

**MINUTES**

**PLANNING AND ZONING COMMISSION MEETING**

**MARCH 5, 2015**

**COMMISSIONERS PRESENT:**

**COMMISSIONERS ABSENT**

**Mr. Steve Reichlin  
Mr. Rodney Strodtman  
Mr. Bill Tillotson  
Mr. Andy Lee  
Mr. Anthony Stanton  
Ms. Sara Loe  
Ms. Tootie Burns  
Ms. Lee Russell**

**Dr. Ray Puri**

**I) CALL TO ORDER**

MR. REICHLIN: I will now call the March 5, 2015 Planning and Zoning Commission Meeting to order. May we have a roll call, please.

**II) APPROVAL OF AGENDA**

MR. REICHLIN: At this time, I would ask for approval of the agenda, if there aren't any adjustments we need to make at this time.

MR. ZENNER: No, there are not, Mr. Chairman.

MR. REICHLIN: Thumbs up on approval of the agenda?

**(Unanimous vote for approval.)**

**III) APPROVAL OF REGULAR MEETING MINUTES**

MR. REICHLIN: Next, I would like to have approval of the February 19, 2015 regular meeting minutes. Does anybody have any adjustments to the minutes from that meeting -- corrections, anything?

MS. LOE: Move to approve.

MR. LEE: Second.

MR. REICHLIN: Take a thumbs up on that?

**(Unanimous vote for approval.)**

**IV) SUBDIVISIONS**

MR. REICHLIN: Okay. Our first item tonight is under Subdivisions.

**Case No. 15-57**

**A request by Engineering Surveys and Services (applicant) on behalf of JCO Specialties, LLC, (owner) for approval of a one-lot final plat on A-1 (Agricultural District) zoned land, to be known as "James Estate Subdivision," and an associated variance to the requirement for sidewalk construction. The 11.96-acre subject property is located on the north side of Barberry Avenue approximately 150 feet west of Hibiscus Drive.**

MR. REICHLIN: May I have a staff report, please?

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

MR. REICHLIN: Are there any questions of staff? Ms. Loe?

MS. LOE: Can you tell me who owns the lots directly south -- they're shown as Lot 2 and Lot 3, south on Barberry Avenue -- and whether or not those are buildable lots?

MR. SMITH: These lots here?

MS. LOE: No. South of the street.

MR. SMITH: South here?

MS. LOE: South.

MR. SMITH: Okay. Yes. These -- there's actually two -- or two common lots located along the roadway here about 40 feet in depth, and those are actually both owned by the City, and are -- at least the eastern portion, I know, and I believe the western portion is kind of consolidated in that park development.

MS. LOE: So, they're not buildable and they are owned by the City?

MR. SMITH: They're not buildable for residential use, no.

MS. LOE: Okay. Thank you.

MR. SMITH: Yeah.

MR. REICHLIN: Any other questions of staff? Mr. Strodtman?

MR. STRODTMAN: Back to Ms. Loe's question. What would be the intended use of those lots?

MR. SMITH: On the south portion?

MR. STRODTMAN: Uh-huh.

MR. SMITH: They are -- they're common lots. They're actually identified for pedestrian access.

MR. STRODTMAN: So I guess my question -- the bigger question is, in theory, the two lots on the north side on both sides of the stem would have future potential sidewalks, and then anything to the west that shows the little single house, that would also have potential future sidewalks once it came before us. Correct? But nothing else would probably ever have sidewalks on Barberry?

MR. SMITH: These two lots, yes. These two vacant lots, there's a few different methods by which sidewalks can be required. One is if it's not a legal lot and they come in and they do the same process, then we'll require sidewalks.

MR. STRODTMAN: Okay.

MR. SMITH: If it is already a legal lot, but no construction has been actually done on the lot like these, if it is considered a legal lot, but it's vacant, a building permit would -- would require the construction of a sidewalk, as well. Properties to the east, these properties, depending again on the situation, if they were to apply for a significant building permit or if they required a final plat because it's not necessarily considered a legal lot, then, at that time, they would be required to build sidewalks as well.

MR. REICHLIN: Mr. Tillotson?

MR. TILLOTSON: You said this road is in the -- a future improvement plan?

MR. SMITH: Right. It is considered a ten-plus year project, so --

MR. TILLOTSON: If the City did, at that time, come in and do that, would the City go up -- most likely put sidewalks in at that time?

MR. SMITH: Yes. Yes.

MR. TILLOTSON: Okay.

MR. REICHLIN: Any other questions of staff? Seeing none. This is attached to a subdivision matter. We don't usually take public comment; however, I will extend the opportunity to comment. Anything that you want -- feel like might help fill in gaps or add to our decision-making process?

MR. REED: I'm all about filling in the gaps. My name is Tim Reed; I'm a land surveyor with Engineering Surveys and Services. You've heard that the City staff --

MR. REICHLIN: Give your -- may we have your address, please?

MR. REED: I'm sorry?

MR. REICHLIN: May we have your address, please?

MR. REED: 1113 Fay Street. The staff has determined that our variance request doesn't meet the criteria of the sidewalk variance worksheet. The staff has created that worksheet from -- from the four factors that are listed in Section 3 of that City Council policy resolution which relates to sidewalks along unimproved streets. By creating that worksheet, the staff has now established them as requirements for a variance even though that's not the intention of the City Council when they state in Section 3 of their resolution that the City Council shall consider, but not be limited to, the following factors. We can always strive to create lists and worksheets to evaluate these variances, but due to the nature of a variance request, they're generally all different and unique, and they need to be evaluated each on their own merits. That's certainly the case for this variance request. The dictionary defines a variance as deviating from a standard. This plat is very different from a standard, multiple-lot residential plat. It was created by a survey in 1970. It's a large 12-acre lot. It adjoins the City limits, and it has a 50-foot stem that extends to Barberry Avenue to provide access. The property owner intends to build a home near the center of this property, which will be approximately 700 feet from Barberry Avenue. After the construction of a 20-foot-wide sidewalk, which is required by the fire department, the property owner would need to construct two five-foot sidewalks extending 15 feet east and west of the driveway. This is not a cost issue, it's a common-sense issue. That sidewalk is not needed and it would never be used. The time to construct the sidewalk will be when Barberry Avenue is improved in the future. Section 2 of that Council policy states that the City Council shall grant the requested variance without conditions only if it determines that the sidewalk is not needed or that the impact of the proposed development does not justify the requirement that the sidewalk be constructed. Our variance request satisfies both of those conditions, the way I see it. The property owner will gladly install sidewalks when Barberry Avenue is improved, and that is exactly what the City is doing just 100 feet east of this lot along the south side of Barberry. The park improvement plan for Barberry Park shows the sidewalk along the south side of Barberry Avenue as future. This sidewalk is over 900 feet long, by the way. When we contacted the Parks and Recreation Department, they said that the sidewalk is not needed at this time and that it will be built after Barberry Avenue is improved. The property owner respectfully requests approval of the sidewalk variance, and we

acknowledge that Section 9 of that Council resolution states the grant of a variance to the subdivision regulations requirement for construction of a sidewalk shall not affect the power of the City Council to later install a sidewalk adjacent to the property and levy a special assessment against the property for construction of a sidewalk. Thank you, and I would be happy to answer any questions.

MR. REICHLIN: Are there any questions of this speaker? Seeing none. Thank you.

MR. LEE: Mr. Reed?

MR. REICHLIN: I'm sorry. Mr. Lee?

MR. REED: Yes, sir.

MR. LEE: Did I understand you correctly that after the entrance is built to accommodate the fire department –

MR. REED: Yes, sir.

MR. LEE: -- then the City is asking to build two five-foot sidewalks on either side of that driveway? Did I understand that?

MR. REED: Yes. The -- that is a 50-foot stem that extends to Barberry. So if we center a 20-foot driveway in the middle, that would leave 15 feet on either side, which would be required to extend a sidewalk to each edge. So it would be 15 feet, a 20-foot driveway, and a 15-foot sidewalk.

MR. LEE: Thank you.

MR. REICHLIN: Ms. Loe?

MS. LOE: Since there is no curb on this road, how far -- are there any requirements for how far back the sidewalks would be from the road?

MR. REED: There are. I don't even know off the top of my head. At the location of this stem, the ground is about five feet lower than the surface of the -- of the road, and it -- it really would be a rather dangerous sidewalk to have -- it doesn't connect to anything, but it's significantly lower than the surface of the roadway. But I don't know, it goes back -- it's a few feet beyond the property line, I believe, that it's supposed to be constructed.

MS. LOE: But someone would have to walk across the pasture -- or meadow to get -- from the road to get to the sidewalk is my question.

MR. REED: Yes.

MS. LOE: All right.

MR. REICHLIN: Any other questions? Seeing none. Thank you very much.

MR. REED: Thank you.

MR. REICHLIN: Given those comments, I'll turn this over to Commissioners, and we'll have -- we'll go from there. Mr. Lee?

MR. LEE: I have a question for staff. Who is the sidewalks -- these two sidewalks supposed to serve?

MR. SMITH: Well, they would serve any residents that are walking along that area.

MR. LEE: Would you walk along that road?

MR. SMITH: I don't live there, so I may not walk there, no. But I -- but some residents in that

area –

MR. LEE: An unimproved road?

MR. SMITH: If they are traveling along the roadway, walking along that, residents, then I would expect that they might use that, yes.

MR. LEE: I don't mean to be sarcastic, but 30 feet of sidewalk –

MR. SMITH: Uh-huh. And I would say –

MR. LEE: -- on the entire road?

MR. SMITH: Yeah. And I would say that that's not necessarily a criteria that we evaluate when it comes to approving a variance or not, whether it's in an area that's, you know, going to be used, or is an area that has sidewalks connecting directly adjacent to it, so it's not something that we necessarily would evaluate at that time.

MR. LEE: Thank you.

MR. ZENNER: If I may also just add, I mean, we -- the City of Columbia has adopted a complete streets design standard associated with our roadway systems. And those complete street requirements do come into play whenever we are platting property or we are requiring road right-of-way. And as such, the request and the policy resolution, as well as the standard variance criteria within the subdivision regulations are played -- are played out with each individual situation that comes forward. Mr. Reed is correct that the Council can utilize the four criteria as a consideration. We have, by policy and practice, taken all variance requests for sidewalks to this body, and when we have an unimproved street, we use that criteria as the basis for our evaluation because the criteria for a standard variance is overruled. It is governed by the policy resolution and, therefore, that is why the worksheet has been created. That is why we bring forth to you the request. It is also to stay true to the adopted desired standard of the City to have sidewalks along all of its platted property after 2001. So we are trying to fulfill the obligation that has been handed to us through the regulations. It is often, as we have discussed in these sessions, sometimes impractical for us to come before you when, in common sense, a sidewalk may not be utilized. However, as Mr. Smith has pointed out, that does not come into our factor. We are only enforcing the regulations and applying them as they have been provided to us. Hence, the reason we request the Commission to take consideration of the relevant factors that the applicant maybe will bring forward. I would -- I would conclude that in an area where you don't have sidewalks, it may be very unlikely for people to utilize a sidewalk that is there. But as I have also been quoted in other venues that we have had, sidewalks to nowhere connect to somewhere, and we have to start them at a certain point. If we continue to just waive sidewalks, because they seem impractical, we will never create an alternative for those that do want to walk and do want to walk to those facilities that may be nearby. That is the reason that we bring these requests to you.

MR. LEE: Thank you.

MR. REICHLIN: Mr. Tillotson?

MR. TILLOTSON: Okay. This -- improvements for this road is how far out in the future, we think? Ten years, fifteen –

MR. SMITH: Ten-plus years is what it's listed on in the –

MR. TILLOTSON: Okay. I'm kind of in agreement with staff as far as denying the variance. I understand it. I just -- if they build a sidewalk, ten or fifteen years from now, and they put all new sidewalks in when the road is done, then we've got a fifteen-year-old piece of concrete that is probably going to have to be tore out anyway and replaced. That's -- that's what I'm thinking, you know. Of course, I -- I kind of agree with what you're saying and -- and the variance should be denied, but I can just see building a sidewalk and then it's going to be rebuilt again. That's what I'm struggling with. I don't know if anybody else sees that or –

MR. REICHLIN: Mr. Strodman?

MR. STRODTMAN: Staff, can you -- can you elaborate on the park sidewalks. The proposed --

MR. SMITH: I can elaborate as best I can. I am aware of what Mr. -- what Mr. Reed is referring to is the sidewalks, they do have a plan for the park, which is -- I don't know if I've captured it on anything here.

MR. STRODTMAN: I don't think we have.

MR. SMITH: It's located here. They do have -- the plan that I've seen, they've got kind of two phases; one with some internal walkways and a second phase with the full pathways along Barberry. I have had discussions with the Park District about the timing of that and the possibility that that could be required because it is a final plat. So they're aware that at some point, there could be a trigger where they're going to need to install the sidewalk even if -- even if it's not technically shown on their -- their initial stage.

MR. STRODTMAN: Thank you.

MS. BURNS: I have a question for staff, and I don't know if you have this information. Looking at this road, do public buses or school buses collect children from this area?

MR. SMITH: Yeah. I don't know if I could answer that.

MS. BURNS: Okay. Thank you.

MR. SMITH: I'm sorry.

MR. REICHLIN: Anybody else? I'm torn by this, as well. I -- I'm hesitant to have sidewalks go in before major road -- you know, potential major reconstruction comes to the area. But then, at the same time, what's the point of having policies if you don't follow them. So I can see the struggle that staff has to deal with and mentioned from the other Commission members. So with that, I would entertain a motion.

MR. LEE: Well, before entertaining a motion, I would just like to say that I understand staff is bound by policy. There are things on paper that you are bound to follow, but there's got to be some logic involved, you know? It doesn't make sense to make these people build 30 feet of sidewalk that no one is going to use. That just doesn't make any sense, especially when the City is going to come in at some point down the road, at some point in time, and completely resurface that road and put in sidewalks at that time. And that could be ten years from now, so these two five-foot, thirty-foot, whatever it is, fifteen feet of sidewalk on either side are not going to be used by anybody. Even the homeowner is not going to use them. So it just makes no sense to not grant the variance.

MR. STANTON: Question to staff. The speaker mentioned that the cost could be transferred to the owner once road improvements have been made; is that correct? How does that fit into the rule of law?

MR. SMITH: I think he was referring to the possibility that the City could come back later and recoup the costs for installing the sidewalk, I think, through tax billing. But I think if, in the future, if they did a whole roadway construction, I don't think that's the tack they would take in that situation. I think that's more -- you know, I don't know that situation where that would happen. I haven't been involved where they have done that. So usually, I think -- currently anyway, I don't think they extract anything from directly affected property owners on major roadway improvements.

MR. ZENNER: Typically, what one would end up doing, that tax-billing process would be normally used where we do have an improved street section of curb and gutter, and we are doing a City sidewalk project. Unfortunately, with many of our sidewalk and reconstruction projects that we have done where sidewalks did not previously exist on curbed streets within the central City area -- Hunt Avenue, for example -- we rebuilt all of Hunt. And as part of complete streets program, we put sidewalks in. Scott Boulevard, brand-new construction south of Vawter. We will put sidewalks in and sidewalks that may have been installed or we may have had a fee in lieu of sidewalk installation provided for -- a fee in lieu of funds would have gone to the overall construction projects. But if we required sidewalks to be placed at grade in the path of a future project, the removal of those sidewalks placed for an interim period of time would be incorporated in the construction project to reconstruct that entire roadway and would not be tax billed against the property owner. Again, it wrestles to the principle of complete streets and the provision within the code. The practicality of it is really why the variance process is established. The Commission and the Council have the authorities to both make recommendations that take the practical view, not the regulatory, and that is, hence, the decision why we are comfortable bringing these issues to you while they may seem not making much sense. It's because we just aren't authorized to do so. We have to let you, as the decision-making and recommending body, pass that on to Council. They may ultimately see it the same way, or they may see it as staff sees it, that we have a regulation and we should apply it.

MR. REICHLIN: Mr. Tillotson?

MR. TILLOTSON: I enjoyed hearing what Mr. Reed had to say and I thoroughly agree with you. But with that said and done, I'm going to support staff and recommend denial of variance to Section 25-48.1, Case 15-57.

MR. REICHLIN: Do we have a second? I'll second it. Are you ready?

MR. STRODTMAN: This is for the denial of Case 15-57 variance.

**Roll Call Vote (Voting "yes" is to deny approval.) Voting Yes: Mr. Reichlin, Mr. Tillotson, Ms. Burns. Voting No: Ms. Loe, Mr. Stanton, Mr. Strodtman, Ms. Russell, Mr. Lee. Motion failed 3-5.**

MR. STRODTMAN: The nos have it. The denial of the variance is approved. No.

MS. LOE: No.

MR. STRODTMAN: The opposite of that.

MR. REICHLIN: Is that satisfactory, that we -- that we -- that we handle it that way?

MR. ZENNER: Uh-huh.

MR. REICHLIN: Or should we make a motion --

MR. STANTON: Yeah.

MR. LEE: Do we have to have a motion.

MR. REICHLIN: -- for approval of the variance.

MR. SMITH: No. I think -- I think motion is fine.

MR. REICHLIN: Is that -- we don't have to have another vote?

MR. LEE: We don't have to have another vote?

MR. SMITH: I don't think so. I mean, it's --

MR. STANTON: We can clean it up, just make another motion.

MR. SMITH: Yeah. We probably --

MR. ZENNER: That's -- the motion failed.

MR. STRODTMAN: The motion failed. Correct.

MR. SMITH: Just to be clear, why don't we make a motion to approve, and then we'll -- we voted on that.

MR. STRODTMAN: The motion failed 5-3.

MR. ZENNER: That's correct. Do you -- as a motion failed, do -- is there another motion?

MR. STANTON: I'll make a motion.

MR. REICHLIN: Mr. Stanton, please.

MR. STANTON: Case No. 15-57, I move to approve -- approval of a variance to Section 25-48.1.

MR. LEE: Second.

MS. RUSSELL: I'll second that.

MR. REICHLIN: Mr. Lee?

MR. STRODTMAN: Okay. This is for approval of the variance.

**Roll Call Vote (Voting "yes" is to recommend approval.) Voting Yes: Ms. Loe, Mr. Stanton, Mr. Strodtman, Ms. Russell, Mr. Lee. Voting No: Mr. Reichlin, Mr. Tillotson, Ms. Burns. Motion carries 5-3.**

MR. STRODTMAN: Fives -- oh, I'm sorry. Five for yes. Is that right? Yes. That's correct. There's five yeses, three nos, so the approval of the variance is approved.

MR. REICHLIN: Thank you, sir. Okay. Moving right along.

#### **V) PUBLIC HEARINGS**

MR. REICHLIN: We'll enter into our public hearing portion of the meeting.

#### **Case No. 15-62**

**A request by Columbia Public Schools (owner) to annex approximately 116 acres of land into the City of Columbia, and to apply R-1 (One-Family Dwelling District) as permanent City**



**zoning. The subject sites are located north of St. Charles Road and east of Battle Avenue commonly addressed as 7575 St. Charles Road (High School) and 2400 Battle Avenue (Elementary School).**

MR. REICHLIN: May we have a staff report, please?

Staff report was given by Mr. Pat Zenner of the Planning and Development Department. Staff recommends approval of the requested permanent zoning.

MR. REICHLIN: Are there any questions of staff? Seeing none. We'll open the public hearing on this matter.

**PUBLIC HEARING OPENED**

MR. REICHLIN: If there's anybody in the audience who has anything they wish to share with us at this time, whether it be for or against this, feel free to approach the podium. Seeing no one, I'll close the public hearing.

**PUBLIC HEARING CLOSED**

MR. REICHLIN: And we'll entertain comments of Commissioners. Mr. Tillotson?

MR. TILLOTSON: This appears to me to be more of a matter of housekeeping, and I think it's kind of been the plan all along for this to happen. So I'm just going to go ahead and make a motion to approve Case No. 15-62 by the Columbia Public Schools to annex approximately 116 acres of land to the City of Columbia and apply R-1 as permanent City zoning.

MR. STANTON: Second.

MR. REICHLIN: Second by Mr. Stanton. May we have a roll call, please.

MR. STRODTMAN: Yes, sir.

**Roll Call Vote (Voting "yes" is to recommend approval.) Voting Yes: Ms. Loe, Mr. Reichlin, Mr. Stanton, Mr. Strodtman, Mr. Tillotson, Ms. Russell, Ms. Burns, Mr. Lee. Motion carries 8-0.**

MR. STRODTMAN: Recommendation for approval of R-1 zoning will be forwarded to the City Council.

MR. REICHLIN: Thank you, Mr. Secretary.

**Case No. 15-68**

**A request by the City of Columbia (owner) to annex approximately 30 acres of land into the City, and to apply R-1 (One-Family Dwelling District) as permanent City zoning. The subject site is located north of Battle High School and east of Battle Elementary School.**

MR. REICHLIN: May we have a staff report, please?

Staff report was given by Mr. Pat Zenner of the Planning and Development Department. Staff recommends approval of the requested permanent zoning.

MR. REICHLIN: Are there any questions of staff? Seeing none. I'll open the public hearing.

**PUBLIC HEARING OPENED**

MR. REICHLIN: Once again, if anybody cares to comment on this matter, feel free to approach the podium. Seeing no one.

## **PUBLIC HEARING CLOSED**

MR. REICHLIN: Comments of Commissioners, please?

MR. LEE: Yes, sir.

MR. REICHLIN: Oh, sorry. Mr. Lee?

MR. LEE: It seems to be a matter of routine housekeeping.

MR. ZENNER: Thumbs up. That's all we need then.

MR. LEE: So I --

MR. REICHLIN: Let's just go through the --

MR. LEE: I will make a motion in Case No. 15-68, a request by the City of Columbia to annex approximately 30 acres of land into the City and to apply R-1 as permanent City zoning.

MR. STANTON: Second.

MR. REICHLIN: Mr. Stanton.

MR. STRODTMAN: Okay. Here we go.

**Roll Call Vote (Voting "yes" is to recommend approval.) Voting Yes: Ms. Loe, Mr. Reichlin, Mr. Stanton, Mr. Strodtman, Mr. Tillotson, Ms. Russell, Ms. Burns, Mr. Lee. Motion carries 8-0.**

MR. STRODTMAN: Recommendation for approval of R-1 zoning will be forwarded to City Council.

MR. REICHLIN: Thank you, Mr. Secretary.

## **VI) COMMENTS OF PUBLIC**

MR. REICHLIN: We'll now entertain comments of public. Anybody caring to comment this evening, feel free?

## **VII) COMMENTS OF STAFF**

MR. TEDDY: Just housekeeping.

MR. ZENNER: Yeah. Just housekeeping today, guys. Your next meeting will be on March 19 -- thank you, Mr. Teddy -- March 19. We do have a work session and we will have our regular meeting, and we do have items for it. Meeting will contain the Howell Subdivision. That was due to be on this evening's agenda; however, was withdrawn due to a technical issue. The applicant is working on that. This is at the corner of Strawn Road and West Broadway just before you come into the large curve to go into Scott Boulevard. We also have the long awaited Avenue at Columbia. This is the student housing development that is just north of the Holiday Inn Express and Suites off of Cinnamon Hill. It is a two-parter. We have the preliminary plat, which is 15-68, and that is to create three individual lots, one for the student housing development and two lots to the north of the extension of Cinnamon Hill, and then we will have the Avenue at Columbia rezoning and development plan approval which is for the southern 32 and a half acres of the overall 42-acre site. That is a PUD-11 rezoning request. And then we will also bring to you the ADU Text Amendment that we talked about at our last work session, which will make some minor amendments to the text and the definition to add a little bit more clarity to where they can be permitted and options for our fire service to be able to address access-related matters. The maps for the meeting, as we

are coming forward to March 19, Howell Subdivision there right at Strawn and West Broadway just before the curve into Scott Boulevard. The Avenue at Columbia, the overall plat will cover the 42-, almost 43-acre site, and then the development plan and rezoning request covers the southern 32 and a half acres. And those are your items for the March 19 agenda with the addition of the one text change. Thank you very much, and that is all we have.

**VIII) COMMENTS OF COMMISSIONERS**

There were no comments from Commissioners.

**IX) ADJOURN**

MR. REICHLIN: I'll entertain a motion for adjournment.

MR. LEE: So moved.

MS. BURNS: Second.

MR. REICHLIN: We're adjourned.

(The meeting was adjourned at 7:48 p.m.)

(Off the record.)