on not only the appropriateness of the zoning, as well as the appropriateness for the development of the property that would occur after its annexation. We're supportive of the request. It will allow for the additional review necessary to ensure we have a workable development agreement.

MR. STRODTMAN: Thank you, Mr. Zenner. Are there any questions of staff? As is in our past practice, if there is anyone in the audience that would like to come forward and give us any relevant information on this tabling request, you may do that at this time. I see none. Commissioners? Mr. MacMann?

MR. MACMANN: I'd like to make a motion.

MR. STRODTMAN: Yes, sir.

MR. MACMANN: In the case of 17-76, Caulder annexation, the annexation and permanent zoning request to table, I move to table.

MR. STRODTMAN: Thank you. Do I have a second?

MR. TOOHEY: I'll second.

MR. STRODTMAN: Thank you, Mr. Toohey. Mr. MacMann has made a motion to table Case 17-76. It has the appropriate second by Mr. Toohey. Is there any further discussion needed, Commissioners? 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. Strodtman, 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.

**Case No. 17-172**

**A request by Crockett Engineering Consultants (agent) on behalf of Fred Overton**

**Development, Inc. and Andrews, et al. (owners) to annex 54 acres into the City of Columbia and apply R-1 (One-Family Dwelling District) as permanent zoning. The subject site is located on the north side of Gillespie Bridge Road, approximately 1,500 feet west of Louisville Drive. (The applicant is requesting that this item be tabled to the September 7, 2017 Commission meeting.)**

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

MR. ZENNER: Yes, you may, Mr. Chairman. And I apologize, my mind is ahead of where I needed to be. This is not related to the prior item. This is actually a separate annexation request. I'm thinking of the plat that was associated with your -- the item prior to this. That's not a public hearing item, therefore, it was not -- it's not on the agenda, nor needed to be tabled. This particular request, however, is on the west side of the Perche Ridge. As many of you are aware, this is the flats area of the Perche Creek, at least in between the ridge line and the creek itself to the development area here that is actually what would be proposed for development. This particular portion of property is being brought in to gain connectivity to the City's corporate limits to allow for the extension of the City sanitary sewer to the site under our annexation policy procedures. There has been several discussions associated with this property and one of which has recently surfaced that was needing some additional discussion and time to ensure that all parties that would be involved in this annexation, and staff understood what was going on and what other arrangements may be being made in order to help with the annexation of this property. And I believe Mr. Crockett may have something to add to that, if he's at a -- at a position to be able to explain what that particular matter is. But we are not objectionable to the recommendation to table this item. It was necessary in order to allow for some of the additional discussion to occur. We were unable to be able to get the staff report due to that discussion pending at the time that the reports were due to be able to produce them for this meeting. Therefore, the single meeting tabling will allow for enough time for that discussion to be completed and incorporated into the staff report as it relates to the permanent zoning that's being sought on this, and that that also will have an influence with the accompanying final or preliminary plat that will go with this application, as well. So this project and the preceding project have an accompanying preliminary plat for residential development on the agendas respectively that they will show up. They will be under a conjoined category of public hearing and subdivision so the two items are discussed concurrently and the Commission can take action on both of them. But in relationship to 17-172, we do support the request to table.

MR. STRODTMAN: Thank you, Mr. Zenner. Commissioners, is there any questions of staff? I see none. If there is anyone in the audience that would like to come forward and give us any relevant information, please do so at this time.

MR. CROCKETT: Tim Crockett, Crockett Engineering, 1000 West Nifong. First of all, I would like to apologize to the Commission and staff, as well, for the sheer number of tablings that we have had. You know, we've had several. We have two tonight. We've had previous meetings, we've had some tablings. And really it's not for any specific reason. If you look at the projects themselves, as Mr. Zenner had indicated, every one of them has a specific, you know, unique circumstance that's kind of causing a little

more delay, causing a little more needing more staff review and needing some additional information on our side. So for that, I apologize. This specific request, one of the items that's causing a little delay is my client is working with the Parks Department to make a donation to the Columbia Public Parks and Recreation Department for some land acquisition that would be off site from this development, but it would be in conjunction with the development. And so we need a little more time to solidify that and work that -- details out on that. And so that's the reason for the tabling on this request. With that, I would be happy to answer any questions.

MR. STRODTMAN: Commissioners, is there any questions for this speaker? I see none. Thank you, Mr. Crockett.

MR. CROCKETT: Thank you.

MR. STRODTMAN: I see no one else. Commissioners, discussion? Mr. MacMann?

MR. MACMANN: I'd like to make a motion.

MR. STRODTMAN: Yes, sir.

MR. MACMANN: If no one has any discussion points. I don't want to jump anyone's gun here.

MR. STRODTMAN: I think you're safe.

MR. MACMANN: As Mr. Griggs and Mr. Overton need some time and staff needs some time as well, in the Case of 17-172, Fred Overton Development, Incorporated, and Andrews, et al. annexation permanent zoning, I move to table.

MS. RUSHING: Second.

MR. STRODTMAN: Thank you, Mr. MacMann for that second, and Ms. Rushing for that -- Mr. MacMann for that motion and a second from Ms. Rushing. Commissioners, any discussion needed on this motion? 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.

## **V) PUBLIC HEARINGS**

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.

### **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: 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.

### **VI) COMMENTS OF THE PUBLIC**

There were no comments from the public.

### **VII) COMMENTS OF THE STAFF**

MR. ZENNER: The next meeting will be on the 7th of September, and we won't have an eclipse, so you won't have to worry about totality. We do have a couple of items that we will be talking about. We have our tabled items from this evening for the Perche Ridge annexation and that is under the co-joined

topic heading of public hearings and subdivisions. You will have both the annexation and permanent zoning request, and an accompanying plat for that property. And then we have several standard subdivision actions. TKG University Centre. This is a final Plat 7. This is the property which is just to the south and east of Lucky's. And I'm sorry, it is not final Plat 7, it's design modifications, and those design modifications have to deal with some of the right-of-way dedication requirements and other technical standards associated with the subdivision of that property. And then the second item we have is Renaissance Meadows Plat 3. This is a final plat and is requiring review due to changes from an approved preliminary plat for this particular property and because we have a piece of unplatted land that is actually being added into the -- into this final, and I will show that to you here on the aerial maps that we have to give you an idea of where we are. Obviously, the University Centre Subdivision Plat, as I said, south and east of the existing Lucky's site. And then Renaissance Plat 3, this is up off of Ria Street, and you will notice where the curvature is in that roadway, that is the existing preliminary plat for Renaissance. the plat or the parcel that is unplatted today that is being incorporated is this parcel that is back here that has this existing single-family home on it. This is a duplex, this is a duplex, this is actually a large above-ground electrical transformer. The proposed plat basically would result in this single-family lot being split and a new reconfigured front portion that would allow for one additional residential lot to be created up along the Ria Street frontage which would be compliant with the existing zoning standards. Because we have unplatted property and it is a deviation from the previously approved preliminary, that is why it is coming to the Planning and Zoning Commission. And if they were just doing a replat, we likely would have just processed this directly to City Council. Just so you understand why you're going to be getting it, it's because of that additional unplatted parcel of land. And then the Overton annexation and Perche Overton annexation request here that we just tabled, and then the accompanying area of the annexed -- the annexation proposal that would be having a proposed subdivision plat on it containing, if I recall correctly, 33 to 35 lots for single-family residential purposes. Those are the four items that will be on your agenda for your regularly scheduled meeting. We will have our regular work session at 5:30, and that work session will -- we will be circling back to items that we were discussing with the rules of procedure at the meeting prior to this evening's work session to begin that discussion. So if you know you will be away during your Comments of Commission, we may adjust our agenda, but if you are going to be in town, we would like to begin the rules of procedure discussion at your next work session and we ask that you all are in attendance and there by 5:30 so we can have the maximum amount of time to discuss that matter. With that, I am complete this evening. I appreciate your attention.

MR. STRODTMAN: Thank you, Mr. Zenner.

#### **VIII) COMMENTS OF THE COMMISSION**

There were no comments from the Commission.

#### **IX) ADJOURNMENT**

MR. STRODTMAN: Do we have a motion for adjournment?

MS. BURNS: I move to adjourn.

MR. STRODTMAN: Thank you, Ms. Burns. Do we have a second?

MS. LOE: Second.

MR. STRODTMAN: We have a second. All in favor? Thumbs up?

(Unanimous vote for approval.)

MR. STRODTMAN: Yes. Adjourned.

(The meeting adjourned at 7:40 p.m.)

(Off the record)