

EXCERPTS
PLANNING AND ZONING COMMISSION MEETING
COLUMBIA CITY HALL COUNCIL CHAMBER
701 EAST BROADWAY, COLUMBIA, MO
May 9, 2024

Case Number 134-2024

A request by Luebbert Engineering (agent), on behalf of Garrett Bever (Owner), for approval of a one-lot Final Minor Plat of A (agricultural) zoned property to be known as Bever Estate, and a design adjustment from Section 29-5.1(d) in regards to sidewalk construction. The 6.36-acre subject site is located at 3307 Barberry Avenue.

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

Staff report was given by Mr. Rusty Palmer of the Planning and Development Department. Staff recommends (1) denial of the requested design adjustment in Section 29-5.1; and (2) approval of the final plat.

MS. LOE: Thank you, Planner Palmer. Before we move on to questions for 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 so all Commissioners have benefit of the same information on the case in front of us. Seeing none. Are there any questions for staff? Commissioner MacMann?

MR. MACMANN: Just real quick. We want two motions on this? All right. Thank you.

MS. LOE: Any additional questions for staff? Seeing none. We will open up the public hearing.

PUBLIC HEARING OPENED

MS. LOE: Please remember to give your name and address for the record.

MS. LUEBBERT: My name is Christina Luebbert with Luebbert Engineering, offices at 409 Vandiver. I've also been working with Bormann Surveying out of Centralia, Missouri, for the survey work side of this. But this project kind of started when our client purchased a piece of land thinking it was as simple as going down and pulling a building permit, and then found out words like legal lot, sewer extensions, sidewalks, tree inventories, and you can see there was a significant number. But we've helped him through this process and tried to explain, you know, that we have to survey all of this land, create a proper plat that creates a legal lot. The sewer actually exists to the southwest across the adjacent property, so he has to do 109-foot public sewer forced main extension, and then he's going to do several hundred feet of private forced main to get over to the house site through what can only be described as rock outcropped land and through the woods. You know, we've tried to come up with a way to make this as simple as possible and yet nothing is ever simple. So I just want you to keep in mind that this is a young man trying to just build himself his first home and because of the significant right-of-way

dedication, because they were trying to -- to fix the curvature of the road, that also pushes that sidewalk even further back and further down into the gully and gulch that runs pretty much along that overhead power line easement. So it's not just a little bit of fill that would have to be placed and a few trees that would have to be removed, all of which we're trying to keep as much as possible, it would be very prohibitive from a design aspect of getting that sidewalk in place. And, of course, to a young man just trying to build his first home, \$22,000 is a lot to write a check for on top of the significant cost of the sewer and the significant cost of all of the work that we've done to date just to clear these legal hurdles. But I believe both the property owner and some of his neighbors are here to speak on this, as well, so I'll leave the rest of it to them. Do you have any questions for me?

MS. LOE: Thank you. Yes. Commissioner Stanton?

MR. STANTON: I do. It seems like a rough place to put a sidewalk, I would agree.

MR. ZENNER: Microphone, Mr. Stanton.

MR. STANTON: Oh. That would be a rough place to put a sidewalk, I would agree. What's tugging at me is I don't want this young, ambitious young man to come back and say pay me when -- if -- if some developments were to happen, if a sidewalk or a road improvement happens, and he says, oh, pay me for this land if we need to -- for an easement.

MS. LUEBBERT: You would not have to -- the right-of-way for it would already be dedicated.

MR. STANTON: Okay.

MS. LUEBBERT: That's -- that's part of this plat is the -- can you bring up the picture you had with the red right-of-way dedication, because I think that was -- that was very helpful.

MR. STANTON: Okay.

MS. LUEBBERT: That big red piece right there is --

MR. STANTON: Is already --

MS. LUEBBERT: And that sidewalk would go in that red piece.

MR. STANTON: Okay.

MS. LUEBBERT: So -- so no -- there would be no need for additional right-of-way.

MR. STANTON: Okay.

MS. LUEBBERT: In fact, we spent quite a bit of time with City -- the City Surveyor to figure out. This is more than we had originally anticipated to dedicate, but it was in an area that we had no issue dedicating right-of-way with. But it's also significantly more right-of-way than exists on either side of him, so he's not the one that would have to dedicate anything in the future.

MR. STANTON: Okay. Good. Thank you.

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

MR. BEVER: My name is Garrett Bever. I live at 2904 Creekside Court right now with my parents. I am the property owner who bought this property last year. I bought this property last year to move out of my parents' house and start my own journeys in life. I planned on building just a single-family home for myself thinking it wasn't really going to be that big of a deal. But then I found out along the lines

that my engineer had explained that I would have to survey and plat the whole property and it has costed me quite a bit of money so far. I also found out that I have to put 700 feet of sewer pipe to connect to the City sewer on the neighboring property, which is also going to cost me a good chunk. I have spent countless hours helping survey the property and clean it up to make it look more presentable, just to make it a nice area. These past couple of weeks, after finding out about the sidewalk, I spent three whole days walking Grayson Drive, the neighboring street, talking to my neighbors, and I talked to 13 of them. And thankfully, some of them have showed up tonight. All of them were in favor of the waiver of the sidewalk, but most of them could not come tonight. I explained the postcards to them, explained to them that I'm not developing the whole entire property. I'm just trying to build myself a single-family home, and it's my very first time, and I'm a little nervous. I just want to say that I thank you all for scheduling this meeting, and \$22,000 is a chunk of change, especially for somebody my age and anybody, but I just want to say thank you very much for hearing me out on my situation, and I hope you all have a wonderful rest of your evening.

MS. LOE: Thank you. Let's see if there's any questions, one minute. Commissioner MacMann?

MR. MACMANN: Thank you, Madam Chair. Sir, I respect what you're doing, and Commissioner Stanton and I work in construction. Welcome to dropping tens of thousands of dollars that you never anticipated spending. I just want to let you know, I appreciate what you're doing, as long as you've got a single-family home going in there, I don't have a problem. I don't think your neighbors have a problem. I'm going to just let you know right now -- I know you're really nervous. It's fine. You're on TV, people are going to see this.

MR. BEVER: Yeah.

MR. MACMANN: I'm going to be in favor of the waiver, and we'll see where the rest of my Commissioners are, and I am sorry about the sewer line because I know that's a big chunk of change.

MR. BEVER: Yeah. Yes.

MR. MACMANN: All right. Thank you.

MS. LOE: Any additional questions? Commissioner Stanton?

MR. STANTON: Young man, do your homework before you put -- before you sign that deed, buddy.

MR. BEVER: Yes, sir. I've learned that the hard way but thank you very much.

MR. STANTON: Okay. Good luck to you. Good luck.

MS. LOE: Any other speakers on this case? While this speaker is coming up, I would like to -- we have Zack Dunn has joined us. Go ahead.

MR. CLARK: Good evening, Commissioners. My name is Drew Clark; I live at 1701 Grayson. It's about where that R-1 is on the map up there. I have three young daughters between the ages of six and ten, all three of whom attend Heritage Academy just down the road. And so speaking as a member of the neighborhood, I -- I can assure you there is not traffic on that road generated by that school, specifically, because of how bad the road is itself. Everyone is coming in up by CIS and in, or along

Grayson Drive right in front of our house. But in order to get back in there, it just makes no sense within the neighborhood. So that -- that kind of speaking is a parent of Heritage kids. Heritage is also in the process of identifying alternative locations to move to, not because of challenges with the roadways or anything like that, but kids like gyms. That existing church property does not have a gym and so that continually comes up. So I would anticipate traffic at least in regards to that going down in the near future as opposed to staying the same or going up. Speaking just as a neighbor, how often do you have people show up as neighbors that are in support of people developing land right by them? I feel like -- I lived near where the Walmart went in on Broadway. I remember attending meetings like this, and everyone was ready to kill over the thought of a new structure going in. Literally, I remember sitting next to a gentleman who was telling me that we needed to bomb the Walmarts. It was quite an interesting experience as a young Boy Scout. Having said that, Garrett has greatly impressed me. I have never met him before he took it upon himself to go out just as he said and meet every single neighbor possible, explain what he's planning on doing, what he's hoping to achieve, and what he sees as the impact on the neighborhood. And so from my vantage point, I heartedly agree with what Commissioner MacMann said. I hope that you grant him a waiver and allow him to build with one fewer gotcha in the experience, though your words are, I think, appropriate as well, Commissioner Stanton. That's all from me. Do you have any questions?

MS. LOE: Any questions for this speaker? Commissioner MacMann?

MR. MACMANN: Just want to make a quick comment about the road. I'm a West County boy from St. Louis and the city too. Just to let you guys know, we've got to think 20, 30, 40 years down the road, also. Just -- Just throwing that out there. Thank you, Madam Chair.

MS. LOE: Any additional questions? I'm impressed your Boy Scout experience has brought you back to Planning and Zoning meetings.

MS. WILSON: Yes.

MR. CLARK: I would say I'm in favor of good neighbors. That's what everyone in that neighborhood wants, and Garrett has proved himself to be a good neighbor. Thank you and good evening.

MS. LOE: Thank you. Any additional speakers on this case? Seeing none, we're going to close the public hearing.

PUBLIC HEARING CLOSED

MS. LOE: Commissioner discussion? Commissioner MacMann?

MR. MACMANN: I'm just going bring this up. I appreciate staff toeing the line on this. I do, because that's where we would normally be with your declining the request or recommendation thereof. For all the reasons aforementioned, I think we should give the young man a waiver. This is not going to be 25 homes. And if it is, he's got to replat, and if he's got to replat, that kicks that back in. So, to me, this is kind of easy. Wish they were all this straightforward. But Chairman --- Chairperson Loe could straighten me out if I'm being too simplistic, I'm sure.

MS. LOE: Commissioner Stanton?

MR. STANTON: Oh, Mr. MacMann, I'm not with this tear-jerking sensitive. Forget all of that. But, yes, I do agree that a sidewalk here is just not feasible and hope that the next time this man buys some property, he really looks at it really good, so I plan to support the waiver or design adjustment.

MS. LOE: Commissioner Placier?

MS. PLACIER: Yeah. The 300 feet of this sidewalk really doesn't address the safety or the lack of safety for those other six houses on that north side of Barberry, especially when the City has created this attractive park, but that's another issue. I mean, Barberry, it looks like Amberton is going to take care of Amberton. Between Amberton and this curve, those people have a really dangerous access to the park. I don't know what would be the solution to that, whether it would be a crossing or what, but it's probably not Mr. Bever's responsibility to solve that problem. But it is a problem, and I just want to make a record of that, that it's going to be hard for those six families to find any way to get across there.

MS. LOE: Planner Palmer, can you remind me if the Gibbs Road development is putting sidewalks in along Gibbs?

MR. PALMER: I believe so, yeah. Like I said, they were going to provide a connection right at that southeast corner of their site, which is the far-left side where it says R-MF and R-2, that R-2 section, right where it says West Gibbs Road, there should be a connection across there. And then to the east of that is where that -- that's -- actually, you can see it on the map here, the strip along the -- on the south side of the road, that's the pedway easement or right-of-way, whatever it is. So these -- these lots actually don't touch the road. They don't front the road there. There's that strip for the pedway. So Gibbs will connect across and then they'll connect to that pedway and everything will be on the south side at that point.

MS. LOE: I notice one of the comments in the waiver request was that the homes to the west did not have sidewalks, and that's true because when I looked them up on the assessor's site, they were built in the '50s and '60s, which is before the sidewalk requirement was in place. Knowing that the Gibbs Road development was coming in and that it would include sidewalks, I was looking at this in context of sidewalks are starting to come onto the street, and how would this play into that. However, because of -- I don't anticipate having sidewalks on both sides of the street given some of the constraints and just given the practicality and economy of it. Therefore, because there is the pedway coming into the south side, and given the age of the homes -- existing homes on the north side, I have to say I don't see any benefit to putting a segment of sidewalk on one property to the north side. Any additional comments? Commissioner Carroll?

MS. CARROLL: I'll admit that I'm struggling with this one. I hate to be the lone dissenting voice here. We do have to think 20, 30, 40 years in the future. In looking at Gibbs Road with sidewalks going in, I'm looking at an area that is developing with a park and a pedway to the south only puts more need for infrastructure, I'm looking at a likely call to change the curvature of the road that will accompany likely due to the complete streets program the need to build sidewalks. To me, if fee in lieu fits this type of

request, given the infrastructure that's going in surrounding the property, it's different than other properties in our agenda given that the area surrounding it is still developing, and infrastructure is still being added.

MS. LOE: Any additional discussion on this case? Commissioner Stanton?

MR. STANTON: Ms. Carroll, I definitely agree with you, but I feel like this project is just far enough from the Gibbs development sidewalk, give him a pass. And what happens to his neighbors downstream? Do we -- you know, do they have fee in lieu? Do they -- you know -- I don't know. We've got the easement and he's giving us the easement if we decided to put sidewalks there. That was my major concern is I don't want him to -- you know, he's young and ambitious now, and he sounds all cute and cuddly right now, but when he gets, you know, a little hair on his chin, he's going to be -- I don't want him to be, like, hey, pay me, and we've taken care of that. So we've got the easement, we've kind of baked in our future growth if it happens to happen, and I respectfully disagree on this one, Commissioner.

MS. LOE: Commissioner MacMann?

MR. MACMANN: I have a comment, and if that's the end of it, I'll have a motion after that. I would -- to Commissioner Carroll's point, I would normally agree. I'm very pro sidewalk. I did think back to when I was growing up in St. Louis, in St. Charles County and we had this all over. I grew up on this road, except it didn't have any pavement on it. When this builds out, they're going to have to straighten that road, and any little segment is going to go. We're going to pay for it twice. That's -- that's the reason. If it didn't have the particular topographical features that it has now, I would be -- and you weren't 20-something, and what I mean by that, I believe you when you say this is a house for you, and you're not going to change your mind in five or ten years, because we'd have to tear it out again.

MS. CARROLL: I'm not suggesting that we build it.

MR. MACMANN: Okay. And that would, you know, and I think it's a valid point, because normally I'm there with you. And your point about it is -- we are developing out here. But when we do, to access that park or to come back around from CIS, that road needs to be -- needs major love. And so I think it's in all of our best interests, and this young man's best interest, that we give him his waiver and let him put the rest of his money into digging that sewer line.

MS. LOE: Was there a motion after that?

MR. MACMANN: I do have a motion, if there are no other questions or concerns, with technical corrections, Mr. Palmer? Okay. In the matter of Case 134-2024, I'm going to do two of these, Bever Estate final plat -- we're going to design adjustment first. Yes? Design adjustment, a waiver for sidewalks on 29-5.1. I think it's actually (d), but that's okay. I move to approve.

MR. STANTON: Second.

MS. LOE: We have a motion moved by Commissioner MacMann, seconded by Commissioner Stanton. Any discussion on this motion? Seeing none. Commissioner Carroll, may we have a roll call, please?

MS. PLACIER: Now, a yes vote means allow the design adjustment. Correct?

MR. MACMANN: That was my motion, ma'am.

MS. PLACIER: Okay.

Roll Call Vote (Voting "yes" is to recommend approval.) Voting Yes: Ms. Placier, Ms. Wilson, Ms. Loe, Mr. Stanton, Mr. MacMann. Abstention: Mr. Dunn. Voting No: Ms. Carroll.

MS. CARROLL: We have five votes to approve, and one no vote [sic]. The motion carries.

MR. MACMANN: Madam Chair, I have another motion. In the matter of Case 134-2024, Bever Estates final plat, I move to approve.

MR. STANTON: Second.

MS. LOE: Second motion, moved by Commissioner MacMann, seconded by --

MR. MACMANN: With technical corrections. Is that okay with you, Commissioner Stanton?

MR. STANTON: I accept that amendment.

MR. MACMANN: Thank you.

MS. LOE: Seconded with amendment by Commissioner Stanton. Any discussion on this motion? Seeing none. Commissioner Carroll, may we have roll call, please?

Roll Cal Vote (Voting "yes" is to recommend approval.) Voting Yes: Ms. Placer, Ms. Wilson, Ms. Loe, Mr. Stanton, Mr. Dunn, Mr. MacMann, Ms. Carroll. Motion carries 7-0.

MS. CARROLL: We have seven votes to approve, the motion carries.

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