

EXCERPTS
PLANNING AND ZONING COMMISSION MEETING
COLUMBIA CITY HALL COUNCIL CHAMBER
701 EAST BROADWAY, COLUMBIA, MO
December 9, 2021

Case 32-2022

A request by A Civil Group on behalf of Finley and Rebecca Gibbs for a one-lot final minor plat to be known as Quarry Heights Plat 7. The subject site is zoned R-1 (One-family dwelling) and is located on the south side of Rollins Road, approximately 950 feet east of South Greenwood Avenue.

MS. LOE: That brings us to Case 32-2022, May we have a staff report, please?

MR. KELLEY: Yes. Thank you, Madam Chair. I find that this request is similar in nature. It is for a one-lot final minor plat. Advance public notice postcards were given out on -- the date I have on here is wrong, but the 11th of November. Seventeen property owners were notified for this. Moving on to give context to this site. This is facing generally south/southwest. See Rollins Road here and then Greenwood Avenue farther to this direction. The parts of the property annexed at different times. It is fully zoned R-1 as an unapproved site. Consists partially of a survey tract and then partly another lot that is bisected by Rollins Road. You can see here on the plat with this dashed circle of this one, that is the lot one from a 1950 plat that Rollins Road has bisected through. This final plat will grant legal lot status. From what I'm aware of, the purchaser intends to build a home here and to do so, they need to a building permit that requires this to be a legal lot. This plat dedicates the standard 10-foot utility easement and 16-foot sewer utility easement that will be necessary for a future sewer project. That is located to the southern portion of this property here. You can see where I'm moving my mouse. An interesting thing to note here is right-of-way dedication on the previous 1950 plat didn't contain sufficient information to determine the right-of-way location so as to resolve that, this plat is actually dedicating the appropriate 25-foot half width for Rollins Road. Last thing to note is a sidewalk doesn't exist on this -- along Rollins Road here so a sidewalk would be required to be built with development of the site. With that, the plat is fully compliant with the UDC and staff recommends approval of the final plat. I'm happy to answer any questions you may have.

MS. LOE: Thank you. Before we move on to staff questions, I'd like to ask

any Commissioner who has had any ex parte related to this case to please disclose that now so all commissioners have the benefit of the same information on behalf of the case in front of us. Seeing none, are there any questions on -- for staff on this case?

Commissioner Carroll?

MS. CARROLL: At the point of building permits, would they be required to do tree preservation?

MR. KELLEY: I don't believe so, given that the site is under an acre and it would be a single-family development. Just for reference for some of the trees, I did kind of note some of the flora in the staff report. It's largely saplings and smaller trees just from looking at some of the photography that I've seen, for the most part.

MS. CARROLL: Hmm.

MS. LOE: Any additional questions for staff? Seeing none, I'll open up the floor to public comment.

MR. GEBHARDT: My name's Jay Gebhardt, civil engineer, 3401 Broadway Business Park Court. Again, I'm here to answer questions.

MS. LOE: Any questions for Mr. Gebhardt? Commissioner Placier?

MS. PLACIER: Similarly to Commissioner Carroll, at the time of the building permit we will -- or somebody will hear more about this very steep slope and the creek at the bottom?

MR. GEBHARDT: Uh-huh. Yeah. I mean Mr. Gibbs is an attorney in town and he fully intends to honor the neighborhood. And he'll probably build on the western side of this and he's just including all the land that's hillside and creek as part of his lot. I don't think he has any intention of disturbing it.

MS. PLACIER: Okay.

MS. LOE: Any additional questions for Mr. Gebhardt? I see none. Thank you.

MR. GEBHARDT: Thank you.

MS. GREEVER-RICE: Good evening. My name is Tracy Greever-Rice. I live at 602 Redbud Lane, which is immediately up the hill from this re-plat. Generally I am in support of it. I do -- and wasn't planning on speaking until the staff report was mentioned. I'm wondering if there's any possibility of reconsidering the requirement for a sidewalk? There's not a sidewalk within a half a mile in any direction from that one lot. And it is a very oddly-shaped lot. And to give them enough room to put that house in a position that they won't be up in the -- up in the business of the house either to the immediate west or immediate south, it -- it would be much more consistent with the look and feel of the neighborhood with preservation of green space and with giving them the best shot of building a spot that is -- fits in best with the rest of the community, that

would be great to not require. Thank you.

MS. LOE: Thank you.

MS. BURNS: Could I ask a question?

MS. LOE: There's going to be a question, Ms. Greever-Rice.

MS. BURNS: I had a question for you. Do you know if this particular piece of property falls within the neighborhood association?

MS. GREEVER-RICE: That's going to be an interesting -- I don't actually know how that's going to work. I know that the re-plating will name it part of the Quarry Heights subdivision. Quarry Heights subdivision, it -- the Quarry Heights Homeowners Association is not a typical HOA. It is a Missouri benevolent corporation that has its own bylaws, constitution, organization. So I do support personally bringing that replat into our Quarry Heights Owners Association, but how that works with the association is probably really a separate issue.

MS. BURNS: The reason I ask is I believe in our development code, neighborhoods that are 75 percent developed do not require sidewalks. And I guess I'd ask staff for clarification on that. So I'm wondering if this neighborhood isn't fully developed, which I believe it pretty much is --

MS. GREEVER-RICE: It is.

MS. BURNS: -- that there -- I was surprised that there was a sidewalk requirement, given what the code states.

MS. GREEVER-RICE: It would be -- it would be weird and not really -- we don't need any more non-porous concrete in that neighborhood and that location, the way it sits in the watershed.

MS. BURNS: Thank you.

MS. GREEVER-RICE: Thank you.

MS. LOE: Any additional speakers on this case?

MR. RICE: Good evening. My name is Glenn Rice. I live at 602 Redbud and that's my spouse who just spoke. We are actually both former Planning and Zoning commissioners. And I also come up to support this, echoing exactly what Tracy just said. And I also wanted to let you know about -- you mentioned in the staff report that there is not enough evidence from 1950 to indicate where the right-of-way should be. I'm here to just tell you a little brief anecdote. Our neighborhood lore has it that the developer of the neighborhood was not -- was outside of city limits at the time, because it's an old quarry that was developed. And refused to follow City of Columbia building codes that were annexed in at that time. So the City wouldn't connect the road from Rollins to South Glennwood there. And the story goes that one night he got in his bulldozer and basically made his own road, which eventually got paved over and became the road that it is now.

So I don't know if this is true or not, but it could explain why your staff report is lacking some information there. And I thought that might amuse you a little bit. Thank you very much.

MS. LOE: Thank you. Any questions for this speaker? Commissioner Rushing? Sir, I think there's a question for you.

MR. RICE: Oh, for me?

MS. RUSHING: Yes.

MS. LOE: Mr. Rice.

MR. RICE: Yes.

MS. RUSHING: Just because I'm looking at the aerial --

MR. RICE: Uh-huh.

MS. RUSHING: -- on Google maps, it looks like there is a sidewalk. Is that not a sidewalk along the south side of Rollins?

MR. RICE: No. There is no sidewalk on Rollins.

MS. RUSHING: Okay.

MR. RICE: On the south or the north. In fact, there is no sidewalk anywhere in the Quarry Heights neighborhood or on Rollins -- actually all the way to West Boulevard at least and beyond. There are no sidewalks on Greenwood. There are no sidewalks on Edgewood until you get to Lathrop I guess is the cross street there where the sidewalk begins. So there is literally no sidewalks within a half mile -- well, a quarter mile of this location.

MS. RUSHING: So somebody who wants to walk is walking in the roadway is what you're --

MR. RICE: Oh, yes. Oh, yes. It happens all the time. I mean people -- we -- from where we -- from where our house is we can look down at this -- at the curb right there and yeah, there's -- and it's also -- it connects to the trail down at the end right by the gate to the quarry so lots of foot traffic. I mean it's not ideal obviously, but just putting a piece of sidewalk on this single section right here isn't going to be helping anyone and it will be a detriment to the property and the neighborhood.

MS. LOE: Any additional --

MS. RUSHING: That's all I had. Thank you.

MR. RICE: Okay.

MS. LOE: Any additional questions for this speaker? I see none. Thank you, Mr. Rice. Any additional speakers on this case? Seeing none, we'll close public comment. Commission comment. Regarding sidewalks in this area, we did have a case several years ago requesting an exception to this sidewalk for new construction on a lot on Greenwood. And we did provide a waiver for the very reason that there are not

sidewalks in this neighborhood and this neighborhood is built up and we did not see any sidewalks going in.

MR. ZENNER: Was that a formal request made by the applicant at the time of replating?

MS. LOE: It was. And that was going to be my follow-up question to you, which was -- I -- I also know that this -- note for the requirement for sidewalks, but was thinking this is not the time or -- is this when the request would be made?

MR. ZENNER: Yes. I mean there are two options by which one can seek to waive a sidewalk. It is typically at fi-- it is typically at preliminary plating, but because this is a final minor -- it's classified as a final minor. It's a one-lot replat of un-- previously un-- well, previously platted property. If I am -- and you'll have to fill in the history here. So the standards read within the UDC that for the sidewalk standards, 29-5.1(d), the applicability section, the first provision is: The following standards apply to any subdivision that receives final plat approval after the effective date of this chapter, being Chapter 29 of the UDC, and any subdivision platted before 2001 that is less than 25 percent complete. This property is being platted after the effective date of the UDC and as such, sidewalks are required to be installed pursuant to the regulations. If an applicant wants to seek relief to that, the applicant needs to take action on their own. It is not an action that the Planning Commission nor staff can initiate. The applicant needs to be asking for that and that was not asked. Sidewalk variances or sidewalk design adjustments can be asked for separately aside from plating just as a stand-alone design adjustment. It would probably be at this point advantageous, if it was the applicant's desire to not build a sidewalk -- which they could have been informed of that by their app-- by their surveyor and applicant's representative. They could have asked for it at this point. They did not. So if they want to pursue that, they have an option to do it independently of the plating action and it would apply to the specific address or parcel ID at that point since there's no address on this property. And it would probably be more effective to do the plating action first so we can specify a legal lot and then apply a design adjustment to the legal lot at this juncture.

MS. LOE: Thank you, Mr. Zenner. Commissioner Geuea Jones?

MS. GEUEA JONES: I'm not going to remember the specifics, but I know there have been times where an amendment to the case has been made between here and Council. Is this something that would be right for that? Or are they just going to have to go to BOA?

MR. ZENNER: It's not a BOA issue.

MS. GEUEA JONES: It's not a BOA issue?

MR. ZENNER: So design -- design adjustments to subdivision-related actions

pursuant to the provisions of the code have to first be processed by the Planning and Zoning Commission. They have to move forward to Council with a Commission recommendation.

MS. GEUEA JONES: So is this their only chance?

MR. ZENNER: No. No, no, no. They can do a fully free-standing design adjustment. We don't see it very frequently, but if somebody initially comes in on a frontage that's -- may not be appear to be challenging at the onset of a construction project, however, becomes challenging as they get into it due to other unforeseen factors, the applicant always has an opportunity to come in at a later date and just ask for the free-standing design adjustment. And that would be what would apply in this instance right now.

MS. GEUEA JONES: Can we ask Mr. Gebhardt why they didn't request one?

MS. LOE: Sure. I need to close --

MS. GEUEA JONES: Sorry.

MS. LOE: -- Commission discussion/comment and reopen public comment.

MR. GEBHARDT: Jay Gebhardt, 3401 Broadway Business Park Court. This is an interesting discussion. Usually I'm on the other side of this, trying to argue that it's not needed. And that is, we did not want to pollute the system with a design adjustment that was -- would probably not be supported by staff and I wasn't aware that the neighbors would. Mister -- Finley and Mr. [sic] Gibbs would like to work with the neighbors on this. And if it's the desire, which it sounds like it is, of the neighborhood not to have the sidewalks, then he -- we can file a design adjustment at a later date to do that. It's quite expensive to build, but you guys have just kind of trained me not to ask for them, so. Any other questions?

MS. LOE: Any other questions for Mr. Gebhardt at this time?

MS. GEUEA JONES: Just quickly. I don't blame your skepticism, but -- so thank you for not making things more complicated. We're sorry that we're now doing that for you.

MR. GEBHARDT: That's okay. That's all right. Thank you.

MS. LOE: Thank you. Any additional public comment? Seeing none, we'll close public comment. Back to Commission comment. Commissioner Rushing?

MS. RUSHING: Seeing no Commissioner comments, I move for approval of the fin-- well, in Case Number 32-2022, I move for approval of the final plat entitled Quarry Heights, Plat 7.

MR. STANTON: Second.

MS. LOE: Seconded by Commissioner Stanton. We have a motion on the floor. Any discussion on this motion? Seeing none, Commissioner Carroll, may we have

roll call, please?

MS. CARROLL: Commissioner Burns?

MS. BURNS: Yes.

MS. CARROLL: Commissioner Rushing?

MS. RUSHING: Yes.

MS. CARROLL: Commissioner Geuea Jones?

MS. GEUEA JONES: Yes.

MS. CARROLL: Commissioner Placier?

MS. PLACIER: Yes.

MS. CARROLL: Commissioner Kimbell?

MS. KIMBELL: Yes.

MS. CARROLL: My vote is yes. Commissioner Loe?

MS. LOE: Yes.

MS. CARROLL: Commissioner Stanton?

MR. STANTON: Yes.

MS. CARROLL: We have eight votes to approve.

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

We're about halfway through our agenda and I'm thinking that we take --

MR. ZENNER: Two more and then we'll take a break.

MS. LOE: You want to do two more before we take a break?

MR. ZENNER: We'll take a break at the next section break in the agenda, if that's okay with you.

MS. LOE: All right. All right. I'm being persuaded not to break.

MR. ZENNER: This is a twofer so if you would read the --

MS. LOE: Okay. This is a twofer.

MR. ZENNER: This is a twofer.

MS. SMITH: I did separate slides. Do you want me to do them together?

MR. ZENNER: No. We'll do them back to back.

MS. LOE: All right. All right. We'll keep Rachel here -- all right.