

EXCERPTS
PLANNING AND ZONING COMMISSION MEETING
COLUMBIA CITY HALL COUNCIL CHAMBER
701 EAST BROADWAY, COLUMBIA, MO
December 5, 2024

Case Number 21-2025

A request by Brush and Associates (agent), on behalf of Kenneth LaFond (owner), for approval of a 3-lot final minor subdivision to be known as “LaFond Subdivision” and a design adjustment from Sec. 29-5.1(d) [Sidewalks] along the subdivision’s Brown Station Road and Green Ridge Road frontages. The subject 1.76-acre property is located at the northwest corner of Brown Station Road and Green Ridge Road and is addressed 2912 Green Ridge Road.

MS. GEUEA JONES: May we please have a staff report?

Staff report was given by Mr. Kirtis Orendorff of the Planning and Development Department. Staff recommends the following actions:

1. Deny the requested design adjustment waiving sidewalk installation along Brown Station Road and Green Ridge Road.
2. Approve the requested 3-lot final plat to be known as “LaFond Subdivision” subject to:
 - a. Technical corrections
 - b. Submission of construction plans for required sidewalks (if design adjustment is denied)
 - c. Submission of a “performance contract”
 - d. Delayed Council consideration until technical corrections and construction plan approval, if necessary, have been obtained.

MS. GEUEA JONES: Thank you. Just to double check with legal, we need two motions? One on design adjustment and then one on approval of the plat?

MR. CRAIG: That’s correct. I think that’s the preferable way to handle the --

MS. GEUEA JONES: Thank you very much.

MR. CRAIG: Thank you.

MS. GEUEA JONES: Very good. Before we go to questions for staff, if any of my fellow Commissioners have had contact with parties to this case outside of a public hearing, please disclose so now. Seeing none. Are there questions for staff? Commissioner Williams?

MR. WILLIAMS: Just quickly. If you could clarify for me the -- if it’s plotted R-1 and you said there’s a duplex that’s existing, what’s the implication of that for the --

MR. ORENDORFF: So --

MR. WILLIAMS: -- the lot that the duplex is on?

MR. ORENDORFF: So it would end up creating a nonconformity in that there would be a multi-

family structure on a single-family lot. However, the existing condition is that there are two structures on a single R-1 lot. So while the resulting parcel would be nonconforming, we are lessening the nonconformity by putting at least one structure on one lot.

MR. ZENNER: And from the built environment, I mean, from a zoning perspective, it is a -- it was suggested that in order to correct the inconsistency and the land use type to the zoning, the possibly pursuing a zoning request to change the duplex parcel to R-2, which would be an appropriate zoning, be sought. However, in looking at the surrounding land use conditions and zoning, it is a predominately R-1 zoned environment, and therefore if redevelopment of that duplex lot were to be proposed through voluntary removal of the duplex, it would be -- only allowed to be improved with a single-family structure, unless it were rezoned. So we -- by -- as Kirtis has pointed out, by creating a separate lot for the duplex, which is the existing -- is a nonconformity, in addition to having two dwelling -- principal dwelling units on the one lot, we are reducing it. But if you were to then pursue rezoning, you would make everything fully compliant if approved. However, if you don't, we are preserving also the opportunity to ensure zoning integrity within the neighborhood should that dwelling unit be removed. So it will function as a legal nonconformity. That legal nonconformity could be expanded provided it isn't encroaching into any other regulated environment. Typically, if the -- if the -- it could be expanded in a minor manner pursuant to our nonconforming requirements. Also pursuant to our nonconforming requirements, if the structure were to be destroyed by an act of God, it would be allowed to be reconstructed in its current configuration on the foundation that is on that property. That is also a provision that exists within our nonconforming provisions of the Code. So we get rid of two structures on one lot by the platting action. We really don't get rid of the fact that there's a duplex here on an R-1 lot, but that duplex has been there since probably the early '70s.

MR. WILLIAMS: Thank you.

MS. GEUEA JONES: Any other questions for staff? Commissioner Walters?

MR. WALTERS: I had a couple of quick questions. Has there been any -- any history of incidents or accidents that have been reported up and down Green Ridge regarding, you know, pedestrian injuries and so forth with vehicles?

MR. ORENDORFF: Not that I'm aware of at this time. No.

MR. WALTERS: If -- second question is, you know, if the City ultimately in the future decided they have funds to -- wanted to build a sidewalk totally up and down Brown Station Road or Green Ridge, if that were to -- would occur, how would that -- how would any adjacent property owners -- would they be assessed any -- any valuating fine, any fees at that point as a result of that construction? If -- if the City decided, hey, we want to put a sidewalk down here and to benefit everybody, would the adjacent property owners be impacted from a monetary point of view?

MR. ORENDORFF: I believe --

MR. ZENNER: So the City does reserve the right to tax bill for the purposes of public sidewalk installation. The properties that would be benefitted from that, that is a process that is rarely been

facilitated due to generally the lack of support. We presently have sidewalk projects that are being built as a part of capital investments that may be through reconstruction of the other roadway. So if Green Ridge Road were reconstructed or Brown Station Road in this particular area, those costs for sidewalk construction associated with the road reconstruction would normally be rolled into one, and there would be no monetary impact. So it would depend on the type of action the City was taking. There is no capital project right now. There is no identified CIP project -- Capital Improvement Project to do sidewalk on either road right-of-way. Therefore, if that were to materialize at some point in the future as a priority, we would likely go through public information meetings, assess support, determine what acquisition of easements or any other rights-of-way may be needed. The subdivision regulations after their adoption -- readoption in 2017 specifically made clear that any property platted after the effective date of the ordinance is required to install sidewalks as a part of that subdivision action. There are very limited exceptions associated with that, and this particular parcel is located in an environment where none of the exceptions that are within the UDC would apply. So this is actually an outright sidewalk installation mandate, unless otherwise waived.

MR. WALTERS: And one last quick question. I did not visit the site. Do these -- either of these two streets have curbs on them?

MR. ZENNER: No.

MR. WALTERS: Okay. That's all.

MS. GEUEA JONES: Thank you. Any other questions for staff? Seeing none. Thank you very much. We will go to public comment.

PUBLIC HEARING OPENED.

MS. GEUEA JONES: If any members of the public are here, please come forward one at a time. Six minutes for the applicant in a group; three minutes for an individual. Please state your name and address for the record.

MR. SCHWEIKERT: Good evening. My name is Kevin Schweikert, Brush and Associates, here in Columbia. I'm here representing the property owner and the subdivider, Ken LaFond. Thank you all for your service and your time listening to me this evening. I want to briefly speak about the design adjustment request and give you a little more information possibly. Mr. LaFond purchased the property 17 years ago and has long wanted to divide the portion of ground on the northern side as a new buildable lot and also separate the existing duplex and existing house onto two separate lots for possible future sale of the two structures separately. The result of Mr. LaFond's desire, if approved, benefits the City in that it brings these two structures closer to conformity, as was discussed, to the City of Columbia standards by putting the residential structures, even though one is a duplex, on separate lots. Our reasons for asking for a design adjustment for the sidewalk are as follows: Number one, construction of the sidewalk along the frontage of this proposed plat would be cost prohibitive due to the 580-foot length. There's a water line along Brown Station Road that will need to be worked around or possibly relocated to construct the sidewalk if, in fact, it's constructed in the normal area that it is. Pavement along Brown

Station Road, there is the edge of pavement, the south edge or the east edge, whichever you call it. is at least 35 feet from the right-of-way line. The sidewalk would be built -- the proposed sidewalk would probably be built near the right-of-way line, which would be -- its edge would then be 30 feet from the pavement of the road. There's a three-foot high embankment there. There is a ditch along that drive, so traversing from the sidewalk as it ends back onto the road would be probably not beneficial for pedestrians and possibly dangerous in inclement weather. At -- at the end of the road, you could possibly use the neighbor's driveway to get back onto the pavement, so in my opinions, the walk along Brown Station Road would be rarely used because of the navigation to get there. Also along Green Ridge Road, it was mentioned there's a stream to cross, which is very expensive. The nature of this neighborhood lends itself to having a modest home built on the proposed undeveloped lot making construction of the sidewalk cost prohibitive. Number two, a continuation of the existing conditions of no sidewalk in this area does not constitute a negative outcome on the area. This is a long-established neighborhood that has been in existence since the late 1950s and early 1960s, sixty years or so. If the sidewalk is built, it will most certainly destroy the mature trees that line the area within a foot of the proposed sidewalk location on Green Ridge Road. In addition, the next existing sidewalk northerly of this proposed plan that would provide connectivity is along Blue Ridge Road, which is 1,600 feet away. At the other end of the plat, the walk would have to be extended 900 feet to achieve sidewalk connectivity. This neighborhood was developed over 60 years ago. The possibility of any additional sidewalk to be built because of new development in a long-standing developed area is very unlikely, so it is highly unlikely that this sidewalk will ever connect to another sidewalk. Number three is consistency. I wanted to bring your attention to another almost identical design adjustment request that was approved or granted, Case No. 138-2024, May of this year. The address is at 811 Broadway. It's at the intersection of Broadway and Greenwood Avenue. The neighborhood is also a long-standing developed neighborhood of 60 years or more. Upon requesting to do a two-lot subdivision, a sidewalk would have had to have been built along Greenwood Avenue for 200 feet along the frontage of the plat. Greenwood Avenue has no sidewalk at all, just like this present case we are discussing tonight. The next existing sidewalk to the north is at Ash Street, 1,000 feet away. Broadway does not have -- does have sidewalk along the road, so the sidewalk would have had connectivity at the intersection. This 811 Broadway property had less hardship and more connectivity than our present case that we are addressing tonight, which is on Brown Station Road and Green Ridge Road. I think if a design adjustment that allowed for not building a sidewalk at 811 Broadway was approved in May, if consistency is desired, then the design adjustment request that we are asking for tonight should be approved. I believe if you were to ask the residents of this neighborhood the question do you think it reasonable to ask or mandate construction of a sidewalk along the frontage of this tract for the right to divide the two existing structures onto separate lots and the right to build one more residential home, I believe a large majority, after considering the above information I just provided would say no. So that's my statement. On behalf of Mr. LaFond, we respectfully ask that you approve the design adjustment request before you. Thank you again for your time and consideration of the matter.

MS. GEUEA JONES: Thank you. Are there any questions for this speaker? Oh, wait just a minute, sir. Sorry. Questions for this speaker? Seeing none. Thank you very much. Anyone else to come forward to speak on this case? Seeing none.

PUBLIC HEARING CLOSED

MS. GEUEA JONES: Are there any Commissioner comments? Seeing none. We need a motion on the design adjustment.

MR. WALTERS: Is that first before the --

MS. GEUEA JONES: The design adjustment is before the platting action. And we make all -- all motions must be in the affirmative. So all motions are to approve.

MR. WALTERS: Well --

MS. GEUEA JONES: Are you going to fight it out?

MR. STANTON: As it relates to --

MS. GEUEA JONES: Commissioner Stanton, please go ahead.

MR. STANTON: As it relates to Case 21-2025, LaFond Subdivision final plat, I move to approve the following: Three-lot final plat, LaFond Subdivision subject to technical corrections, submission --

MS. GEUEA JONES: Do the design adjustment first. Just the design adjustment.

MR. STANTON: Doing the plat first.

MS. GEUEA JONES: Design adjustment first?

MR. CRAIG: Yeah. Do the design adjustment first, then plat, please. Thank you.

MR. STANTON: Okay.

MS. GEUEA JONES: Sorry.

MR. ZENNER: Mr. Stanton, can you talk into the microphone as well, please?

MR. STANTON: And rewind here. Okay. As it relates to Case 21-2025, LaFond Subdivision design adjustment, I move to approve the design adjustment waiving sidewalk installation along Brown Station and Green Ridge Road.

MS. LOE: Second.

MS. GEUEA JONES: Commissioner Stanton has moved to approve the design adjustment, Commissioner Loe has seconded it. Is there any discussion on the motion? Seeing none. Commissioner Williams?

MR. WILLIAMS: Just on the basis of I think it's important that we provide some rationale given that City staff has recommended that we deny this, I don't think it would be prudent to -- to vote on it without having some -- some discussion. My view of it is that although I understand the purpose of the sidewalk provisions are within the subdivision requirements, that in this case, given the small size and the surrounding area, I don't think that the sidewalk is going to be overly beneficial and serve the purposes that was the intent of the sidewalk requirement in the subdivision. I also note that it really is only adding one additional property, and so, effectively, you are adding a sidewalk for one house. So that's -- that's my reason I intend to vote to approve.

MS. GEUEA JONES: Thank you. I was going to just briefly say this Commission, despite the example that the applicant brought forward, has a long history of denying sidewalk waivers. And often even when they are approved, it's on a split vote. I, personally, don't usually vote for sidewalk waivers unless there is a real geographic problem such as a cliff. I think those are about the only times that I have a history of voting yes on sidewalk waivers. I understand the concept of, you know, there's a sidewalk to nowhere. At the same time, there has to be a sidewalk started somewhere. And this is a corner property, so we're getting a sidewalk on two streetways. And so, to me, this is why we have the sidewalk ordinances in place. It is to encourage sidewalk development as people are redeveloping properties. This is an older neighborhood. The fact that this property is being subdivided and development is occurring is an indicator to me that that is likely to continue happening. So I -- I agree with the staff that there is no legitimate reason to give them a waiver here that is anything other than their desire to not expend the resources as they're redeveloping these properties. So I -- I will be a no vote, but we each have our own vote. Commissioner Loe?

MS. LOE: We do review the sidewalk cases on a case-by-case basis, so I don't feel we have a precedent per se. In this case I would consider that there are no vacant lots on Green Ridge aside from one which appears to be 90 percent in the floodplain and I'm not sure if it is developable. So I don't see -- there's extremely limited development on Green Ridge Road. Both Green Ridge and Brown Station Road are not improved with gutters, and there is a -- or with curbs, and Brown Station drains to a drainage ditch, so bringing a sidewalk in is introducing a completely new form of drainage and infrastructure that just appears inconsistent. And given the lack of continued development in the neighborhood, I don't see it moving forward in that direction. So I will be supporting the denial -- or I'll be -- yeah, supporting the denial. Thank you.

MS. GEUEA JONES: Commissioner Ortiz?

MS. ORTIZ: Hi. I just want to say that I am going to vote along with City staff's recommendation. As a person who does not drive, who is a frequent pedestrian, I think it's very important to start with sidewalks. You have to start somewhere. And as someone who is on the bicycle/pedestrian commission, we get people begging for sidewalks in their neighborhood very often that are very frustrated who have experienced first-hand what it's like living in the areas like these that have been developed that don't have sidewalks, and I want to avoid people in the future coming to bike/ped for sidewalks. We can do it now, so I'm going to vote along with City staff's recommendation. Thank you.

MS. GEUEA JONES: Commissioner Walters?

MR. WALTERS: I -- I plan to support this because I just think it's -- there is no real benefit to having it here. And I think the excuse that you've got to start somewhere isn't as applicable here as it would be if you were closer to an existing sidewalk network or you're amongst -- you're on vacant property that was most likely to be improved adjacent to you where those property owners would then also bear the burden of connecting that sidewalk. Right now it just seems like an unnecessary burden or unfair burden to the property owner to put up a considerable expense to something that will have no

connectivity and no value to the general public.

MS. GEUEA JONES: Anyone else? Seeing none. I'll restate the motion. So the motion is to approve the sidewalk adjustment. A yes vote will allow them to not build a sidewalk; a no vote will mean that they do have to build the sidewalk. With that, Commissioner --unless anybody has anything? Commissioner Williams, may we have a roll call?

Roll Call Vote (Voting "yes" is to recommend approval.) Voting Yes: Mr. Stanton, Mr. Williams, Ms. Loe, Ms. Wilson, Mr. Walters, Ms. Placier. Voting No: Ms. Geuea Jones, Ms. Ortiz. Motion carries 6-2.

MR. WILLIAMS: It's six yeses and two nos. That motion carries.

MS. GEUEA JONES: Thank you. Next on this case we have the platting action. Is there a motion on the platting action?

MR. STANTON: As it relates to Case 21-2025, LaFond Subdivision final plat, I move to approve the following three-lot final plat of LaFond Subdivision subject to technical corrections, submission of construction plans for sidewalks, if -- well, it's been denied -- I mean it's passed.

MS. GEUEA JONES: Right. So they don't need to be read.

MR. STANTON: Delayed City Council consideration until technical corrections and construction plan approve --

MR. CRAIG: I -- I believe with -- with the approval of the design adjustment, we don't -- those conditions don't need to be attached with the --

MR. ZENNER: Technical corrections would need to be, sir.

MR. STANTON: Yeah. So --

MR. CRAIG: Technical corrections would be, but --

MR. ZENNER: Technical corrections, and just as a course of process, the plat will not be forwarded to the City Council until technical corrections have been addressed and approved.

MR. CRAIG: Right.

MR. ZENNER: So the last two bullets are not needed.

MR. CRAIG: Not needed.

MR. ZENNER: The technical corrections are.

MR. CRAIG: Yeah.

MR. STANTON: Okay. Do we want to restate it?

MR. CRAIG: Yes, please, Commissioner.

MR. STANTON: I move to approve the following three-lot final plat, LaFond Subdivision subject to technical corrections.

MS. LOE: Second.

MS. GEUEA JONES: Moved by Commissioner Stanton; seconded by Commissioner Loe. Is there any discussion on the motion? Seeing none. Commissioner Williams, when you are ready.

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

Geuea Jones, Mr. Williams, Ms. Loe, Ms. Wilson, Mr. Walters, Ms. Ortiz, Ms. Placier. Motion carries 8-0.

MR. WILLIAMS: Eight yeses and zero nos.

MS. GEUEA JONES: Thank you. Those recommendations will be forwarded to City Council.

Moving on to our next case for the evening.