

MINUTES
PLANNING AND ZONING COMMISSION MEETING
May 9, 2013

COMMISSIONERS PRESENT

Mr. Andy Lee
Dr. Ray Puri
Ms. Ann Peters
Mr. Steve Reichlin
Mr. Rusty Strodtman
Mr. Matthew Vander Tuig

COMMISSIONERS ABSENT

Mr. Bill Tillotson
Mr. Doug Wheeler

II.) APPROVAL OF AGENDA

DR. PURI: Any adjustments to the agenda, Staff?

MR. ZENNER: We would need to go ahead and -- now that we have a quorum, we can approve the work session minutes from what we would've normally done in our work session from April 18th. If you would like to include those with your approval of the meeting minutes for the regular Planning Commission from April 18th, that would be the only change that we're offering.

DR. PURI: Okay. Approval of the work session minutes.

MS. PETERS: I have a correction or a question about the minutes, if I can find it. Let me make sure I have the right minutes. April 18th, Question No. 2, the wording is, To support consideration of a ballet issue for stormwater and sanitary projects. I don't remember that we voted on that. So the way it reads, it implies that we supported that.

MR. ZENNER: I -- well, the letter's already been sent with those four items and it was reviewed at the Council retreat already. My recollection of the discussion was that it was presented by Mr. Glascock, that these are ballet issues that were going to need to be placed on both the 2013 November ballet and then the 2015 ballet, and that it was the general consensus of the Commission that you supported those ballet issues. You didn't -- that was what I recall the discussion being; may have misunderstood that. Mr. Wheeler did review the actual memo that was forwarded and did approve that memo to be sent to Council with these four criteria.

MS. PETERS: Okay. It's just duly noted that we didn't vote on it. Good enough. I move for approval unless there's other adjustments.

DR. PURI: Move for approval. Can we just do a thumb vote or just --

MR. ZENNER: You can informal on this due to the fact that it's just work session minutes. So all those in favor by thumb?

(Unanimous vote for approval.)

III.) APPROVAL OF MINUTES

DR. PURI: Next approval of minutes for the April 18th meeting. Any adjustments or any issues there?

MS. PETERS: Move for approval.

MR. REICHLIN: Second.

DR. PURI: Mr. Reichlin second. All in favor, say aye. Opposed, same sign.

(Unanimous voice vote for approval.)

IV.) SUBDIVISIONS

13-52 A request by C. Stephen Heying (surveyor), on behalf of Bear Creek Properties, LLC (owner), for a three-lot replat to be known as "Landmark Subdivision, Plat 2," and easement vacation and dedication. The 5.46-acre site is located north of Country Club Drive and south of McAlester Street. (This item was tabled at the April 18, 2013 meeting.)

DR. PURI: May we have a Staff report, please.

Staff report was given by Mr. Matthew Lepke of the Planning and Development Department. Staff recommends approval of the replat (including the easement dedication). Staff recommends denial of the sidewalk variance.

DR. PURI: Commissioners, any questions for the Staff? Ms. Peters?

MS. PETERS: On the sidewalk, is that something that if it were ever installed it could be tax billed so the applicant wouldn't have to install it at this time or have money put forward?

MR. ZENNER: That is correct. We do retain the option. This would be considered or classified as an unimproved road right-of-way. And under those provisions, within Chapter 24 of the code, yes, a waiver of sidewalk installation at the time of building permit issuance does not waive the City's right to tax bill at a later date.

MS. PETERS: Thank you.

MR. LEE: Dr. Puri?

DR. PURI: Go ahead.

MR. LEE: There is no sidewalk anywhere on that south side; is that correct?

MR. LEPKE: Correct, not along Country Club. The only section on Alfred is that in front of Landmark Hospital there.

MR. LEE: Okay. So --

MR. LEPKE: And it goes along 63 and Alfred in front of Landmark.

MR. LEE: So Staff is recommending that the variance for the sidewalk on this little, tiny piece right here not be waived. Why?

MR. LEPKE: Because Staff's job is to uphold the codes and ordinances of the City. Essentially, that's the reason why. We really don't have great leeway on these. At the same time, if the applicant makes a really good case, you can take that into consideration.

MR. ZENNER: The criteria typically associated with a sidewalk variance for the Commission to consider, as well as City Council, there has to be a topographic or other physical hardship that would eliminate the ability to construct the sidewalk, which this particular location does not, in Staff's opinion, have. You typically look at the ability or the need to connect other public facilities to the

actual sidewalk segment that would be constructed. This is obviously a neighborhood road leading back to the country club. It is not connecting to any other public space or school, which would be one item if you look at the criteria that would maybe be in a plus category for it. You don't look at financial hardship. It is our understanding with the improvement of a single-family home on this particular larger parcel, the actual cost of the sidewalk installation versus the cost of the construction of a new home doesn't create a hardship whatsoever. The house will be significantly more expensive than the actual improvement of this small segment. When you look at all of the criteria, as Mr. Lepke's pointed out, we have very limited latitude. If you can't prove hardship because we have some physical obstacle or some topographic problem, mere inconvenience or financial challenge doesn't really justify it. And it is the purview of the Commission as well as the City Council to then weigh the testimony of the applicant as to the viability or the need for that sidewalk. It is not ours to basically pass judgment if it is appropriate or not appropriate to construct it. In this particular instance, the Commission has probably some significant latitude in making a recommendation to Council. I think what we would show to you or at least express, as Mr. Lepke said, the applicants are willing to construct the sidewalk entirely along the McAlester frontage of this property. And if you can notice from the aerial photography, the two -- there's three lots to the west of this particular western boundary. The first two actually have a sidewalk installed on them, the third one does not, which would leave an odd gap along McAlester. The applicants have conveyed to Mr. Lepke that they would be willing to pursue negotiating potentially with that property owner in order to complete a whole sidewalk section in order to make the connection from their easterly boundary all the way back out to Old 63, thereby creating, really, connectivity back to a larger sidewalk system. I think also, historically, if you look at the Commission's track record as it relates to sidewalk construction, there has been some desire expressed in past cases where we've got to start somewhere and ultimately you weigh, do you start somewhere where you have nothing and you may not have anything in the future or do you start to install sidewalk where there is a propensity or a likelihood that you will have the rest of the parcels improved and ultimately over time you will create a sidewalk network. I think it could be argued that the McAlester Street frontage is more important from that aspect than possibly the Country Club perspective. But this is a decision that the Commission has to weigh on. Technically, from a Staff perspective, we cannot support the waiver based on the fact that there does not appear to be any financial or other topographic related challenge to the parcel itself, and that is the criteria by which we have to evaluate these.

MR. LEE: That was more of an answer than I anticipated.

DR. PURI: That's Mr. Zenner.

MR. LEE: Well, one final question, if I may. Is it anticipated that sidewalks will be required down Country Club at some point in the future?

MR. LEPKE: Considering that all of the parcels on the north side are improved, at least as we see here in the aerial photograph, more than likely there's little need to replat lots or -- and if

someone was to add on to a home, more than likely it would not require any sidewalk. So there's little chance of a network growing to the east here, which is why I'm sort of shrugging my shoulders and nodding deferentially to you about this.

MR. LEE: Thank you.

DR. PURI: Commissioners, any other questions of Staff? Okay. This is under the subdivision section, not public hearing section, but we have a customary approach to accept public input on this. So at this time I open up the floor to any input on this case. Please come to the podium and state your name and address and you can address this body.

MS. LEWIS: I'm Marjorie Lewis; I'm an attorney with offices at 601 East Broadway, Suite 203, Columbia, Missouri. I'm here on behalf of the applicant, Bear Creek Properties, LLC. First, if I may approach, I have a page of signatures of persons that are agreeing with the replat request and also opposing the construction of a sidewalk along Country Club Drive.

DR. PURI: Go ahead. Thank you.

MS. LEWIS: Here with me tonight, also for the applicant, is John Dupuy. Also here is Steve Heying, the surveyor who submitted the application here. As indicated the applicant has filed a request to replat Lot 2 into three tracts: 2A, 2B, and 2C. There are several reasons for the need for this replat, one of which was that there is -- there's an old ten-foot utility easement running almost through the center of the tract that needs to be vacated to make the tract fully usable. Additionally, Martha John and James Downey are the owners of the adjacent tract to the -- it's to the east, isn't it? Yes, the adjacent tract to the east. And they have been using, along with their tract, a portion of the subject tract. And actually, the parties -- so the applicant and the John/Downey owners -- have a contract to convey part of the tract -- the subject tract to Ms. John and Mr. Downey. It's divided into lots -- the replat would divide it into lots 2A, 2B, and 2C. It's proposed that 2A would be the tract that is transferred. 2B, the middle lot will end up having a house. That's the intention at this point in time. And then, Lot 2C, to the west, the purpose of that being a separate lot is that there's a drainage easement over on that side. The replat is not going to eliminate any restrictions, nor will it be detrimental to the neighbors. Again, I'll mention that we did submit a consent that was signed by many of the neighbors. Additionally, the applicant is seeking a vacation of the existing unused easement that goes through approximately the middle of the tract. It's a ten-foot utility easement. That matter has been to a first reading with Council. It will be on the next Council consent agenda, unless it's removed from that agenda. So it's a little bit unique here tonight and Mr. Heying can answer specific questions if you have them, but the plat that you have in front of you, the proposed plat 2 actually shows the easement on it that's going to be vacated. But what we want is approval of the plat with the vacation, because that's what the City Council is going to approve. So I'm not sure how Staff will want to word that. Then we go to the notorious sidewalk variance. We -- Landmark Subdivision was originally platted by the McAlester Trust into Lots 1 and 2. The Trust signed a performance contract requiring sidewalk installation on Lot 1, but not on Lot 2, and that was because

only Lot 1 was going to be developed. Lot 1 was developed by Landmark Hospital and it now has sidewalks, but they are not adjacent to and do not abut where the subject property would have sidewalks if it's required to. The subdivision ordinances do require sidewalks when you're replatting. Lot 2 has approximately 608.2 feet of frontage on McAlester Street. It also has approximately 173.36 feet of frontage on Country Club Drive. Country Club Drive has no sidewalks that we were able to discern and Country Club Drive is -- and this is important to note -- is an unimproved street. And there is a specific set of guidelines that's been adopted by the City when dealing with the request for a sidewalk variance along an unimproved city street. Most of Country Club Drive is bounded along one side by a golf course. Applicant is only requesting a sidewalk variance as to Country Club Drive and, again, it will put in the sidewalk along McAlester Street. The investment along McAlester Street will be significant. It's estimated to cost 12,000 to \$20,000. The sidewalk along Country Club Drive is estimated to cost approximately \$3,467. I won't go into specifics of the cost of each thing. They're in the worksheets that we submitted. But one thing to note is that the owners in this area are -- you know, along Country Club Drive, they don't want a little patch of sidewalk right in the middle of their kind of rural scenic area. And it's right across from a golf course. There's no sidewalk on that side. The consent that I submitted shows that the other residents do not want a sidewalk. Lot 2A would be conveyed to Ms. John and Mr. Downey. They don't want a sidewalk and they would not intend to construct a sidewalk if -- you know, if they had any say in it. The applicant is not responsible for the lack of sidewalks on any of the other properties or for the fact that it would be required to put in a sidewalk. There are no sidewalks and it's not likely that there will be any sidewalks in the future -- or in the foreseeable future. The condition is unique to this property and it's not applicable, generally, to other properties and is not self-imposed. The variance would not be detrimental to public safety, health, or welfare, or injurious to other property or improvements in the neighborhood. To the contrary, the applicant understands that the owners and residents of other properties are not in favor of the sidewalk. Addition of that sidewalk along Country Club will not serve any useful purpose where the other properties along the street are occupied and fully improved such that no sidewalks will be added in the foreseeable future. And although the house that is desired to be constructed will have some substantial value, there's more at issue here than the value of the sidewalk. I mean, that is \$3,500, but it's also nobody wants a little patch of sidewalk in this area. And I would argue that this is a particular hardship. You know, financial concerns are not the only concern. And I want to respectfully disagree slightly, and I could be wrong and I'm sure it will be pointed out to me if I am, but I think that there is a specific guideline on sidewalk variances where it is an unimproved city street. And there's a policy resolution that provides guidelines, and that policy guideline does not mention the fact that there has to be a topographic concern, you know, some sort of unique physical problem that would keep you from having a sidewalk. As shown by the worksheets that we filled out, I believe that we have met the concerns that are expressed by the City in adopting those worksheets and we hope that you will approve our request tonight for the replat, easement vacation, and for the

dedication of an easement which is shown on the replat and also for the variance of the sidewalk. Thank you. And if you have any questions for me, I'm happy to answer them. And also Mr. Heying and Mr. Dupuy are here and they can answer any questions if you have them.

DR. PURI: Commissioners, any questions? I see none. Thank you.

MR. HEYING: I'm Steve Heying, surveyor, office at 1202 Madison Street, Columbia, Missouri. I would just like to mention on the sidewalk variance that the entire area was designed by Hurst John, which is Martha John's father, as an architect. And part of the architectural design was that Country Club have no curb and gutter. There are no ditches for most of it either, but it's built flush to the ground. That way you can get golf carts, you can get golf bag two-wheel carts, you know, on and off the street and go up and down it. Country Club Drive is access to the Country Club period. It doesn't go through. It doesn't go anywhere else. The sidewalk in this area would, in fact, become a barrier that has curb and gutter and cause, actually, drainage problems that now are not there. So it would be a burden to the drainage of the area along Country Club Drive that currently does not collect anywhere along the street. It is decimated -- the drainage is disseminated all along the street. The other thing is, is that Lot 2A that's to be transferred to Martha John and James Downey is actually -- before this was subject to an altercation whereby the -- this is the house that Hurst John built for himself to live in and that he always thought that he had created the lot to include this area. They've always used this area as part of their lot. This is not to be used as a separate lot, not to be developed as a separate lot. We were required to plat it as if it was a separate lot to where it could be developed. That is not the intention. The intention is to add it to the existing lot to the east. The reason why we did it this way is because we didn't want to involve going through replatting the existing lot with the existing house on it. We didn't think that was necessary or pertinent to what we were trying to do. We just needed to add this area of land to that area of land. The lot to the -- 2C, to the west, has all sorts of other issues with it that don't concern -- the idea of the plat was to make Lot 2B a buildable lot for a high-end, single-family house along Country Club Drive that is in keeping with the neighborhood. I'd be happy to answer any other technical questions. It's a little bit -- on vacating the easement, I guess the plan is -- right now is to submit the mylar after the approval of the grant of vacation for the easement without showing it on the subdivision plat. In the past we've shown this on the subdivision plat, that it was there and that it was as -- in a book and page and it got vacated in a book and page. So it serves notice that it's -- you know, in the record that it was recorded as being an easement and then it got vacated by another document as recorded. I suppose what we'll do is make a note to that effect and that way it won't encumber the lot with showing the easement one way or the other through the lot, after we go ahead and get done with this.

DR. PURI: Any questions, Commissioners? I see none. Thank you. Anyone else?

MR. DUPUY: I'm John Dupuy, 2264 Country Lane. It's a house just down that same neighborhood, and that's the house I'll be building. Questions?

DR. PURI: Any questions, Commission?

MR. DUPUY: I got a lot of kids so it's going to be a big house.

DR. PURI: Thank you. Okay. Discussion, Commissioners? Mr. Lee?

MR. LEE: I would just say it seems really pretty straightforward, to go ahead and grant the proposal to replat and grant the variance to the sidewalk.

DR. PURI: Ms. Peters?

MS. PETERS: I have a question for Staff. On the sidewalk variance, let me see if I can ask a question in the appropriate manner. It's my understanding that the City -- the likelihood of the City ever putting sidewalks in this neighborhood is almost zero.

MR. LEPKE: (Nodded head.)

MS. PETERS: And it's a technicality that we're dealing with. They will not be required to put in the sidewalk. If by some miracle sidewalks were ever required here 50 years from now, this would already be on the books that a sidewalk is required. By not granting the variance, it allows the integrity of this body to remain so that the next variance that comes in for a sidewalk, there's not a precedent of this body granting willy-nilly some variances and some not. And at this point, if we do not grant the variance, there is no money out of pocket for the applicant. If this were ever built, it would be tax billed, but that would be somewhere down the road and that would only be if complete sidewalks on every lot within this development were built.

MR. ZENNER: Yes. You are correct. You are not setting precedent and you are protected.

MS. PETERS: Okay.

DR. PURI: Thank you, Mr. Zenner.

MS. PETERS: That was a short answer. I appreciate that.

UNIDENTIFIED SPEAKER: That was a long question.

MS. PETERS: I think that might've been the first yes.

MR. ZENNER: You're safe.

MS. PETERS: With that in mind, I totally understand them wanting the variance, but it does give this body integrity to remain in tact so that we can't be manipulated by future applicants. The City will not require them to build it. It will merely be on the record that if sidewalks are ever built anywhere else there, it's already on the books. So I would support Staff's recommendation, or the recommending of approval of the replat, including the easement dedication -- yeah, the easement dedication and the recommendation of denial for sidewalks. That's what I would be happy to support.

DR. PURI: We're going to discuss this. Just hang on. Commissioners, any discussion?
Mr. Reichlin?

MR. REICHLIN: Are we making a motion now or --

DR. PURI: We can if you want to make a motion.

MR. REICHLIN: Just as a point of order, we could vote on them separately, couldn't we? Is that correct?

MR. ZENNER: You can vote on them separately. A point of information at this point: With a subdivision plat, you have a performance contract and a performance contract requires that all public improvements be installed. Part of the public improvement process is the installation of sidewalks. In this particular instance, what the applicant is requesting, what Staff is -- as strange as it may sound -- not supporting, is the waiver of a sidewalk construction for Country Club Drive. The only way to waive that construction requirement from the performance contract is that the Planning and Zoning Commission would need to find in favor of the applicant's request to waive that standard for just Country Club Drive. The performance contract would stay in tact for the construction on McAlester. And when the construction -- or permit is drawn for Lot 2B, the sidewalk performance requirement would be executed. They would have to build it with 2B's construction permit only on McAlester, not on the Country Club frontage. That is how your -- that is how your recommendation would need to be crafted. Basically, an approval of the three-lot subdivision, without the requirement of construction of the sidewalk along Country Club, if that is the direction that you're desiring to go in. That recommendation -- to point to Ms. Peters' concern -- does not impugn the Planning Commission for any future action that might be brought before you for a sidewalk variance request. Each case is handled independently and there is no precedent set by your action this evening.

DR. PURI: Mr. Vander Tuig?

MR. VANDER TUIG: No. I'm good.

DR. PURI: You're good? Mr. Reichlin, you had another comment?

MR. REICHLIN: I was just going to mention that I was intending to support the proposal with the proposed variance.

DR. PURI: I want to be clear. You're saying that we don't have to approve the variance. We can approve no construction on that piece of road. Right?

MR. ZENNER: You would have to approve the applicant's request to have a variance, which means you would be approving something in contradiction to Staff's recommendation.

DR. PURI: We have to approve the variance to --

MR. ZENNER: Yes.

DR. PURI: -- not have the sidewalk.

MR. ZENNER: You have to approve the variance, plus you would have to approve the -- recommend approval of the subdivision plat.

DR. PURI: Okay.

MR. ZENNER: I believe that's what Ms. Peters was wanting you to do, but it got spit out the wrong way, maybe.

DR. PURI: Mr. Strodman?

MR. STRODTMAN: I plan on supporting it, so go on.

DR. PURI: I'll weight on it. I always don't like the sidewalks that just a piece in the middle of nowhere. For as long as I've been here, I don't think it's sensible. So I think that the overall

presentation of the plan is fine. I think McAlester Street should have the sidewalk. I think Country Club Drive does not need a sidewalk and I am in agreement with the applicant. So I intend to support this also with the variance. So would anybody like to frame a motion?

MR. REICHLIN: I'll give it a go.

DR. PURI: Go ahead.

MR. REICHLIN: I move that in the matter of Case 13-52, a request by C. Stephen Heying, on behalf of Bear Creek Properties, for a three-lot replat to be known as "Landmark Subdivision, Plat 2," and the easement vacation and dedication. The 5.46-acre tract is located on north Country Club Drive and south of McAlester.

MR. VANDER TUIG: With the sidewalk variance?

MR. REICHLIN: With the sidewalk variance for Country Club Drive only.

DR. PURI: Mr. Lee, you're seconding?

MR. LEE: I will second that.

DR. PURI: Okay. May we have a roll call, please?

MR. VANDER TUIG: We have a motion and a second for Case No. 13-52, approval for a three-lot replat to be known as Landmark Subdivision, Plat 2, and the easement vacation along with the variance for the sidewalk along Country Club Drive.

Roll Call Vote (Voting "yes" is to recommend approval.) Voting Yes: Mr. Lee, Ms. Peters, Dr. Puri, Mr. Reichlin, Mr. Strodman, Mr. Vander Tuig,. Motion carries 6-0.

V.) PUBLIC HEARINGS

13-64 A request by A Civil Group, on behalf of David and Michelle Barnard (owners), for annexation and permanent City R-1 zoning of Lot 20 in Country Meadows Subdivision. The 1.27-acre site is located at 3261 Greenfield Court.

Staff report was given by Mr. Matthew Lepke of the Planning and Development Department. Staff recommends approval of the permanent zoning from A-R to R-1.

DR. PURI: Commissioners, any questions for Staff?

MR. STRODTMAN: I have one minor one. Where did you say the sewer was coming from? Across the trail, is that the nearest connection?

MR. LEPKE: I -- boy, I'm trying to remember off the top of my head.

MR. ZENNER: Representatives from A Civil Group are here, but if I am correct, we have a manhole actually that is out on this primary street that the home sits on. It was discovered actually during the initial permitting process that that manhole tied into a city sanitary system that -- basically, whenever you have a property connecting to city sewer, regardless if it is maintained by the district sewer or the City, you have to annex or have an annexation agreement. So it is out in the front of the property; it is not in the rear. And I think our A Civil folks here from the engineering perspective can tell us what direction it goes in.

MR. DEVANEY: Good evening. Pat --

DR. PURI: Let us finish our discussion and then -- our questions for the Staff and then we'll have you up.

MR. DEVANEY: Okay.

MR. STRODTMAN: That's the only one I had.

DR. PURI: That's the only one you had?

MR. STRODTMAN: Yeah.

DR. PURI: Okay. Now we can open the public hearing.

PUBLIC HEARING OPENED

MR. DEVANEY: My name's Pat Devaney; I'm an engineer with A Civil Group here in Columbia, offices at 3401 Broadway Business Park Court. If I may approach, I've got --

DR. PURI: If you can say that into the mic, so she can, you know, record. It'll be difficult for her --

MR. DEVANEY: The nearest sanitary sewer manhole is actually located -- there's a sanitary sewer line that runs parallel and almost directly on top of the -- what would be the south lot line there of this property, with two manholes located on the property, one each at the south end of the west side, the short section of the lot there.

DR. PURI: MKT Trail or toward --

MR. DEVANEY: That's cor-- well --

DR. PURI: Maybe the mouse can be used there. That short run right there? Does everybody see that on their --

MR. DEVANEY: Yeah. Yeah. So there's one there and then if you go to the left -- go to your left and go up to the other corner -- no, other way. Yeah. Right there, that corner. There's one right there also.

DR. PURI: Okay.

MR. DEVANEY: Yeah. So the sewer line actually runs right along the property line right there.

DR. PURI: Okay. Any other thing you want to present?

MR. DEVANEY: There's not much to it. It's pretty simple.

DR. PURI: All right. Thank you.

PUBLIC HEARING CLOSED

DR. PURI: Commissioners?

MR. VANDER TUIG: I have a question for Staff.

DR. PURI: Mr. Vander Tuig?

MR. VANDER TUIG: Is there county sewer that ties into that city sewer? My question is in regards to the sewer --

MR. ZENNER: This is one --

MR. VANDER TUIG: -- the sewer ordinance.

MR. ZENNER: This is one of these unique areas within the city of Columbia that has city sewer within it that was developed prior to the annexation -- sold as wholesale sewer. And this was an undeveloped lot, so when the annexation policy was adopted in 1997, lots that were previously developed that were provided wholesale sewer service prior to the adoption of the annexation policy were not required to annex. So the City serves this entire Country Meadows development and all of the homes that are there do not have to annex since they're already built. But as soon as you have homes that -- vacant lots which -- and there are others in this neighborhood that are unfortunately internal that may develop at some point in the future, and you'll have an annexation agreement which will not ever probably be annexed into the city because they're surrounded entirely by county property, that will have to go through this exact same crazy process. We have another property actually that's on the opposite end of this frontage along the MKT Trail that has already gone through this same process. So because we have the sewer, they didn't have a building permit, they are required to annex in because they are contiguous to the city boundary. And that is why this is before you. We have another very similar situation to this that is just south of the Copper Stone development, where we had wholesale service provided off of -- into an area that's in the county and we have a couple of annexation agreements there, but it's entirely landlocked by county property. It may or may not ever be annexed in. But because they didn't have a house built on it and now they're building one and we have an annexation policy, they have to follow that provision.

DR. PURI: Ms. Peters?

MS. PETERS: A question for Staff: I'm fairly certain that I read somewhere that an applicant actually can petition the City to attach to a city sewer without annexation. It was when Hindman was in office.

MR. ZENNER: I am unfamiliar with that policy. We operate under the annexation policy resolution that was created in 1997, which says that there is no parcel that can request to not be annexed into the city, if it is contiguous, to receive city services. It must annex; that is what the policy says.

MS. PETERS: The key word being continuous [sic] as in it's touching another city property and --

MR. ZENNER: Yes.

MS. PETERS: -- the MKT Trail --

MR. ZENNER: Is part of city property.

MR. LEPKE: And actually, also in this case, the property although it's a very small frontage here in the far northwest corner, you see how the trail comes along and then the property sort of opens up here into this field. The City also opens [sic] this field, so while I realize this is a very small frontage, it actually has frontage on multiple sides of this parcel are City-owned land. And per -- depending on how you read on what compact and contiguous is, that, even in theory, could be used

to describe this as compact and contiguous to the city even if the trail frontage wasn't there. So no matter what, pretty much, there is no choice for this site other than to annex to receive city sewer.

MS. PETERS: I'm fairly certain that the fire service won't change. Whoever serves it now will service. What -- who as far as police --

MR. ZENNER: This is district -- this would be the fire district. Now, under the annexation -- or under our territorial agreement between the fire district and the fire department, this particular parcel actually is first responder by the City. That's how the territorial agreement is. However, in reality what you'll get is you'll get both fire -- the District and the City responding. The District is closer. Station No. 16, which is at the corner of Vawter and Scott, will respond to this as it always has. And then the territorial agreement actually divides up the fee structure associated to it. So they'll basically receive the same services. The only difference here is, is you'll get police, you'll get tax -- the taxes and a variety of other things do change. And that's nothing that we can deal with. I mean, that's just the effects of annexation in the back of an existing county subdivision.

MS. PETERS: So a call for service for police would generate --

MR. ZENNER: Would generate maybe a little bit of confusion and I don't know if I -- you know, quite honestly, your call for police response, because this is a city parcel, needs to go within to the city. It is -- I'm not familiar with how that may be reacted to by the City's police department, but they have to respond to it because it's a city parcel. There is not an option here. The district does not have purview over this property. It cannot be approved as an onsite septic system through the Health Department, because it is contiguous to city sewer, in order for it to remain in the county. The house and the property have to be annexed into the city under the way that the policy's written. That is -- again, that is one of the anomalies or one of the challenges with the way that our regulatory process operates.

MS. PETERS: I understand. It was more a curiosity question. And as we deal with things with the Comp Plan and more joint services, this is something that might want to spark a discussion so that service is timely and that there's no confusion. So it's more of a food for thought for future -- future date on that. I don't have any more questions.

DR. PURI: Mr. Vander Tuig?

MR. VANDER TUIG: I'll just add to that. This is going to have no bearing on my decision tonight because I think if we vote no on this, the wheels will come off or something; it'll be stuck in some void or vacuum. But this is for curiosity's sake. Is this more cost effective from the City's standpoint with regard to sewer fees that they'll gain by a single-family house versus what they gain for -- what the -- you know, the sewer commission -- regional sewer commission gets or has to pay for serving this subdivision? You know, I ask because, you know, DNR now is looking to do more regionalization and, you know, as we know, the lagoons in the county are going away. And this is -- you know, this needs to be discussed in that sense too, along with the urban services boundary and so forth. I mean, what's the economic impact? Do you guys have any idea?

MR. ZENNER: I mean, we will have -- there are separate metering fees that will actually be charged due to the tap fees that will need to be acquired. So there are fees associated with that that would probably be different than the district. The District does not maintain these lines. They are totally maintained by the City. It is city service. The wholesale agreement that was arrived at at the time that Country Meadows was developed probably had some other financial arrangement associated with it. Not unlike what we have in some of our city sewer in county locations, which was a graphic that we have within some of the existing conditions reporting of Columbia Imagined, the new comp plan. There was a time at which lagoons existed. They were closed when we did the sewer treatment plant construction and some subdivisions remained the property of the Sewer District, some subdivisions became the responsibility and the purview of the City, but were allowed to remain in the county. So, I mean, you have these -- this is one of those anomalies that exists. And the City's recapture of its fee structure, other than the tap fees that will be paid up front, as I understand it, the actual fees associated with it are probably less than what you would be paying if you were a district customer because there is a surcharge if you're a district customer feeding into a city sewer system. In this particular instance, all the residents in this particular area probably pay an equivalent fee. The policy is what's driving this, that any undeveloped tract of land is required to follow the policy that exists, not that it may have any other impact on the fee structure. And that's really what is the underlying factor of why the parcel's being develop-- is being required to come in. I mean, if there were a house on this and on the other vacant parcels in Country Meadows, we wouldn't even be having this discussion obviously because everything would've been developed. And as new development comes in and the policy was passed -- and it didn't take into account redevelopment of parcels, and that may be where we really start with the resolution as it relates to annexation, is if you're in an area that was annexed or provided wholesale service and you have vacant lots, we may need to be looking at something there. Because if it doesn't have any impact financially, why are we going through this spot by spot by spot. That's maybe where the discussion really needs to come from.

MR. VANDER TUIG: Thanks. I appreciate it.

DR. PURI: Mr. Lee?

MR. LEE: Again, I have a curiosity question. If a crime is committed on this property, is a city unit going to be dispatched? And it's really kind of a three-part question. If a crime is committed next door, is a sheriff's unit going to be dispatched? And the third part of it is are we going to send a single garbage truck to this house for waste removal?

MR. ZENNER: Three very good questions. I can probably answer question one and question two, that as strange as it sounds, yes, you'd have a city squad car dispatched to this one lot if there were a crime on that parcel. And I'm not sure what the intergovernmental agreements may exist between our police departments. And if the parcel next door had a crime, you probably would have a county vehicle dispatched. And as far as for garbage collection, that really becomes an interesting

discussion. I would not be surprised if this area is under private contract right now. And as we proceed forward through the finalization of the annexation process, I'm sure our garbage collection folks will be looking at what is the -- what's really the rational basis for us to send a garbage truck out to a single unit. I believe the property will be charged the sewer and the stormwater fees associated with their tract because they are within the City's jurisdiction. However, they probably also have the option to contact our sanitation department and say, We have private hauler service; do not come to see us. And then what becomes the problem is is if their trash doesn't get collected, it probably becomes a nuisance related issue. Our office of neighborhood services gets a phone call because they leave trash on their lot, and then we send the garbage truck out because they're paying for it.

MR. LEE: As they are paying for --

MR. ZENNER: They're paying --

MR. LEE: -- the private --

MR. ZENNER: Yeah. As they're paying for the private trash collection. Well, but the owner has the option, most likely -- and I believe we've been asked this question before. The owner has an option often to basically pay double fee, and that is their choice. The City, however, under obligation for its service provision is obligated to go to this single lot, provide all services that the City renders. How that property owner wants to handle that and how the City's willing to allow it to occur, I can't speak to because I don't know. I can tell you just what may end up happening in general.

MR. LEPKE: I would note that Staff did not -- I don't believe from recalling comments made on this request -- receive something from solid waste throwing up a red flag saying, Whoa, you guys realize this is at the back end of this subdivision. I don't believe from recall and assembling the comments and everything getting anything like that. So as Mr. Zenner has outlined, I think that's something that the property owner and the City will take care of. If not, I suppose on a lunch break or something one of us could ride a bicycle down the trail with a little burley or something behind it and just pick up trash and take it back into town. I don't know. I'm not volunteering to do that, for the cameras. You know, but hopefully they'll work out something with solid waste and everyone will be satisfied. You're good questions though because this is not the only place in the city where we have such a circumstance, where we have this one little tooth on a street and nothing else around it is in the city, or maybe you have a couple city or a couple county stragglers and then some more city. It's an interesting problem as the city grows and annexation policy, such as with sewer particularly, creates such situations.

MR. LEE: Things get curiouser and curiouser. That's all I have. Thank you.

DR. PURI: Anybody else, Commissioners?

MR. ZENNER: No more, please.

DR. PURI: Curiosity killed the cat, so --

MR. ZENNER: Going to choke on that fur ball.

DR. PURI: Okay. Are we going to have a motion? Anybody want to frame a motion?

Ms. Peters?

MS. PETERS: I was going to ask about snow removal, but I'll pass on that question and move for approval of Case 13-64, Barnard permanent zoning, County [sic] Meadows, Lot 20, move for approval -- move for approval of permanent zoning from A-R [sic] to R-1.

DR. PURI: Mr. Strodman?

MR. STRODTMAN: I second.

DR. PURI: Role call, please.

MR. VANDER TUIG: We have a motion and a second for Case 13-64, for approval of city R-1 zoning from county R-A.

Roll Call Vote (Voting "yes" is to recommend approval.) Voting Yes: Mr. Lee, Ms. Peters, Dr. Puri, Mr. Reichlin, Mr. Strodman, Mr. Vander Tuig,. Motion carries 6-0.

VI.) COMMENTS OF PUBLIC

There were no comments from the public.

VII.) COMMENTS OF STAFF

MR. ZENNER: Your next meeting will be May 23rd, which is two weeks from now. We will have our regular work session and we will have a regular meeting at 7:00 p.m. And that then is followed by your first meeting in June, June 6th, and the same process will follow. We have a work session and a work sess-- and a regular meeting. That June 6th meeting will be a public hearing for the Comprehensive Plan as well as some other items. But for your upcoming May 23rd meeting, we only have one subdivision item at this point. It is a sidewalk variance and we will have the improved and unimproved sidewalk standards in front of you so you can review them. At this point I would like to point out that this is currently -- still we are working through some details on this and it is possible that I may not have an item for you for the 23rd's agenda and we may be canceling this meeting. But we will keep you abreast of that in order to be able to announce it in advance. So you may get a bye on a public hearing. However we do have work session items that we would like to assemble you for and we maybe be able to only have an hour and a half to two hours with you that evening on the 23rd, but we may not have a public hearing at this point. I have Staff that is diligently working to give you a break. This is the particular item that we have that sidewalk variance on. It is on Brown Station Road and Waco Road. A classic example of an applicant desiring to not have to build sidewalk along Brown Station based on the fact that there is nothing in the general area. This was a performance contracted subdivision and the performance contract has expired as well as the sidewalks not being constructed. So it's got a little bit of hair on it and that's one reason why we may have to pull it back an agenda to allow for some of that to be addressed. As I said June 6th -- on your upcoming June 6th meeting -- and this is of importance. Normally, we don't forecast two meetings in advance. At this juncture, you do not have any subdivision items on it, but I would like to point out the two public hearing items. And this is not what we, as a Staff at least, were desiring. We wanted to have one public hearing, and that is the second, 13-82. That is the City of Columbia's Comprehensive

Plan. That is the public hearing before this body prior to forwarding our recommendation to City Council for introduction at its June 17th meeting. The item above it is of significance and it is not one that at this juncture is being proposed to be moved to a future agenda. This is Collegiate Housing Partners. These are the same folks that had originally presented a proposal on the Niedermeyer property. This is a rezoning plus a PUD development plan for roughly 1.25 acres bounded by Fifth and Fourth Avenue on the north half of the block that is bounded on the south by Turner and on the north by Conley. We are in the process of going through the review at a Staff level and we'll be having a public information meeting on this on the 14th, which is this coming Tuesday. Depending on the outcome of that public meeting and depending on the outcome of our Staff review, this item may move; however, at this point it is not scheduled to move. So we will have, potentially, with the two items -- the two public hearing items, a full meeting. So just be prepared. If you are not going to be here, we need to know now, in advance if we can, before this meeting. So as we get into the summer season, we realize that we're going to have some of our Commissioners traveling. Again, the project location here on the left is the Collegiate Housing Properties. We do have six homes sitting on this. Probably you've read about it in the paper or seen some news reporting on it. And this building basically is not only seeking PUD development plan approval, it is also incorporating five different variances as it relates to other standards of the subdivision and the zoning code, all of which get rolled into the actual application and your consideration of the development proposal. And of course, the cover of Columbia Imagined, our comprehensive plan. We do have a number of items that are coming up as it relates to Columbia Imagined. We do have our final two public forums as it relates to an overview of the plan in its draft state, its contents as well as request to public to participate in establishing the priorities for our strategies and actions. Those two meetings will be held here in City Hall on Tuesday, the 14th, and Wednesday, the 15th of May, from 5:30 until 7:00 p.m. We will start with a drop-in meeting at 5:30. There will be light refreshments served during that. We will do a 30-minute presentation from 6:00 p.m. until 6:30, and then we will have a Q and A session following. We would enjoy having some of the Commissioners in attendance as well as have the public there to make any comments or hear the presentation as to what two and a half -- almost three years worth of work has produced in the way of a vision for City of Columbia through 2030. With that, we do not have anything else to add for this evening, and if you have any questions of us, we'll be more than happy to answer them.

DR. PURI: Thank you, Mr. Zenner.

VIII.) COMMENTS OF COMMISSIONERS

MR. REICHLIN: I've got just a short one.

DR. PURI: Mr. Reichlin?

MR. REICHLIN: I'll be absent for the May 23rd meeting. I just wanted to make you guys aware of that.

DR. PURI: Mr. Vander Tuig?

MR. VANDER TUIG: Yeah. I just want to mention because I don't know that it's in the Comprehensive Plan -- or I don't remember it to be -- and maybe it fits in with intergovernmental cooperation, but I'm afraid that the -- you know, the comments from the public with regard to the plan aren't going to highlight the issue with the sanitary sewer policy. And so I'd like to either have it included in the report. Or, you know, in our process of setting priorities, I guess I make that recommendation that that is a priority.

MR. ZENNER: And I take it you're talking about our annexation policy?

MR. VANDER TUIG: Right. Correct.

MR. ZENNER: That actually is an identified revision in the implementation table, that we need to look at the annexation policy as it relates to city service -- or city annexation responsibilities to develop outside of the corporate limit if you're connecting to sanitary. It's mentioned.

MR. VANDER TUIG: Okay. Great.

MR. ZENNER: We have -- that was something that we pointed out -- we identified very early on that in order to facilitate compact growth as well as economically or fiscally responsible growth. The policy really does not promote the ability for the City to require the District to step up and basically accept the responsibility for may be outside of that urban service area that's proposed within the plan. And we do have a mechanism now by which that can occur.

MR. VANDER TUIG: All right. Good to hear.

DR. PURI: Anybody else? All right. We're adjourned. Oh, Ms. Peters? Sorry.

MS. PETERS: Question about the sign ordinance: Since City Council has sent it back to us, if I remember correctly, we're very close to bringing it before the public. Do you have a time frame on when that might be?

MR. ZENNER: I would suggest that the sign ordinance at this point, yes, while in a fairly complete draft when it was presented to Council at the beginning of April, will probably need at least three to -- three weeks for us to finish it out with our law staff, bringing it forward probably for maybe work session discussion in an edited form at the June 6th work session, at the earliest. I would suggest possibly it's more probable that we'll bring it forward at the end of June. We will probably have to do some type of public engagement before you hold a public hearing on it. I have to look back and discuss with our legal staff the extension of the moratorium, which I understand was for three months. And we're trying to determine when that three-month period began. Is it from the date of the original expiration or is it from Council's action Monday this week? That's what we're trying to verify, but we will bring it back to the Commission as quickly as we can get a final revised, which I believe could be as early as June 6th, as late as the second meeting in June. And then public hearing probably towards the end of July, after we've had an opportunity to put it out for public comment.

MS. PETERS: Thank you. I just wanted to commend Staff on Tuesday night's presentation of the Comp Plan. I was very impressed with Staff's presentation and I think the community will be very happy with what's been presented so far.

MR. ZENNER: Thank you very much.

DR. PURI: Thank you, Ms. Peters. I guess we adjourn now.

IX.) ADJOURNMENT

The meeting adjourned at 8:03 p.m.

(Off the record.)

Matthew Vander Tuig – Secretary

Ray Puri, Chair