

EXCERPTS
PLANNING AND ZONING COMMISSION MEETING
COLUMBIA CITY HALL COUNCIL CHAMBERS
701 EAST BROADWAY, COLUMBIA, MISSOURI
AUGUST 6, 2020

Case 143-2020

MS. LOE: This brings us to our last case for the evening, 143-2020, a request by Crockett Engineering Consultants on behalf of Troy and Shirley Miller for approval to permanently zone 2.87 acres from County R-S, single-family residential, to R-1, one-family dwelling upon annexation. The property is located approximately .25 miles south of the intersection of Kipling Way and St. Charles Road and is addressed 4000 Bradbury Drive. May we have staff report please.

MR. KELLEY: Yes, Madam Chair. Thank you. Looking at the Power Point right now, I'm missing the first portion of my slide which indicates public input, size of the lot, and the nature of the request, and then following that, an aerial. So, I'll start out by discussing the public notice and public response. Public notice of this hearing was given via 18 early advance postcards sent in early July following with property owner letters sent in the middle of July and an ad in the Tribune newspaper posted on the 21st. In July Staff received two phone inquiries regarding what development was getting proposed. Staff explained that this request is for the assignment of an R-1 zoning pending annexation to the city and that this request was not a request for development, road construction, or the creation of additional lots. This week staff has received correspondence from the public voicing various concerns about additional lots and road construction, and this correspondence has been forwarded to the commission. As you can see here, this is Wellington Manor Plat Number Three which shows the general layout of the surrounding lots. And this square here in the bottom right of the map would be the subject site, and it is the unplatted parent parcel of the Wellington Manor Subdivision located off of St. Charles Road. It's currently located in unincorporated Boone County and zoned County R-S, single-family residential. Currently the site contains a single-family house and the lagoon. It's anticipated that the owners would connect to city sewer via a western sewer line connection if annexed into the city. Site is contained within the urban services area and contiguous to the city's municipal boundary on its northern western property lines. Changes in zoning are evaluated on how the zoning correlates with the City's Comprehensive Plan and how the zoning would impact and integrate with the surrounding properties. Staff has reviewed the following: The site's current zoning, site characteristics surrounding zoning and land uses and consistency with the East Area Plan. The city's R-1 district is generally consistent with the county's R-S setbacks, height requirements, and permitted uses. And to the east and to the south you will see the county R-S zoning into the north and west. Throughout the subdivision you will see the city R-1 zoning. In the Comprehensive Plan, the Future Land Use map designates this area as a neighborhood district which primarily serves residential uses such as R-1. Throughout the subdivision you see the R-1 zoning,

the proposed R-1 zoning. And existing residential use is consistent with the Wellington Manor Subdivision which contains 56 R-1 lots and one planned development. The East Area Plan states that stakeholders believe most development in the Grindstone Creek watershed should be residential. However, each zoning case should be reviewed on a case-by-case basis. Considering these criteria, staff finds R-1 zoning to be consistent with the existing and surrounding land use, East Area Plan, and the goals and objectives of the City's Comprehensive Plan. Ultimately staff recommends approval of the requested R-1 permanent zoning pending annexation. And I'm happy to answer any questions you may have.

MR. ZENNER: If I may before we open the floor up to questions of the commission, again as Mr. Kelley pointed out, this development does not involve the construction of any new streets within the 56 lots of the platted Wellington Manor Subdivision. There are two undeveloped lots. Those undeveloped lots are considered existing and development of structures on those lots do not trigger any additional roadway construction either. Unfortunately, there was a -- I don't know why I'm saying unfortunately. There was a prior concept review that was submitted to us for the subject acreage that did propose the division of this lot into three total house sites. There has potentially been some confusion as it relates to that concept review which is not being pursued at this point in relationship to the application that is here before the commission and will ultimately end up before City Council. This is a single request for permanent city zoning prior to the potential annexation of the lot in order to, as Mr. Kelley has pointed out, to eliminate the on-site lagoon currently serving the existing constructed home on 4000 Bradbury. There is no guarantee at some point in the future that this lot may be subdivided at which point pursuant to the requirements of the Unified Development Code, which is our subdivision regulations, potential additional roadway construction may be triggered. It is also further needed to be stated that the continuation of either Kipling or Hemingway out of the existing platted subdivision would be mandated per the subdivision code today and was mandated as a part of the prior subdivision code under which this particular development was platted. The trigger for that is when and if the adjoining property to the west and to the south were to seek annexation into the city of Columbia for the purposes of receiving public utilities as well as access to other public streets. A broader view of this particular area as it relates to topographic and other natural features moving to the south, which would be the extension of Kipling, would likely result in a roadway network, not a direct -- not including a direct connection of Kipling to Route WW which was stated as a concern within many of the correspondences that you received. We also have the potential for an extension of the 740 Stadium Boulevard to the north which would further make a direct connection to WW potentially challenging. Again, all of that is future. While we cannot say for certain what may end up happening in the future, we can and are at this point assuring the public that this particular application does not involve roadway construction. It is simply a request to apply permanent zoning consistent to that which surrounds it in order to allow for access to our city sanitary utilities. Annexation is a process of council. It is not considered here before the commission this evening. Most of you are aware of that. I wanted the public to be made aware. This is a policy decision and we will have a

separate request to set a public hearing for that annexation and that will be presented at City Council at its first meeting in September due to the upcoming and pending Labor Day holiday and statutory requirement that holding the public hearing and then voting on the annexation request must have a specified separation of days. So, it would not be being moved forward to City Council for the setting of a public hearing for the annexation request for at least two council meetings at this point. With that, that is a complete explanation. We are trying to, and I have taken all of the comments and you all have received them, they are in front of you on the dais here this evening, and with each of the comments that was provided, we also responded back trying to provide clarification of this. What I will tell you is many of the responses that I received back, there was appreciation for explaining the characteristics of what was going on here. However, we have people here this evening that still have concern as it relates to this zoning action; therefore -- as a result of what it may produce in future development. Hence some of my questions to possibly assuage some of the concerns that are here, but they may not completely do so. So, if you have any questions of staff, we can answer them if possible.

MS. LOE: Thank you, Mr. Kelley and Mr. Zenner. Before we move on to commissioner questions, I'd like to ask any commissioner who's had any ex parte prior to this meeting related to this case to please disclose that now so all commissioners have the same information to consider on behalf of the case in front of us. Mr. MacMann.

MR. MACMANN: This is not necessarily an ex parte, but I just want to say given the level of concern, I actually went to see the property on both ends. You guys want to hear about that now or do you want to hear about it later?

MS. LOE: You went to the property. Did you --

MR. MACMANN: I did not cross the property line, FYI. No. I just want to say that I have been to the property, given the level of concern. I read your initial email, Mr. Zenner, and looked at property lines and yada-yada-yada, but I did go out there and look north of it and look south of it, so.

MS. LOE: I think we often visit the properties. I think it's more a concern of whether or not you've discussed or been petitioned.

MR. MACMANN: I appreciate that. That's why I ask that particular questions.

MS. LOE: Thank you. Any additional comments? Okay. Moving on to questions for staff. I see none. All right. You guys covered the groundwork well. In that case we will open the floor to public comments. Just to remind everyone, you have three minutes if you're speaking for yourself. We do allow six minutes if you're representing a group. And we need your name and address for the record. So, if you have any comments on this case, we will open up public comments. You've got to come up to the podium and speak into the microphone.

MR. BEASLEY: Good evening, Councilmen, Council-ladies. My name is Joseph Beasley, I live at 3909 Bradbury. As we moved to that subdivision about 15, 16 years ago, it has surely grow a lot. We see family with young childrens, senior citizens, people walking with dog. That's why we have a concern with the possible development, you know, with the confusion of building houses on the organization of the

lot, the possibility of building houses, that's where people are concerned, that there's going to be more traffic along Kipling, along the subdivision. So that's why we're here, trying to figure out how this City can help us to make sure if there's no future development. Because it's going to involve, you know, safety, traffic, and then my property value also. So, if that's happen, you know, down the road, what's going to happen to the rest of the neighborhood.

MS. LOE: Right. So, this, what's before us right now is simply evaluating what the zoning on this lot would be if it is annexed into the city. We are not even discussing the annexation. That's City Council.

MR. BEASLEY: Yes, ma'am.

MS. LOE: We're just saying should this be R-1 which is single family.

MR. BEASLEY: Okay. So, my next question -- I'm sorry. My next question --

MS. LOE: And I was going to add that we are only talking about a single lot.

MR. BEASLEY: Okay.

MS. LOE: If they want to subdivide --

MR. BEASLEY: Right.

MS. LOE: -- that needs to come back to Planning and Zoning. Would that have to come back to the commission? Not necessarily?

MR. ZENNER: No. This would be a replat and would go directly to City Council if the larger acreage were to be subdivided.

MS. LOE: Okay. So, but they would have the opportunity to speak at City Council?

MR. ZENNER: That is correct.

MS. LOE: So, if this were subdivided, you would have the opportunity to speak on that, but they're not taking that action at this time.

MR. BEASLEY: Okay. Yeah. And I had never dealt with this, anything, before, so I thought I speak up now or --

MS. LOE: No.

MR. BEASLEY: -- hold my peace forever.

MS. LOE: You don't have to hold your peace forever.

MR. BEASLEY: So, my next question is that, so is there a possibility to go from R-1 to R-2 down the road or, you know, whatever? Okay.

MS. LOE: They would have to come back and make an application. And given the contextual area, that would be an unusual request.

MR. BEASLEY: Okay. That's all my questions. Thank you, ma'am. Thank you, sir.

MS. MCNEELEY: My name is Lisa McNeeley and I live at 3907 Bradbury Drive. I'm next door neighbors to Joe and across the street from the Millers. All the same questions and rumors that were going around about will there be a street, will they add a connection to another road, so forth. Angie, their daughter, stopped us, we were talking in our driveways as neighbors always do, and said, Hey, the reason we're having this annexed into the subdivision is so that I can get a little bit more room on the lot.

There's two vacant lots on the annex. The one that's down there by their house in the far corner is the one that Angie was talking about. And she said she knows the driveway would not be big enough, so my parents are being nice and they're annexing this here to -- into the city so that I can get a little bit more room and be able to do that. So, my question is if that is why they're doing it, why are they taking the whole piece of land? So, on that, I'm concerned that later they'll come back, and they'll say -- and that was from their daughter this afternoon, five o'clock when I was in my thing. So, I'm very concerned about crime in my neighborhood. It's wonderful having four cul-de-sacs, no other way to get out except that main St. Charles way. There's an apartment complex though; I guess they could cut through. We've had some break-ins at the very beginning of our subdivision, but nothing out in the back. It is very safe. We are roller blading; we have people walking. It's wonderful that that one lot behind one of our other neighbors is there. The dogs are in there; the kids are in there. So why are they asking for this -- the whole area when Angie said she just needs a little bit more room.

MS. LOE: So just to clarify, does the daughter own a separate lot that's already in the city?

MS. MCNEELEY: I would say yes. In the past she's -- I don't know that for sure though.

MR. ZENNER: So the Millers, the lot that is in the northeast corner of the cul-de-sac immediately above where Brad pointed at, that is the lot that is owned by the Millers along with the parcel that is being sought to be annexed. So, what the Millers' daughter has explained to our speaker here this evening doesn't -- would not net increase the total number of lots within the subdivision effectively. So right now, what we have is 4000 Bradbury, as Mr. Kelley pointed out, is the parent tract of the overall subdivision. Had it been planted back in 2013 with plat three, we wouldn't even be here. However, the Millers at some point potentially having had an investment in an on-site lagoon that was functioning, did not have any Health Department-related issues with it chose not to annex that property at the time the rest of the development was brought in. Well, we now are at 2020 and I believe the requirements associated with an on-site sanitary sewer systems and potentially there would be a failing system here, requires the entire parcel to be annexed in, in order for them to have connection. Given where the lot is with the Millers' daughter is potentially going to be provided by their family, only taking a portion of the property that would be what they need to transfer really doesn't help the situation and furthermore isn't possibly capable of being done under our platting requirements nor the county's. This parcel actually is not considered a legal lot in either jurisdiction and, therefore, cannot be subdivided to accommodate the need for the additional land area of the existing lot that was platted as part of phase three. So that is -- a number of these issues came up as a part of the earlier concept review that we did, but at that time, as I had indicated, the lot was being proposed to be divided into actually three discrete parcels, the home plus two others on either side of it in order to accommodate the Miller family as we understood it at that time. After having that concept review and having a fuller discussion of all of the implications associated with how this lot got created, it was concluded that the path to be able to achieve a portion of what the Millers were desiring was to have the entire parcel annexed, eliminate the on-site septic and then make a platted revision potentially to accommodate the future improvement of the daughter's lot. Discussing those

matters with our fire service in relationship to our current code and the fact that the development today is over the maximum number of lots allowed on a single point of entry resulted in the discussion of as long as the total number of lots, our fire inspection staff as well as the fire chief agreed that as long as the total number of lots that were effectively served off the roadway, that work has not increased. Meaning the two undeveloped lots that were part of the original subdivision plat and the fact that this lot, 4000 Bradbury, is effectively served off of our public infrastructure, they were fine with no extension of any roadways in order to be able to facilitate the development and the annexation of this property. Again, as I had pointed out, the platting of this property is a replat -- I apologize. It is an item that will come to the Planning Commission because it is not a legal lot. All these details. So it does come before the Planning Commission and what will end up happening is we will have a similar action as we had at the beginning of our meeting this evening to where that subdivision action is actually going to be presented to this body. So, the truth in the platting action as has been conveyed to you and as had been conveyed to us that was the potential would be borne out in that respect. I think as I've responded to some of the residents within the neighborhood, not all that have provided comments to our office, and I'm the one that received all of them, our subdivision process is not one, unless you are asking for adjustments to our development regulations, one that requires a public hearing. And as such, our regulations do not require general property owner notification. We would send out an early notification postcard like we had, due to the fact that we're not having public information meetings due to the COVID pandemic. So those properties owners that are within 185, and we round that up to 200 feet, will receive another postcard and it will be as it relates to the subdivision action at which point you can come back down to City Hall, address our Planning Commission and then those comments are forwarded to our City Council as it relates to the concern with the road extension. But we will have a greater assurance if the platting does occur what's actually happening. I can't tell you that the Millers will come back in with that plan, but what I can tell you right now is I've got two undeveloped lots in the development that would allow the development of new housing. That doesn't trigger anything. And what we're trying to bring in is an entire parcel of property because that's how this is scribed in a deed but not on a plat, so they can eliminate their sewer. And that's the technical, all the technical pieces coming together in order to make this a whole parcel so the Miller can achieve either a slight sliver of being parceled off to the adjoining lot, not in creating a new lot, but increasing an existing one, and allow them to come back to their lagoon and get rid of it from the neighborhood, which is what we typically prefer when you're in an urban environment. We do not like on-site systems in urban environments. And where that lagoon is currently situated on the back-lot line of two of the existing homes and the existing undeveloped lot, we see from a staff perspective that it is a benefit to eliminate that lagoon in this fashion.

MS. MCNEELEY: Well, when you guys said that, or you said that you guys would send out cards if they decide to redo those lots there.

MR. ZENNER: Yes.

MS. MCNEELEY: It involves more than just five of us. It involves the whole subdivision because it involves the traffic, the kids walking, the more traffic that there will be because that's at the very end of that subdivision, so every house to get to that house is affected by that. So, I would hope that you guys would send out cards about it to the subdivision, not just to four or five houses that are close to those lots. I mean, that's just a comment. Just, I've never been to one of these before.

MR. ZENNER: And I -- we fully appreciate that, ma'am, and I don't want to -- we have limitations with what our regulatory structure allows and what our resources allow us to do. And we are following our notification procedures. Actually --

MS. MCNEELEY: And I'm sorry. I'm just --

MR. ZENNER: No, no. That's fine. I want to explain to everybody else that's here, it's not that we were trying to evade or avoid letting you have notice. Subdivision actions, actually our notice that we send out on subdivision action is by courtesy only. We are not mandated by any regulatory standard to do so. And the procedure that we follow inside the City's notification process is as it was laid out here. And there were a number of comments as I imagine many of our commissioners read, there's frustration about that, and that's not something new to me. I've been doing this 11 years here and we hear about it a lot.

MS. MCNEELEY: Okay.

MR. ZENNER: So, I want to be, we want to be transparent. And I think there are other options for the public to be kept abreast of what's going on. We do have our -- you always are free to call our offices. We also have some electric means by which people can check to see our application submissions and be able to be aware of that. We endeavor to always make sure that our mailing addresses are accurate, but there are, you know, human error and sometimes system error that we have. I can tell you though the owners that we have on our mailing list should be receiving, and I believe there are a number that are still concerned, which hopefully then allow the rest of the community. One of the things that we did notify or identify as a part of this process, if you had a neighborhood association that was recognized, the neighborhood association representative would have received this notice which would have then afforded the opportunity for the entire Wellington Manor Subdivision to be made aware of it. We do have a neighborhood specialist and if there is a desire to be able to establish one, we are more than happy to work with you to have that established so when issues come up in the future and I can only tell you that it's not if, it's when, that neighborhood association may prove to be a beneficial communication tool for you all so we can actually keep you abreast of what's happening around you. And again, you're more than welcome, any one of the representatives from the neighborhood has provided contact to us and just give us a call or send an email to me and -- or to planning@como.gov.

MS. MCNEELEY: Okay. Thank you. Thank you.

UNIDENTIFIED SPEAKER: I living in 3909 Bradbury. When you're seeing the new lots for a hundred make me scared, very scared. Why I'm saying that here to you because a few months ago, I was walking my dog. Just got out my -- I'm still scared -- from my garage, from my garage to the

driveway only 20 feet. Shirley Miller was driving fast, hits my dog. My dog goes and lays down there and she's running off and she never stop. I was scared. I said, What I can do. The dog was laid out there. I said, What I can do, what I can do. Then my neighborhood told, said, they are not nice people. Don't talking to them. Take your dog to the veterinarian. If find something wrong, call the sheriff. I did; I see the veterinarian. The veterinarian didn't seeing something, but the dog got the problem. Right now, even right now he -- the left back leg, he walk limping. But he can lay now there. He cannot get up. I need to hold him. Also, when I walking him, when he seeing the car, he'll go lie down, hide under my back. He's still scared. My question is what enough. If (indiscernible) come, who gets -- I don't know. I'm scared. I live there. Other question is are we there over 15 years. My next door is their son. Between their lots they build a house. And the house was right close to my house, only six feet further. Hopefully you, sir, you want to go look. Please. That place is very, very wide for their son. Also playing the (indiscernible) by my window. Even that's master bedroom. Every day bother me. He was three years, move in three years. I was saying what I should do. Please. You're all telling me; you can take control back because you can know that fear or not. That's how I really, really -- I've never seen something, but I think I need your help. And they pulling me, they took him to court, suing my chick, whole thing. If you all listen, I told you all. But I don't want to see it. I know that's not about the 400, but I'm scared. Because you know the house. It's over \$300 a month. When the house very close mine, the house value already go down. I never seen something. I don't know what I should do. But today I decide that's a chance that I do know. If you all got approve, I don't have choice, but I think you're all fair. You're all fair here, at least people talking. That's today I want talk. Thank you very much, everybody.

MS. LOE: Thank you. Are there any additional comments on this case? Seeing none, we will close the public comment period. Commissioner discussion. Ms. Carroll.

MS. CARROLL: I know Pat Zenner brought this up just a moment ago and I was going to ask the same thing. It sounds like what you need is a neighborhood association. I believe the person you contact is Bill Canton and he can set you up. Regarding notifications, when something happens within the neighborhood or -- within the neighborhood association, then the neighborhood association would be contacted, and they can help spread the word. We do have rules that say when we contact people and how far from a site we contact, and we have to do it the same for everyone. But it sounds like that's what you need and that would go a long way to help your community. That is all.

MS. LOE: Ms. Russell.

MS. RUSSELL: If there are no more comments, I'm going to propose a motion in case 143-2020, approval of the requested R-1 permanent zoning pending annexation.

MR. MACMANN: Second.

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

MS. BURNS: Yes. Mr. Toohey.

MR. TOOHEY: Yes.

MS. BURNS: My vote is yes. Ms. Carroll.

MS. CARROLL: Yes.

MS. BURNS: Ms. Loe.

MS. LOE: Yes.

MS. BURNS: Mr. MacMann.

MR. MACMANN: Yes.

MS. BURNS: Mr. Stanton.

MR. STANTON: Yes.

MS. BURNS: Ms. Geuea Jones.

MS. JONES: Yes.

MS. BURNS: Ms. Russell.

MS. RUSSELL: Yes.

MS. BURNS: Eight to zero. Motion carries.

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