

**EXCERPTS**  
**PLANNING AND ZONING COMMISSION MEETING**  
**COLUMBIA CITY HALL COUNCIL CHAMBER**  
**701 EAST BROADWAY, COLUMBIA, MO**  
**MARCH 21, 2019**

**Case Number 72-2019**

**A request by Simon & Struempf Engineering (agent) on behalf of Atkins CPS, Inc. (owner) for approval of a one-lot final plat of IG (Industrial-General) zoned property, constituting a replat of all or part of Lots 3-5 of Block 3, Tandy's Addition, to be known as Tandy's Addition Plat 2, and an associated design adjustment to Section 29-5.1(c)(4) and Appendix A of the United Development Code regarding the dedication of additional right-of-way. The 0.55-acre subject site is located at the southwest corner of College Avenue and Wilkes Boulevard.**

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

Staff report was given by Mr. Clint Smith of the Planning and Development Department. Staff recommends:

- I. Denial of the design adjustment to Section 29-5.1(c)(4) and Appendix A of the Unified Development Code to waive the dedication of additional right-of-way along College Avenue.
2. Denial of the final plat for Tandy's Addition Plat 2 as it is not consistent with Section 29-5.1(c)(4) and Appendix A.

Alternatively, if the Commission supports the requested design adjustment, the plat could be recommended for approval subject to minor technical corrections.

MS. LOE: Thank you, Mr. Smith. Before we move on to questions, I would like to Commissioners if anyone has had any ex parte prior to this meeting related to Case 72-2019, to please disclose that now so all Commissioners have the same information to consider in front of the. Seeing none. Are there any questions for staff? I see none. In that case, we will open up the floor to public comment. If anyone would like to -- public hearing. Sorry. Public hearing.

**PUBLIC HEARING OPENED**

MS. LOE: Anyone who would like to come forward and provide information, please give us your name and address for the record.

MR. SIMON: Hello. Keenan Simon with SSE. Address is 210 Park Avenue. Thank you for your time tonight. We are looking for this design adjustment for the right-of-way at College Avenue. Here is a site location map of the property as Clint had also shown you. So I guess the best thing to do is probably talk a little bit about College Avenue so that you have a little bit of perspective of everything that's kind of going on in this corridor. The right-of-way width is 70 feet. The roadway width is 52 feet. There's five lanes, two north, two south, and a center turn lane. Through this process of replatting, MoDOT did not

request any additional right-of-way. They -- this is mainly due to the fact that there's over 50-plus existing homes, commercial structures, and institutional buildings that are within 25 foot of the College Avenue right-of-way or a majority -- where a majority of them are actually 20 foot within the right-of-way of College Avenue. Overall, the feasibility of widening College Avenue and capturing additional right-of-way is not practical. Here's a list of the existing structures or homes that are within 25 foot of right-of-way. Note that a majority of these are less than 20 foot from the existing structure to the right-of-way. I'm just going to kind of going to start off and go through a few of these. If you would like me to keep going, I can. If you want to interrupt me, I can also stop at any time. The first home which is at 205 North College Avenue is less than eight feet from the right-of-way width of College Avenue. 208 North College Avenue is 21 foot from the right-of-way width to the front porch. 209 North College Avenue is less than five feet from the right-of-way to the front-porch area of the structure. 210 North College Avenue is approximately 20 feet from the right-of-way width to the front of structure. 300 North College Avenue is less than 17 feet from the front structure to the edge of right-of-way.

MS. LOE: Can you focus on ones on the west side of the street?

MR. SIMON: Yeah. We can do the west side. Not a problem. 305, this is approximately twelve foot, eight inches from the right-of-way of College Avenue. I didn't have them organized into west and east. This is 307 North College Avenue, which is approximately 15 feet to the edge of right-of-way width. 401 North College Avenue is approximately 18 feet from the right-of-way width to the front face of structure. 403 North College Avenue is approximately 18 foot from the right-of-way width to the front of structure. 407 North College Avenue is approximately 18 foot from the edge of right-of-way width to the front of structure. 409 North College Avenue is approximately 20 feet from the edge of right-of-way to the front of structure. 411 North College Avenue is approximately 18 feet, not counting the bump-out. It's probably more like 14 foot from the edge of College Avenue to the edge of structure. 601 North College Avenue is approximately 20 foot from the edge of right-of-way to the edge of structure. 801 North College Avenue is approximately 23 feet from the edge of right-of-way to the edge of structure. 909 North College Avenue is approximately 15 feet from the edge of right-of-way to the edge of front structure. 911 North College Avenue is approximately sixteen feet, five inches from the edge of right-of-way to the edge of front structure. 913 North College Avenue is approximately twelve feet, ten inches from the edge of right-of-way to the edge of front structure.

MS. LOE: Was there anything else -- any other point you wanted to make?

MR. SIMON: Yeah. Yeah, of course.

MS. LOE: Okay.

MR. SIMON: I just -- I was just trying to at least give you a little bit of perspective of the boundaries and the corridor conditions with the existing structures that are found north of Broadway in particular. South of Broadway, you get into more of the institutional structures that are within 20 feet of right-of-way width. We'll just skip through some of these. Well, I guess what I want to go over is what the City is requesting here, what they are asking. They're asking the owner to approximately donate 10

percent of his property, and this is not including the utility easements dedications, which the owner is willing to dedicate at the ten-foot utility requirements at the front of Wilkes and College Avenue, and also willing to donate right-of-way for truncation at the corner for any sort of future sidewalk project as well. But when you start looking at it in the grand scheme of things, they're -- they're trying to request 18 to 20 foot of right-of-way on the frontage of College Avenue when there's over 50 structures in this corridor that are already within that boundary that would be noncompliant. There couldn't -- what I -- what I'm trying to get at is if you look at this, in the grand scheme of things, it would be very difficult to do anything to expand the College Avenue corridor width. It would be similar to saying, well, we would like additional right-of-way down Broadway and, well, Broadway is -- Broadway is kind of established by existing structures that are already there. You know, the City previously agreed when we were working through this process that they would support this request because -- mainly because of the constraints of the existing College -- College Avenue corridor. I mean this is what MoDOT didn't require any additional right-of-way or anything of that nature. So I guess what we're asking for is you to support this -- this design adjustment. You know, College Avenue is an established corridor. There is numerous existing structures there within close proximity to the existing right-of-way. The future expansion of College Avenue is really not likely with this. MoDOT, who maintains College Avenue, didn't believe that there would be any necessity for acquiring additional right-of-way at the planning process. Like I said, and like Clint barely passed on, the City was in agreement with this until, you know, roughly a week ago and they changed their mind in regards to the approach of how they want to acquire right-of-way. So with that said, we ask you to support this design adjustment and with these established conditions for the College Avenue corridor, we feel like that the additional right-of-way is -- is not to be required. Thank you very much.

MS. LOE: Thank you. Are there any questions for this speaker? Mr. MacMann?

MR. MACMANN: Thank you, Madam Chair. Mr. Simon --

MR. SIMON: Yes.

MR. MACMANN: -- I would stipulate all those addresses. I'm very familiar with the neighborhood, I've lived up there, or so really close to the edges -- edges of structure. North of Broadway, I mean, just give me your -- your characterization.

MR. SIMON: Yeah.

MR. MACMANN: Using Mr. Smith's perspective, 20, 30 years from now, we have a lot of rental properties there and I'm not disparaging that in any way, shape, or form. It would seem to me, however, it's one of the places close to downtown that has not redeveloped. Would that be a fair characterization?

MR. SIMON: Yeah. I'd say there's a -- yes, a majority.

MR. MACMANN: And then which makes it prime for redevelopment?

MR. SIMON: Possibly.

MR. MACMANN: All right. And this is --

MR. SIMON: I'd say with the -- with the -- I guess the -- the business loop not having access to I-70 towards the end there, probably changes, a lot of perspective of that, but then again, there is an exit not too far away from --

MR. MACMANN: And with all that in mind, we're becoming a more pedestrian-friendly and a bicycle-friendly city. I'm -- I guess I'm going to give an opportunity here to kind of change of my mind because I see this as redeveloping at some point in the next 20, 30 years, because it did in the last 20 or 30 years with some of the same concerns.

MR. SIMON: You're saying this property specifically or the area?

MR. MACMANN: That entire strip. That entire strip all the way, you know.

MR. SIMON: You know, with the majority of the commercial property being I-G, that's very valuable, and I don't foresee that being downzoned to be apartment complexes or anything of that nature.

MR. MACMANN: Well, right now, most of those buildings that you listed are rental homes.

MR. SIMON: I'd say 70 percent of them are. Thirty percent of them are probably commercial properties, maybe a little more, thirty, forty percent.

MR. MACMANN: I just -- I would be -- my concern moving forward is that we would limit, and this is strange coming from me, I know. We would limit development opportunities there if we start giving away the right-of-way for whatever, the bicycles or utilities or, you know, widening the road. That's my concern.

MR. SIMON: I think if you look at it as a whole overall picture, you're talking about acquiring right-of-way width, if you were going to set a standard of 18 to 20 foot on that corridor, that you would be capturing, you know, maybe 30 to 40 structures that would be within that right-of-way.

MR. MACMANN: And I agree with you. I do.

MR. SIMON: Yeah.

MR. MACMANN: I think that's an issue that maybe CATSO needs to address.

MR. SIMON: Possibly. It's a pretty large substantial width roadway as it is now, five lanes of traffic. I mean, that's pretty big compared to a lot the roadways that see more traffic on a daily basis, so I'm not so sure that it really would need to be widened.

MR. MACMANN: No. I stand unconvinced. I guess we're going to -- we'll have to leave that at that, but thanks for answering my question.

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

MR. SIMON: Thank you.

MS. LOE: Any additional speakers on this case? Seeing none, we will close the public hearing.

#### **PUBLIC HEARING CLOSED**

MS. LOE: Commissioner discussion?

MR. TOOHEY: I guess I have a question for staff. So -- so you did support this originally and then -- and then changed your mind?

MR. SMITH: Yeah. I wouldn't dispute anything that -- that was said there. We had shared with him the past practice that we had used on these before. Obviously, the -- the final recommendation isn't done until the staff report is written, so I wouldn't necessarily characterize it as we said that the support would be in the -- in the memo, but we did tell him that that was our practice in the past and we did check with MoDOT. We had them evaluate it. And I think this kind of goes back to what I said originally because I think it's -- that realization that the evaluation that MoDOT does on these things is not the same evaluation that the City would necessarily be doing on it. Anecdotally, MoDOT does not necessarily look for additional right-of-way. They look for, I think, that minimal cross-section that they have maintain in these situations. So they do have a different approach. When they obtain property, they usually do pay for it. As a City with controlling the development and subdivision of property, we do have that right then to require dedication of right-of-way. And so it is a little bit of a different approach to that. So that's more or less the differences in the practices between us and MoDOT, so -- but I would not say that that was incorrect what he had stated, no.

MR. ZENNER: I'd like to -- I'll follow up with what Mr. Smith is saying and it is correct. Typically, our standard practice over the ten-plus years I've been here has been to rely on MoDOT, however, there has been a shift in policy as it relates as part of our review structure, this particular item before we closed out writing the final staff report was run by the Director of Public Works. The Director of Public Works directed staff to change what had been communicated and, therefore, the recommendation is at it stands, and it is likely that you will see similar recommendations moving forward with any request to waive public right-of-way dedication requirements on any plat moving forward regardless of the context. The necessity to ensure that we have adequate public rights-of-way in place to build out our full cross-section of roadways is something that the Public Works Department now is considering imperative and not to be altered. It is ultimately a Council decision should they decide that the request is inappropriate to either overturn our Commission recommendation, they do have the authority to do so, or to concur with the Planning Commission's recommendation. So this is not going to be an unfamiliar situation you will find yourself in with staff as we move forward.

MR. TOOHEY: That's all I have. Thank you for clarifying.

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

MR. MACMANN: And if there are no other comments, I do have a motion. I move -- yes.

Ms. Russell?

MS. RUSSELL: I have a question. Should we do two motions?

MR. ZENNER: Please, if you would.

MS. RUSSELL: Okay.

MR. ZENNER: Motion to approve or deny the design adjustment should run first in your motion.

MR. MACMANN: To clarify, Mr. Zenner or Mr. Caldera, it is my intent to approve this replat with technical changes and not approve the design adjustment. So I should make a motion to deny the design adjustment first in isolation by itself?

MR. ZENNER: If you would, please. It's the best way in the public record --

MR. MACMANN: So noted. In regards to the design adjustment on Case 72-2019 -- I'm -- in a positive -- how do I state that in a positive --

MS. RUSSELL: Move to approve and then say no.

MR. MACMANN: Thank you. I move to approve -- thank you, Ms. Russell, our Robert's scholar. I move to approve, though I will vote no, the design adjustment.

MS. RUSSELL: Second.

MR. MACMANN: That -- it's to state the motion in a positive manner. Are you with me, Commissioner Loe?

MS. LOE: I am. Mr. Zenner, would you prefer that the design adjustment be clarified to Section 29-5.1(c)(4) and Appendix A of the Unified -- the UDC?

MR. MACMANN: I would accept that amendment.

MR. ZENNER: That would be fine. Thank you.

MS. RUSSELL: Yes. Second.

MS. LOE: And seconded by Ms. Russell. Discussion on the motion? I'd just like to say that while the examples brought to our attention do indicate that there may be existing structures within the right-of-way being requested, I believe the designation of College as a major roadway was probably done after those structures were built. And in order for us to move forward, it will be a slow process, but this is how it happens. So I plan to vote no. May we have roll call, please?

MS. BURNS: Yes.

**Roll Call Vote (Voting "yes" is to recommend approval.) Voting Yes: Mr. Strodman, Ms. Rushing. Voting No: Ms. Burns, Ms. Loe, Mr. Harder, Mr. MacMann, Mr. Stanton, Ms. Russell, Mr. Toohey. Motion fails 7-2.**

MS. BURNS: Seven to two, motion does not carry.

MS. LOE: Thank you, Ms. Russell [sic]. Now we need a motion for denial of the final plat.

MR. ZENNER: A motion as the Commission deems appropriate. It could be denial or it could be approval.

MS. LOE: Or a second -- on the final plat. Sorry.

MS. RUSSELL: I have a comment before I do it.

MS. LOE: Yes. Ms. Russell.

MS. RUSSELL: I actually am in support of the final plat with the technical adjustments, so --

MS. LOE: I believe as it was described to us, however, the plat as drawn includes the design adjustment, so I don't think we can approve it.

MR. SMITH: Correct. Yeah. So the -- the plat as presented is not compliant with UDC regulations --

MS. RUSSELL: Okay.

MR. SMITH: -- because they are not showing the full right-of-way dedication. So my recommendation is if the motion for the design adjustment failed, the plat should also fail.

MS. RUSSELL: Okay.

MR. SMITH: Because it is not compliant.

MS. RUSSELL: Okay. Then following --

MR. ZENNER: You can approve, however, the Commission, as one of its four approval options, which consist of approval, denial, approval with conditions, or table, approval with conditions is the appropriate option to exert at this point. While the staff's recommendation is from a technical perspective, if it is the desire of the Commission to recommend to the Council approval of the plat subject to it being amended to reflect compliance with the Code, which would then obviously take care of itself, that's completely within your purview.

MS. RUSSELL: Okay. So I'll make a motion. I move to approve the final plat for Tandy's Addition Plat 2 with the condition that they meet the City requirements prior to Council. Does that work?

MR. ZENNER: I would just say that the Planning Commission's recommendation is approval of the plat subject to meeting the City's right-of-way standards.

MS. RUSSELL: That's what I move.

MR. MACMANN: Second.

MS. LOE: Second by Mr. MacMann. We have a motion on the floor. Any discussion? Seeing none. Ms. Burns, may we have a roll call, please.

MS. BURNS: Yes.

**Roll Call Vote (Voting "yes" is to recommend approval. Voting Yes: Ms. Loe, Mr. Harder, Mr. MacMann, Mr. Stanton, Mr. Strodtman, Ms. Rushing, Ms. Russell, Mr. Toohey. Voting No: Ms. Burns. Motion carries 8-1.**

MS. BURNS: Eight to one, motion carries.

MS. LOE: Thank you. That concludes our subdivision and design adjustment section for the evening.