City of Columbia, Missouri

Meeting Minutes

Planning and Zoning Commission

Thursday, July 18, 2024 7:00 PM	REGULAR MEETING	Council Chambers

I. CALL TO ORDER

MS. GEUEA JONES: Good evening. I will now call the Thursday, July 18th, 2024 Planning and Zoning Commission meeting to order.

II. INTRODUCTIONS

MS. GEUEA JONES: Commissioner Carroll, may we have a roll call?

MS. CARROLL: Commissioner Geuea Jones?

MS. GEUEA JONES: Here.

MS. CARROLL: Commissioner Placier? Commissioner Wilson?

MS. WILSON: Here.

MS. CARROLL: Commissioner Walters?

MR. WALTERS: Here.

MS. CARROLL: Commissioner Loe?

MS. LOE: Here.

MS. CARROLL: Commissioner Stanton?

MR. STANTON: Present.

MS. CARROLL: Commissioner Williams?

MR. WILLIAMS: Here.

MS. CARROLL: Commissioner Baysinger? I am here. We have seven; we have a quorum.

MS. GEUEA JONES: Thank you.

III. APPROVAL OF AGENDA

MS. GEUEA JONES: Are there any changes or adjustments to the minutes -- or to the agenda, Mr. Zenner?

MR. ZENNER: No, there are not, ma'am.

MS. GEUEA JONES: Thank you. Could I get a thumbs up -- or motion to approve?

MS. LOE: Move to approve.

MR. STANTON: Second.

MS. GEUEA JONES: Moved by Commissioner Loe, seconded by Commissioner

Stanton. Thumbs up approval of the agenda?

MR. WALTERS: I abstain, I guess?

MS. GEUEA JONES: No. That's the next one.

MR. WALTERS: Oh, on the agenda. Okay.

MS. GEUEA JONES: Good.

(Unanimous vote for approval.)

MS. GEUEA JONES: Agenda unanimously approved.

Move to approve.

Present: 7 - Sara Loe, Anthony Stanton, Valerie Carroll, Sharon Geuea Jones, Shannon Wilson, Thomas Williams and Robert Walters

Absent: 2 - Peggy Placier and Carl Baysinger

IV. APPROVAL OF MINUTES

June 20, 2024 Regular Meeting

MS. GEUEA JONES: Next, we all received a copy of the June 20th, 2024 regular meeting minutes. Are there any changes or adjustments to the minutes? Seeing none. Is there a motion?

MS. LOE: Move to approve.

MR. STANTON: Second.

MS. GEUEA JONES: Moved by Commissioner Loe, seconded by Commissioner Stanton. A thumbs up approval of the minutes?

(Four votes for approval; three abstentions.)

MS. GEUEA JONES: We've got unanimous with three abstentions, Commissioners Walters, Carroll, and Geuea Jones. Thank you.

Move to approve.

V. PUBLIC HEARINGS AND SUBDIVISIONS

Case # 185-2024

A request by Allstate Consultants (agent), on behalf of Yankee Ridge LLC (owner), for approval to rezone 22.26 acres from the A (Agricultural) district to the R-2 (Two-family Dwelling) district to allow cottage-style development on the parcel, pursuant to a separate conditional use permit. The subject site is located at 2899 Creasy Springs Road.

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

Staff report was given by Mr. Rusty Palmer of the Planning and Development Department. Staff recommends approval of the requested rezoning to the R-2 district.

MS. GEUEA JONES: Thank you. Before we go to questions for staff, if any of my fellow Commissioners have had contact with parties to this case outside of a public

hearing, please disclose so now. Seeing none. Are there any questions for staff? Seeing none. We will now open the floor to public comment.

PUBLIC COMMENT OPENED

MS. GEUEA JONES: Are there any members of the public who wish to speak on this case? Please come forward. Please state your name and address for the record. You may have to pull that microphone up so we can hear you. Name and address for the record. We do three minutes for individuals, six minutes for groups. Begin whenever you're ready.

MR. HARRINGTON: Great. Good evening. I'm Brian Harrington with Allstate Consultants representing the owner of this tract. I don't have a lot to add to the -- to what's already been said. We do intend to go to the Board of Adjustment next as per the procedure, and assuming that we -- we are successful here and I get a recommendation for approval tonight. And with that, I'll just open it up to any questions you might have of me.

MS. GEUEA JONES: Thank you. Are there any questions for this speaker about this case? Seeing none.

MR. HARRINGTON: Thank you.

MS. GEUEA JONES: Thank you very much. Are there any other members of the public here to speak on this case tonight? Seeing none. We will close the public hearing and go to Commissioner comments. .

PUBLIC HEARING CLOSED

MS. GEUEA JONES: Are there any Commissioner comments on the case? Before we go to the motion, I just want to remark that this is the exact kind of case that is why we are working on small lots and cottage standards and that sort of thing. So hopefully you'll be the last person that has to go through this three-step process. All right. Is there a motion on this case that anyone would like to make?

MS. CARROLL: In the matter of --

MS. GEUEA JONES: Commissioner Carroll?

MS. CARROLL: Sorry.

MS. GEUEA JONES: You’re fine. Go ahead.

MS. CARROLL: In the matter of Case Number 185-2024, Allstate rezoning from agricultural to R-2, I move to approve the requesting R-2 zoning.

MR. STANTON: Second.

MS. GEUEA JONES: Motion made by Commissioner Carroll, seconded by Commissioner Stanton. Is there any discussion on the motion? Commissioner Williams, did you have anything? No? Okay. In that case, may we have a roll call?

Roll Call Vote (Voting "yes" is to recommend approval.) Voting Yes: Ms. Geuea Jones, Ms. Wilson, Mr. Walters, Ms. Loe, Mr. Stanton, Mr. Williams, Ms. Carroll, Motion carries 7-0.

MS. CARROLL: We have seven, the motion is carried.

MS. GEUEA JONES: Thank you. That recommendation will be forwarded to City Council. Our next case is for the same property.

In the matter of Case Number 185-2024, Allstate rezoning from agricultural to R-2, move to approve the requesting R-2 zoning.

Yes: 7 - Loe, Stanton, Carroll, Geuea Jones, Wilson, Williams and Walters

Absent: 2 - Placier and Baysinger

Case # 184-2024

A request by Allstate Consultants (agent), on behalf of Yankee Ridge LLC (owner), for approval of a 122-lot Preliminary Plat of 52.15-acre parcel located at 2899 Creasy Springs to be known as *"Bennett Ridge"*. A concurrent request to rezone (Case # 185-2024) the subject property to R-2 has been submitted for consideration and the applicants intend to pursue Board of Adjustment authorization to use the "cottage" optional development standards such that the proposed subdivision may be platted and subsequently improved with cottage-sized lots.

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

Staff report was given by Mr. Rusty Palmer of the Planning and Development Department. Staff approval of the "Bennett Ridge Preliminary Plat" pursuant to minor technical corrections.

MS. GEUEA JONES: Thank you. Before we go to questions for staff, once again, if any members of the Commissioner have had contact with parties outside of a public hearing, please disclose so now. Seeing none. Questions for staff? Commissioner Loe?

MS. LOE: Thank you for the report, Planner Palmer. I do have a few questions, and they reference our subdivision standards 29-5.1(c) Streets section of the UDC. It strikes me that both Ella and Elijah [sic] appear to be longer than the 600 feet that we allow for a block length. Did you -- did you look at the length of the streets?

MR. PALMER: Honestly, I didn't. I'm trying to think of what that process was when we went through the review.

MS. LOE: When I added up the lot dimensions, we're getting close to about double that on Ella, and Elijah is shorter, but also exceeds by at least 50 percent. And we have run into this on some other proposals and we've --

MR. PALMER: Yeah.

MS. LOE: added some --

MR. PALMER: I think the solution would be another cross street between the two.

MS. LOE: Yeah.

MR. PALMER: Okay.

MS. LOE: But given -- given your additional comments on the development of Lot 121, I'm also wondering about our limitation on cul-de-sacs. If we really don't think this is going to be developed, are we essentially building a cul-de-sac here? And I was just wondering --

MR. PALMER: It's essentially a T turn-around. Yeah.

MS. LOE: Yeah. So what would the -- do we need to look at that? Or how do we apply -- because the cul-de-sac length is 300 feet and may be adjusted for steep slopes, creeks, et cetera. I understand why the T is there, but if we're saying this is not going to be developed in the foreseeable future, or ever, I'm just wondering does this become a loophole where someone can put a T in to build a cul-de-sac at longer length?

MR. ZENNER: The T turnaround is an acceptable alternative in the fire code to a cul-de-sac.

MS. LOE: Okay.

MR. ZENNER: So that is permissible. And in consideration of the point that you're making, Ms. Loe, Elijah and -- Eliah, whatever they are, they're too close in name. I mean, if we look at Lot 121 as not being developable in any of the near term, you're looking actually at an entire loop street then at that point. The T -- the T turnaround really is just to meet the fire code at that particular point. And if we did not -- and to meet, basically, the other requirements that we need to stub to undeveloped property, so it's serving two functions really. So if we looked at the loop street, even though they're two different names, if we looked at it as one continuous street, the distance at that point on the two segments I would contend is not relevant, and I think, at this point, what you have is you've got just -- you have a long loop street that basically comes back out to the extension of the existing street that goes both north and south to Creasy. And I think that that is possibly what was evaluated at the time that this was being done, given the uncertain nature of Lot 121. Maybe not ostensibly stated in any staff comments that were made at that point, and definitely not looking at it from the perspective that you, as a Commissioner, are at this juncture, but that would be a reasonable and a plausible explanation in my mind that it wasn't culled out sooner. But to deal definitely with the cul-de-sac related issue, the T turnaround is an acceptable alternative during -- with the fire code, and it addresses also the issue of allowing for the stub street to Lot 121's future development should that occur without having to punch through a cul-de-sac constructed.

MS. LOE: I understand and appreciate the fire safety qualification. I do agree that 121 is there, but given the condition that it can't be developed without that connection to the east, I do consider that to be somewhat hampered. I guess my only final comment on this would be I think the other reason that we limited the length of cul-de-sacs was to increase connections so that we wouldn't have streets that required returning back to a single point. And this, while it does address the fire safety and potentially does do the long-term development, it does not address that last issue which was something that we were attempting to embrace. So I would just -- I would say that in the future, or I agree this sets it, but I am a little concerned that it's being granted or we're ending up with a much longer cul-de-sac with development that may well not happen that we're saying -- back to the length of Ella and Eliah, can we add the cross street, the connecting --

MR. ZENNER: I would -- I would defer to the applicant's engineer --

MS. LOE: Okay.

MR. ZENNER: -- as to the possibility, based on grades that are associated with the property as to if that can be accomplished. I think that this site does have some challenges associated with it even within the developed area that's proposed to be rezoned or has been rezoned at this point, so that would be a more technical question to answer. If it were possible, the approval could be conditioned such that at the time of final platting, a break or a connecting street between the two being proposed is provided, and we would address that as a part of final plat that would be submitted.

MS. LOE: Thank you.

MS. GEUEA JONES: Are there further questions for staff? So to clarify, Mr. Zenner, you don't think that these -- you don't think our current code requires these streets to have an intersection, based on their length of more than --

MR. ZENNER: I think if we were to have just done a -- if the design did not -- if the design more came in between, and it does in some respects, between two lots and was 150-foot stub street, but otherwise the entire linear continuation of the road was one single road, it was a loop. That would, I think, mitigate the concern that Ms. Loe is issuing, because it's a single street at that point. It's one continuous street that comes back to two points, but it comes back to the same primary street which has two access points out of the development, thereby meeting the requirements that you have two points of ingress and egress to a development over 30 lots or units. I think what's designed here, what's shown here is a little bit deceptive in the fact that the reality is without Lot 121 being developed, you're looking at one -- you're concluding that the northern street is basically a dead end when, in fact, it really is a loop because you can't go any further east.

MS. GEUEA JONES: Right. I'm not looking at the stub street, I'm looking at the connectivity standard. Does that not apply? Let's see. Where am I?

MS. LOE: That --

MS. GEUEA JONES: Does it? Okay. All right. Commissioner Loe is whispering in my ear that the math works out.

MS. LOE: For connectivity.

MS. GEUEA JONES: For connectivity. Okay. Thank you. I'm sorry. Commissioner Loe, did you have a follow up?

MS. LOE: I did have a follow up. I'm sorry. There -- I have to many flags on my code, as usual. I had -- there was one more subdivision street requirement that this did not appear to fully meet, I wanted to ask Planner Palmer about, that no local residential street segment should serve more than 30 dwelling units without additional street connections, and we have well over 30 dwellings on both Ella and Eliah.

MR. PALMER: So that's in -- well, it's in conjunction with the fire requirement, which is no more than 30 lots off of a single point of access. And so it's -- they kind of work in conjunction with one another, so the fact that we have two points of access is why that --

MR. ZENNER: And I think the two points of access that we're talking about is the northern connection to -- now you're talking about the loop itself.

MS. LOE: No. This isn't a cul-de-sac. This is between two street connections; we shall have no more than 30 dwelling units.

MR. PALMER: So in that -- in that regard, we were counting each intersection as a different --

MS. LOE: Correct. That's shown on our Figure 5.1-2.

MR. PALMER: Right.

MS. LOE: Yes.

MR. PALMER: I was just saying in this -- in this instance, we're counting the stub as another intersection.

MS. LOE: It is another intersection, but there are more than 30 lots on Ella between --

MS. GEUEA JONES: Emery.

MS. LOE: -- Emery and the stub. Ditto for Eliah. Ella is over 1,000 feet long between Ella and the stub.

MR. PALMER: And the reason -- the reason that wasn't brought up is because we're looking at it as -- because that stub is allowed there --

MS. LOE: No. We can't have a block more than 600 feet.

MS. GEUEA JONES: Yeah. That's --

MS. LOE: We have a block more than 600 feet. This block needs to be split up.

MS. GEUEA JONES: You have 47 houses that enter onto Ella.

MR. ZENNER: Again, I would ask that the applicants' engineer --

MS. LOE: Okay.

MR. ZENNER: -- approach and address the issue if, in fact, that a cross street, given topographic conditions, cannot otherwise be installed.

MS. LOE: Thank you.

MS. GEUEA JONES: Yeah.

MR. ZENNER: Again, the review of this plat, while it goes through multiple levels of review, and unfortunately this is a gaff that has maybe been made at the planning level, the fire code and the fire department plan reviewers are involved in this and therefore, we often defer to them and their discretion as it relates to how to handle certain issues that are, as Mr. Palmer pointed out, fire code driven. And so often a lot of our standards, these lot limitation standards are more driven by the fire code's concern. The fire department has not made any reserved comment as it relates to this design because of the looped nature of the street system and the two points back out to Creasy Springs via the southern extension of Emery and then the northern connection out, and that, hence, is one reason. The other that they often will utilize just for the purposes of closing the loop on this is the secondary street or the stub that is going to the east is often evaluated as a future connection, and so the fire service will look at that secondary connection to the stub irrespective of the time frame that that may be built in as also addressing some of their overall concerns. They know that there will be the potential for that connection to exist. This development, if it had gotten any larger than this, I'm fairly confident we would have required it to have been broken down into other phasing and would have restricted the development associated notwithstanding the concerns that have been brought up that a cross-street connection may be required. So with that, I -- unless you have additional questions for staff, we can probably ask the applicant to come forward.

MS. GEUEA JONES: Seeing no further questions for staff at this time -- oh, sorry. We do have two questions. Commissioner Carroll and then Commissioner Williams.

MS. CARROLL: So could -- just hypothetically, trying to understand what their available paths are, if they are not able to do a road -- a connector road due to topographical issues, could Board of Adjustments grant them relief for the site condition or is that --

MR. ZENNER: The relief would be granted through this body --

MS. CARROLL: -- through this body?

MR. ZENNER: -- and would require an additional -- require an additional hearing or a

tabling of this request and a design adjustment to be brought forward accordingly.

MS. CARROLL: Yeah. Okay. Thanks.

MS. GEUEA JONES: Commissioner Williams?

MR. WILLIAMS: I was wondering about the curves on -- all the --(inaudible) -- on Ella, and I was just wondering if that's -- they're consistent with the regulations for that particular -- for a neighborhood street, the degree of curve there?

MR. PALMER: I believe they are. I don't remember, off the top of my head, what that one is.

MR. ZENNER: Residential streets, unlike the case that we have previously handled, which was a -- a neighborhood collector, which we do have differing curve radii. Residential streets allow much tighter curve radii, so these streets, we would have evaluated that most likely. However, the detail of the design at this point, because we do not have all of the measurements, which is not a requirement of a preliminary plat, we will have to have that final verified at the time of final platting where we have all curve data provided in tangent lengths. And if, in fact, that there is an issue, that would need to be addressed as a part of the construction plan presentation. Preliminary plats are intended to provide a general overview of what the development of the parcel will look like and its general compliance with the code. It is not an authorization to proceed forward with the subdivision of land. That is what the final plat process is for, which requires very site specific development plans to be submitted and surveying standards to be met. Preliminary plats do not hold to those same standards.

MS. GEUEA JONES: Any -- sorry. Commissioner Williams, anything else?

MR. WILLIAMS: No. Thank you, Mr. Zenner.

MS. GEUEA JONES: All right. Seeing no further questions for staff at this time, we will open the floor to public hearing.

PUBLIC HEARING OPENED

MR. HARRINGTON: Hello. Again, my name is Brian Harrington with Allstate Consultants, at 3312 Lemone Industrial Boulevard. Kind of working through these questions. To start off with, I'll start with the easy one. The curves -- the curves do meet all the -- all the requirements for residential streets, which is essentially 100-foot radius -- minimum radius at the center line. Regarding the cul-de-sac length, which generally I would describe as the point where you have -- you would measure that from the point where you have a single access from there on which is effectively just that last 120 feet of stub, so I think that's where the cul-de-sac would be measured from, the way I would -- I would understand that. Because of the loop nature of that, we do have two points of access, both to the -- the first street -- and so we have access to Creasy Springs, as well

as the street to the south, which I'm forgetting the name of in the moment, but -- so from our perspective, we didn't think there was any kind of cul-de-sac issue at all. If Lot 121 is ever developed in the future, which the likely scenario would be through the property to the south to connect into the street to the south, we don't own that property, so we don't control it. We don't -- we don't have any control over when that might happen. We're content with -- with developing as it and letting that sit until -- until such time. If that were to go through, then that addresses any other concerns about the two points of access. We did meet with the fire department after our concept review because of the concerns about that and went over with them in great detail about the length of -- or the distance between the two points of access. They have a formula for that that's in the fire code that -- that basically is a little bit convoluted, but it's twice the distance between the -- the width of the developed area can't be more than twice the distance of the -- the length between the two access points. And so they have some specific criteria which we did meet on that. Regarding the cross street, that's the -- that's the hard one to address right now because it is a very challenging site topographically. We -- basically, the western road is running along a ridge. The contours reflect this. It's a little hard to see on the screens. But both Eliah and Ella -- I'm getting the street names mixed up, both of those go down the hill at a relatively steep grade. They'll be eight to nine percent. And if we introduce a cross street in there -- oh. and then they are also at different elevations, so we're working downhill, both longitudinally or along the length of the street, but also from a cross -- across the street standpoint in that the -- the lots that back up to each other are going to have a little bit of elevation change, as well. So that makes the cross street extremely difficult. Part of the reason you see so much curvature in that northern street in particular is so that we have enough length to make the -- the grades work and actually keep them under the ten percent requirement. If we put a cross street in there, then we'll have to flatten out the intersection for that, and that's going to cause problems with the profile grade of the street. Does that answer your questions? Sorry. I kind of ran through them all.

MS. GEUEA JONES: No, you're good. Do you have more, or can we start peppering you?

MR. HARRINGTON: Go right ahead.

MS. GEUEA JONES: Okay. Commissioner Loe?

MS. LOE: Thank you for that. I do understand that this has gone through the fire safety review. However, the requirement in the subdivision standards is to promote walkability and multi-modal, as well as safety, and it is something we want to see in the communities we're building. So I'm sorry. It sounds like it was something that wasn't

picked up. It also sounds like it's something you may need to study a little more.

MR. HARRINGTON: I think it's going to be nearly impossible with this particular tract to make that cross street without punishing other areas as far as the steepness of the streets. Now from the connectivity standpoint, another one that doesn't -- the preliminary plat doesn't adequately reflect, but I should point out, we do intend to make a connection to the Bear Creek Trail through our common area that goes kind of straight north from the top of that loop. That's not really something that -- that reflects on the preliminary plat because we're not really to that stage, but -- but the trail runs right along the north property line, right along the creek. And you can see we left a stub into -- or a vacant tract into that common area, which we'll also have some -- some water -- storm-water management in that area, but then we'll -- we want to make a connection into that -- into the Bear Creek Trail. So there will be another point of pedestrian access. It doesn't address your -- the vehicular access, but it does go towards the pedestrian connectivity.

MS. LOE: So in some other subdivision proposals where we've run into this issue, we have considered, and I'd like to put it to the Commission -- we have considered a connection that isn't fully vehicular but does provide pedestrian and bicycle connection across the site. Is that -- I'm wondering if that's something that we would accept as an alternative.

MS. GEUEA JONES: Uh-huh. We'll discuss it when --

MS. LOE: Okay.

MS. GEUEA JONES: Did you have more? Commissioner Stanton?

MR. STANTON: I'm going to get right to the nitty-gritty.

MS. GEUEA JONES: Uh-huh.

MR. STANTON: Are you willing to negotiate, or do you want us to vote on it as it, ride or die?

MR. HARRINGTON: Well, if you're going to vote for it, then I want your vote for it now. I guess I need some advice from you guys on that because it's -- I do know that it's -- it's going to be very difficult to do that. But that's going to be -- I guess our other option is to -- to go for a design variance, of course, there --

MR. ZENNER: That’s a possibility.

MR. HARRINGTON: -- but we haven't started that process.

MR. ZENNER: That's a possibility. I'll let you all finish. There's another provision in the Code that I believe is applicable here, and it would have been in our discretion to have made that decision, so it might not have necessarily been a Commission discretionary decision that needed to be made in order to bring this plat forward to you. Finish your conversation, and I'll offer -- I'll offer what section of the Code that's in.

MR. HARRINGTON: Because of the steep nature of this -- this tract, we spent a lot more extensive time and kind of preliminary design from a grading perspective than we did. We've already -- we have already made some rock probes to see how deep the rock is in different places, and it varies quite a bit in that area, but as being across the street from the quarry, you obviously -- we know there's rock. We know that we have to step this site from south to north down, but we also have to go from the ridge to the east down to -- to basically where that stub street is. That stub street is following -- it basically is near a draw that the line that you see kind of winding through here is the sanitary sewer that serves the subdivision to the south. So we have a large elevation train -- or change through all that process, through that that we had to -- to work very hard to get this layout to work on that, and adding the cross street is a very big deal to us, probably a deal killer.

MS. GEUEA JONES: Commissioner Stanton, may I ask a question, or do you have more? I'm asking you. Do --

MR. STANTON: I don't, no.

MS. GEUEA JONES: So my question is, I would not have been surprised, given what you said about elevation and topographical issues, if there had been a design adjustment request or a waiver or something like that. Was that discussed at all?

MR. HARRINGTON: We overlooked the need for that on the 600 feet.

MS. GEUEA JONES: Fair enough. All right.

MR. HARRINGTON: If it is needed.

MS. GEUEA JONES: Any further questions for this speaker, and then we'll let Mr. Zenner interject with what he's found. Any other questions for this speaker? Commissioner Williams?

MR. WILLIAMS: I'm just wondering what -- I'm following the topographical lines on the -- the north part of the site, but as it disperses, it looks like it becomes more shallow. I assume it's -- it's higher on the -- the site, for the portion of the site next to Creasy Springs Road and as it goes down to the creek. So I'm assuming that it's -- it's steep in the north and it kind of becomes less steep as you get south, but still is higher on the west than it is on the east. Is that right? Because the lines get kind of blurred in the midst of the lines.

MR. HARRINGTON: So when you look at the part that we are developing, you're correct. There is a ridge that -- that our -- that western road that we show that goes north and south, that's following the top of the ridge. That ridge comes to a small point farther north that is almost bluff-like as you come around the boardwalk off of Bear Creek. In fact that dark line that you see on -- reflected, that is the boardwalk portion of the -- of Bear

Creek Trail that you see come up. The terrain then drops to the center of the property or to the edge of where we're proposing to develop, and then comes back up to another ridge, and that Lot 121, and then drops back off to Bear Creek again. Did I -- does that answer your question?

MR. WILLIAMS: Well, that was a -- yes. And this one, I guess, to follow up that is I'm just thinking about water on the properties, and I was looking specifically at some of the drainage lines that are in here and just curious if you could speak for a moment about the water management, if you've got, basically, a valley, it sounds like --

MR. HARRINGTON: Yes.

MR. WILLIAMS: that's being created.

MR. HARRINGTON: So what our -- our intention is is to create a detention pond, actually most likely a wet -- an extended wet detention pond in the common area to the north, basically, in the big curve on the northern street, it would be directly north of that. And make that -- our vision is to make that a park-like atmosphere and have -- have -- that's why we're going with the -- the wet detention so that we can make more like a pond. And some of that we'll be -- actually be dug in, and so it won't have a really tall dam associated with it. And that -- it allows us to keep as many trees as possible in that area. And then we have the tree preservation then that buffers -- the tree preservation common area lot that then buffers that area to the Bear Creek Trail. We've had discussions about the possibility of that tree preservation area going to -- to the Parks Department at some point, but there's -- that's been very informal. That's been mainly on our side where we're open to looking at, but we just haven't gotten that far.

MR. WILLIAM: Thank you.

MS. GEUEA JONES: Any further questions for this speaker? And we can all -- you would be willing to let us bring you back up at some point, I assume?

MR. HARRINGTON: Absolutely. Yes, ma'am.

MS. GEUEA JONES: Commissioner Stanton, was that a hand or a scratch?

MR. STANTON: I guess I'm really not clear on the answer. Are you willing to make a deal, a win-win, or do you want us to vote on what you've got on the books right now?

MR. HARRINGTON: I guess I would like to hear some of your discussion before I answer that, and I'm not trying --

MR. STANTON: Well, I don't want to discuss it if we can't make a -- can't make a deal, like, you're just, like, I don't have the latitude or the authority to make a move.

MR. HARRINGTON: Well, I -- I don't have the landowner here to be able to make that deal right now, so I -- I can't -- I can't negotiate that completely. I can tell you what I know from the technical side of it, that it would be very difficult to make that work. We

believe -- we brought forward the best possible layout for this type of -- type of tract. It satisfies a lot of -- a lot of -- a lot of things, and we did, we overlooked the block-length thing. I -- you know, that was overlooked on our part, as well as the review. But I don't think that would change the result if we had known it. We'd still be bringing forward this and asking for your approval.

MS. GEUEA JONES: All right. Commissioner Carroll and then Commissioner Wilson.

MS. CARROLL: I'm going to be honest. I -- in a lot of ways, I love this plan because it meets a lot of the needs that we're hoping to see in applications. Walkability is important to me, and it's a problem here. And I guess what I want to get a feeling from you is because we haven't seen the topography here and I don't know what your constraints are. Is it equally impossible to build a sidewalk connection as it would be --

MR. HARRINGTON: As a connection?

MS. CARROLL: -- for a road? What's the grading like for a sidewalk or a path?

MR. HARRINGTON: It would be -- it would be more possible to do that because you don't have some of the curvature requirements that you have with a street.

The -- the problem that we would have to fight is with the ADA standards, and as you pull away from -- from the public rights-of-way. As -- you just -- you're shaking your head, and I'm asking -- that's, you know --

MS. CARROLL: A resident expert on the ADA standards.

MR. HARRINGTON: Okay. Well, my understanding is when you pull out away from the right-of-way, the sidewalk is going to be steeper than the -- than what would typically be for five percent for a non-ramp or eight and -- one to twelve in a ramp situation. We'll be steeper than the one to twelve, but because we're following the sidewalks as -- as is or following the roadway, they meet the public rights-of-way access guidelines. As soon as we pull that away from the road, then we lose that interpretation that the PROWAG or the public rights of way gives, unless you know another connection -- another solution to that.

MS. GEUEA JONES: Commissioner Wilson?

MS. WILSON: My instinct is saying let's follow this with Commissioner Loe, and then if we haven't addressed my thought, I'll come back to that.

MS. GEUEA JONES: Go ahead.

MS. LOE: I was just going to comment on accessibility. So generally the requirement is to have an accessible route --

MR. HARRINGTON: Okay.

MS. LOE: -- to features or amenities, but not every route needs to be accessible. So if you can get them -- and sometimes when there is geographic issues, such as slopes, it may be that a vehicular route to get to a spot is acceptable due to the site

conditions, but not every route needs to meet.

MR. HARRINGTON: If -- if -- we're comfortable with that as a body, I -- we can make a connection to -- the sidewalk connection across there. I think that can be done, but it's going to exceed what we would normally accept as an accessible route. And if that's okay, then -- then I think that can be done.

MS. LOE: So, yeah. I mean, the City or whatever governing body would be doing the ultimate interpretation, but as someone who does enforce accessibility for a different body, that is what we have followed.

MS. GEUEA JONES: Commissioner Wilson?

MS. WILSON: So I think that this all follows the same logic. Earlier you made the note that the owner is not here, so you're not able to consult with them. And it brought back to me the statement that Commissioner Loe made earlier, as well as the statement of Commissioner Stanton, which was are you willing to negotiate. And I think earlier, Commissioner Loe stated can we put in some type of walkability, which I think is this conversation right now. So even without having the owner here, is that something that you think would be acceptable?

MR. HARRINGTON: I think if we -- if putting a pedestrian connection between the two roadways, I think we can find a way to make that work, assuming we don't have to meet the standard ADA guidelines.

MS. GEUEA JONES: Commissioner Walters?

MR. WALTERS: Could you maybe give us an example here in town of what the grade would be between these two streets if for such a connection, whether it's a vehicular one or a pedestrian one? I mean, you could say nine percent, but that doesn't mean as much as you say across the street -- some streets.

MR. HARRINGTON: And -- and the nine percent is on the streets as they're -- as they're laid out, but if we can make a connecting street --

MR. WALTERS: But if we were --

NR, HARRINGTON: -- it would be steeper -- it would need to be steeper than that, I believe, so we have, I believe, the way we've designed it right now, we're about -- the street to the north is roughly 20 feet lower than the street to the south, which, I'm trying to do the math in my head. I'm sorry.

MR. WALTERS: That's okay.

MR. HARRINGTON: There's -- I think there's roughly 200 feet between those two streets, so that's -- that's pushing two percent, and that doesn't allow for any of the irregularities or if I'm remembering the 20 --

MR. WALTERS: Perhaps the compromise might be if you would be -- rather than

calling it a sidewalk or a paved sidewalk, be a trail, a trail that would connect the two, that you have more latitude in the construction. Obviously, it wouldn't be ADA accessible, but it would provide a means of access or -- between the two points, and it's easy for me to say this. Perhaps it could be by sacrificing one lot on each side, their back to each other, and running that trail through those two lots.

MR. HARRINGTON: I think that's what we would have to do to do that, is probably sacrifice a couple of lots. And -- and that's -- yeah. That's -- that's really precisely what we would have to do. I -- I think running the trail through there has a lot more chance of being technically feasible from a grading perspective than a street does.

MS. GEUEA JONES: Commissioner Williams?

MR. WILLIAMS: I just have a technical question for Mr. Zenner. Is a trail or an interconnecting sidewalk necessary to be on the plat at this stage to approve it?

MR. ZENNER: It would fall in a common lot. We would probably want it to be identified, but again, that could be a condition of approval to be corrected either as a technical correction to make prior to forwarding to City Council, so the intent of the Commission is met, or -- and that would be the preferred route -- or simply having it addressed as a part of the final platting because of what discussed here this evening. So either -- it would be advisable that we are going that direction, that is the direction, the sidewalk, I think, would have to be something that would be corrected as a part of the construction plans. Mr. Walters suggestion of a trail is probably a little bit more forgiving as it relates to the intent of what you're trying to achieve, and a little bit easier probably to accommodate at this stage in the planning processes of the development.

MR. WILLIAMS: So just to make sure I understand, the answer is we would have to approve it with the condition that it be amended before it goes to City Council.

MR. ZENNER: That is correct. And there is already a technical correction on this plat that is going to require correction before this document is forwarded, so this would be just one added correction or addition to be made.

MR. WILLIAMS: Thank you.

MS. GEUEA JONES: Are there any further questions? Commissioner Stanton?

MR. STANTON And you're cool with that, sir?

MR. HARRINGTON: I am cool with that, yes.

MS. GEUEA JONES: I would like --

MR. HARRINGTON: Thank you for asking that, by the way. I very much appreciate it.

MS. GEUEA JONES: Well, I would like to, at some point, also get to what Mr. Zenner said he had found because all of this may have been fixed if he found something

very clever.

MR. ZENNER: It depends on how you want to interpret my interpretation. So 29-5.1 is the right section. It's our 29-5.1(C)(3)(F), which is connectivity, and this is in between figures 5.1-1 and 5.1-2, Provision (F) reads: Cul-de-sac and loop streets should not exceed 300 feet -- I believe this is what Ms. Loe was referring to -- in length, but may be approved in unique circumstances to avoid -- and I stress -- steep slopes, major creeks, floodplains, wetlands, and other sensitive environmental features. I would tell you that if our staff looked at that particular provision, that may be one reason that this particular alignment does not cause significant concern, and again, I would also conclude that the stub is being provided as a portion of access to the adjoining lot. If the stub were not in alignment with the northern street and it was just coming off of a loop, the loop would have been looked at as a loop exceeding the 300 feet due to the conditions associated with this property. The second provision that exists talks about block length, and it is in the same section, and it is (ii), so we go through connectivity and then blocks -- blocks shall have -- the director may approve exceptions to block depth and it also will apply, I believe, to block length, when we're trying to avoid major streets, railroads, waterways, or other sensitive environmental features, steep slopes and waterways. And there is significant discretion provided in both those, however, the solution that has been offered and has been agreed to, probably as a better solution in regards to the Planning Commission's intent and its interpretation of the Code. However, we carry a significant amount of latitude as we do our review, given all of the other factors that come into play when we are evaluating development plans. So chastise us as you may, we sometimes have to critically look at the actual land development pattern that is here and what is possible and what is plausible. And so when we look at the context of the Code, we often sometimes have to make those judgment calls, and that I -- again, I cannot speak to this specifically. Mr. Palmer handled this along with the rest of our review team. But what I could tell you is is if I looked at this and I were asked the question and given the explanation I was just given, I would probably be looking very hard at these two particular sections and suggesting that we have some latitude here by which to give a little bit of additional relief. What this particular experience has shown to me at least is that if a design adjustment had been presented that would have addressed this because there was maybe some vagueness in what was provided there, it is not nearly as clear as it probably could have been to say thou shalt have the authority. We could bring a design adjustment back to you all in the future. Again, this is a worthwhile project based on what we are trying to achieve generally from a citywide perspective. I think the solution that has been offered and generally agreed to by the applicant's design professional can

be accommodated and would address similarly to how we have addressed other larger developments where we had longer street segments.

MS. GEUEA JONES: Thank you, Mr. Zenner. Please stand by. I think we may need you again, but I would like to see if there's any other public comment, if that's okay with the other Commissioners. Thank you very much. Is there any further public comment on this case? Seeing none.

PUBLIC HEARING CLOSED

MS. GEUEA JONES: Commissioner discussion. So the way I see it, as Mr. Stanton said, according to whether or not our applicant -- what the applicant wants to do, we can either vote on it as is, we can table it and get a different plan brought back, or we can vote on it subject to adding a pedestrian connection between the two streets, and other minor technical corrections such that no block is less than 600 feet. The way I read that provision, because it specifies that the director has discretion on depth, but does not say that on length, I think this would have required a design exception or -- or waiver of some kind, whether it's here or BOA, but those are kind of what I think our options are. Depending on what the will of the Commission is, we'll bring the applicant back up and make sure they're okay with that plan, and then take a vote. So further Commissioner comments? Commission Wilson?

MS. WILSON: I am -- I am fond of option three.

MR. STANTON: I think the statutes leave wiggle room to make a win-win situation. I would lean on making that win-win possible tonight as long as the applicant is cool with it and send it up the street.

MS. GEUEA JONES: Okay. Commissioner Loe?

MS. CARROLL: Oh, sorry. I'm also fond --

MS. GEUEA JONES: Commissioner Carroll?

MS. CARROLL: I'm also fond of option three. I line the win-win. I like the walkability. I like the trails. I hate to lose a whole lot to that, let alone two lots. It's a big sacrifice, and that's coming from someone who really talks a lot about walkability. It meets a lot of goals. It is right next to Bear Creek Trail. Adding a trail there, if trails give you more latitude, echo Bear Creek and the surrounding terrain, it may be a future that's valued by people looking for housing in this area. I know -- I'm just putting this on the record. I know last time we went forward with this kind of strange scenario, it -- it was valued by the people who had that option presented to them and suggested to be marketed as a future of their -- of their development. That's all I have.

MS. GEUEA JONES: Mr. Stanton?

MR. STANTON: I don't want to pigeon-hole the applicant, I just want the result.

MS. GEUEA JONES: Yes.

MR. STANTON: So whatever the result is that creates access, that fits our needs, I'm cool with a trail, if a trail works. I'm kind of -- I'm cool, as long as the result is the access that my colleagues are looking for.

MS. GEUEA JONES: Commissioner Williams?

MR. WILLIAMS: I think I'm taking a different approach than the rest of the Commission from what it sounds like, and I'm asking you to educate me because I'm not -- I'm not fully understanding what we're trying to solve for. It seems like we're -- we have a basis in the Code, based upon the topography, to accept the road layout as it is. The fire department has reviewed it. I assume there's going to be sidewalks along which is actually what the petitioner made note of. So I'm not understanding the walkability aspect, I guess, of what we're trying to solve for on the walkability, in that someone could walk -- there's -- there's an ability in this neighborhood. There will be sidewalks. So I'm just trying to understand, what are we trying to solve for?

MS. GEUEA JONES: Okay.

MR. WILLIAMS: As I said, I'm asking you to educate me, because I'm not understanding what we're trying to solve here.

MS. GEUEA JONES: For sure. Mr. Stanton?

MR. STANTON: Number 1, did you look at the topography both in the preliminary plat, and then there's a sheet on our -- actually, we've got two sheets that show the elevations. Okay?

MR. WILLIAMS: Uh-huh.

MR. STANTON: So the engineers in that opinion, his engineering staff had done the best they could to try to accommodate the sidewalks, the lots, and all that good stuff. A lot of our colleagues, myself included, have to think of the people that are not addressed here. If you were in a wheelchair or had some kind of disability that steep slopes or steep sidewalks or steep roads were a danger to you, then you would kind of see why we want to at least create one accessible route for those type of people, or you are isolating that particular group. Do you understand what I'm saying? So we're trying to -- we're trying to address that, if I'm correct, colleagues. If I'm not, straighten me out, but --

MR. WILLIAM: Am I -- are we having a dialog, or am I -- are we all taking turns?

MS. GEUEA JONES: Right. Go ahead.

MR. WILLIAMS: I just wasn't sure, honestly.

MS. GEUEA JONES: No. No. Go ahead.

MR. WILLIAMS: I want a point of order. I just didn't know if Mr. Stanton and I are having a dialogue.

MS. GEUEA JONES: As long as our transcriptionist is okay. One at a time, don't speak over each other, she says. Go ahead.

MR. WILLIAMS: So I understand that, but it sounds like from the topography, even if we're sacrificing lots, we're not going to get to a sidewalk that's going to be accessible with a wheelchair, so it's not solving that problem.

MS. GEUEA JONES: So, yes. And the problem, as I see it, is this. We have a provision in our Code about block length, and we have a provision in our Code about the number of lots on a block that are accessible for whatever purpose, not handicap accessible, just the number of -- of lots on each block segment. Neither of those have the level of discretion that the cul-de-sac looped street has. We now have three provisions that need some kind of exception or waiver, whether that's at the staff level, this level, or Board of Adjustment. No exception has been brought forward. And so that has created a problem where we have a case that is essentially not complete because those provisions weren't addressed. If we let that go forward without officially addressing those provisions in any way, that creates problems of arbitrariness and, I mean, we don't really have precedents, but it creates a pattern and practice of not requiring plans to be fully compliant with the Code before they're brought forward and approved. That is my issue. I don't think it's a handicap accessibility issue. I think it's a question of if you live on Lot 50 and you want to get to your neighbor, you know, on Lot 104, you have to walk through people's private property to get there, or you have to go all the way around on the public sidewalk. So what we are proposing is some sort of cross between those two streets, so you have a shorter block length, which means you have fewer houses on each block, and it allows people to traverse within the neighborhood. Admittedly, doing that with something that is vehicular is impossible, it sounds like. Doing that with something that is a public trail, so you're not having to walk through people's private property is what we're suggesting as a compromise so that we've put forward a Code compliant plat or preliminary plat without overly burdening the developer. Does that make sense?

MR. WILLIAMS: It does. And just so I understand, you're -- you're not accepting Mr. Zenner's interpretation of (F) as applying to this such that it could make this a U-shaped street that's longer than 300 feet?

MS. GEUEA JONES: (F) does, but 29-5.1(c)(3) (ii) block length does not, and --

MS. LOE: (E).

MS. GEUEA JONES: -- (E) right above F does not.

MS. LOE: He did not address (E), which does not have an exception, which is 30 dwelling units without additional street connections. Unless otherwise permitted by this chapter, I searched the chapter, I did not find any exceptions identified for number --

MR. ZENNER: Well, the --

MS. LOE: of dwelling units.

MR. ZENNER: So the exception that would otherwise be identified then is where we talk about. So that 30 ties into the 30 for the fire code, and the 30 for the fire code clearly indicates that the fire marshal and the fire department has the right to waive that standard. And as Mr. Harrington pointed out, their calculation, and this is based on for fire apparatus access, which is again where the 30 lots comes from, they have viewed this based on their code, and it meets -- otherwise meets their standards. So the connection between the 30 and 30, I think, is, at best, muddied. However, we have seen other -- and I shouldn't say that. I don't want to make that statement that, that we have probably seen other projects to where we have had over 30 lots or 30 lots or units, 30 -- I would say 30 lots on the street segment, that otherwise met the fire code, that we haven't had this same discussion on. And again, I think to the point that Mr. Williams is making, the criteria as it relates to the topographical issues and the -- you know, the topographical issues associated with this, and just the way that the street layout is that shows the northern street, basically, being what would be the continuation into Lot 121, if that wasn't as pronounced as being the through, but was more of a stub in between a loop, I don't know if we would have been -- we may have still had this conversation, but I think it definitely would have been that the relief would have been granted more directly under the condition that we have to approve the length of the loop street being longer than 300. Ultimately again, I think that the provision of what we're trying to create here is a superior way of addressing pedestrian connectivity. It may not address pedestrian connectivity fully in all respects of a pedestrian, because we do have the sidewalks that would otherwise be compliant with the code following the street road rights-of-way, which Mr. Williams is correct, as well. So in the absence of having a design adjustment before you as it relates to other aspects that you have identified this evening, the solution that is on the table that has been offered that the applicant needs to be called to consent to, I think, is your most correct action to take to address the issue that Ms. Geuea Jones has brought up, that we do not want to set -- just out of example that this is something that's acceptable to move forward with future planning.

MS. GEUEA JONES: Commissioner -- oh, sorry. Commissioner Williams, did you have more -- I know Commissioner Stanton has something he wants to say, too.

MR. WILLIAMS; I was just going to say that if we assume that this is a U-shaped street or map provision, I do think it's sort of -- it would make it very interesting how that cross -- that street could continue, if, at some point in the future, it were to connect through, that would -- that would be very difficult to then continue to maintain that it was a

U-shaped -- then you really would have a non-conforming street in Eliah. So if Ella did at some point, continue on, that does not look like any U-Shaped neighborhood. It looks like a very long Eliah Drive.

MS. GEUEA JONES: Which needs to be less than 600 feet to comply with the Code.

MR. WILLIAMS: All right. Then I think all -- then I think the exception in (F) is no longer applicable, and then you're left with -- with (E) and the blocks --

MR. ZENNER: The exception for the cul-de-sac length, then we do have an exception on street length that would end in a cul-de-sac, as well, based on topography. There's another one that's further up above (F).

MS. GEUEA JONES: Commissioner Loe has been very patiently waiting while we discuss, so we'll do that, and then Commissioner Stanton.

MS. LOE: Thank you. I brought up the cul-de-sac merely because of the questionable development of 121, but it is the least of my concerns. I think the other two items are much more pertinent to our desires for how we want to see subdivisions developed. I appreciate Mr. Zenner's comments about 30 dwelling units being tied to the fire safety code. We do try to coordinate our requirements when we can, but I would also speculate that it's not the only requirement, otherwise, we would not have incorporated it into our subdivision code, we would have left it in the fire safety code only. And to that point, I want to point back, and Mr. Williams might appreciate this, that this body is also guided by the Columbia -- Columbia Imagined Plan, and the elevates in there which include building more walking and bike paths to compliment the trails and preserving the walking and biking amenities of the neighborhoods and community. And that was very much part of the discussion we had or included in the UDC development. This -- these are futures we want to see incorporated into the subdivisions. So I think that's part of the reason why we have multiple items identifying and limiting the length. Unlike Ms. Carroll, I think the designer can be very clever and not lose any lots and still accommodate this. I actually was a little encouraged to see that there could be an opportunity to add additional circulation because one of the conversations we've been having in our work sessions about small lots is that with the increase of density is that there's a lack of open space around the houses and connections. And we were setting a limit much lower than this for introducing some variety and some other amenities, and I see this as a sort of a test of that and an opportunity to -- I was happy to see our Code actually included something that incorporated some of what we've been discussing.

MS. GEUEA JONES: Commissioner Stanton?

MR. STANTON: I'm just going to reiterate that I think that the Code gives us latitude

and gets people's brains moving. The engineer needs to sharpen his pencil and read his books a little bit, and figure out the solution, so you know that we want connectivity -- pedestrian connectivity; am I correct? Or, Mr. Williams, we can vote it as it is and we lead the -- we see where we're looking. So if you want to put that man's project on there or we vote as it is, I'm ready. And I think it's not going to be the way that our applicant wants it to be.

MS. GEUEA JONES: Commissioner --

MR. STANTON: So I think we have enough latitude to get what we want, and I think he'll be happy.

MS. GEUEA JONES: Commissioner Walters, and then I think we may be ready to ask Mr. Harrington to come back up.

MR. WALTERS: From my two bits is I've developed subdivisions for 30 years. I would have no problem approving this on the first right, but I don't have a problem. I mean, we're talking about 120 lots versus 122 lots. In the context of a whole subdivision, it's easy for me to say this, the owner is not here to yell at me, but I don't think losing those two lots is a big deal, and I think the connectivity would be easily achieved, but I hope people don't think that it's something that just everybody is going to be able to use because it will only be -- it'll be very steep. It'll be fun -- it will be a fun trail. It would be a fun trail, but it would be very steep, so --

MS. GEUEA JONES: All right. Are we ready to ask Mr. Harrington to come back up? We will briefly reopen the public hearing for the applicant to weigh in.

MS. GEUEA JONES: Would you -- it sounds like we're -- well, we've listed the three options. What would you like us to do?

MR. HARRINGTON: So my understanding of option 3 is that you basically condition approval on us making a pedestrian connection between the two streets, and we -- we are -- we'll work out whether we lose two lots or not. We'll have to -- we'll have to work through that, but we're -- we can do that.

MS. GEUEA JONES: Amenable?

MR. HARRINGTON: Yes.

MS. GEUEA JONES: All right. Thank you very much.

MR. HARRINGTON: Thank you.

MS. GEUEA JONES: We will re-close public hearing.

PUBLIC HEARING RE-CLOSED

MS. GEUEA JONES: I think we are close to ready, if someone wants to make a motion, or is there further comment? Commissioner Loe? And by the way, we're going to be looking at legal a lot during this to make sure we say it in a way that makes you

happy.

MS. LOE: Okay. In the case of 184-2024, Bennett Ridge Preliminary Plat, move to approve with technical corrections and the inclusion of a pedestrian connection between Ella and Eliah, so that no block is more than 600 feet long.

MR. ZENNER: Block.

MR. CRAIG: Can you cite the Code provision in compliance with that. I think that's the path of least resistance there and make additional comment.

MS. LOE: No -- I can, except I just want to cite more than one. Okay. Because Mr. Zenner is correct, there are exceptions, and we're looking at a few code requirements in this decision. So I would just say that it's pursuant to the discussion based on UDC 29-5.1(3)(E) and (3) (ii).

MS. GEUEA JONES: Oops.

MS. LOE: Sorry.

MS. GEUEA JONES: (c)(3)(E) and -- (c)(3)(i) (E) and (c)(3)(ii).

MS. LOE: Correct.

MR. CRAIG: Yeah. That -- that'll work.

MS. GEUEA JONES: Yes. All right. Moved by Commissioner Loe, seconded by Commissioner Stanton, with the changes accepted, as well. Does everyone understand the motion?

MR. CRAIG: Actually, for the record, if we could just restate that as whole.

MS. GEUEA JONES: Sure. Do you want to do it, or do you want me to?

MS. LOE: I can. In the case 184-2024, Bennett Ridge Preliminary Plat, move to approve the preliminary plat with technical corrections and pedestrian connection between Ella and Eliah, pursuant to the discussion based on UDC 29-5.1(c)(3)(i)(E), and (3)(ii).

MR. CRAIG. That will work. Thank you.

MS. GEUEA JONES: Very good. Is there any discussion on the motion? Commissioner Williams?

MR. WILLIAMS: I will vote for it because I like the plat, but I think that we've actually created a confusing record because a sidewalk trail, I don't see how that satisfies being -- meeting these two requirements that we just cited. So I feel like we're doing some -- a bit more form over substance here, but if it's understood that we are, in this instance, deeming a trail or sidewalk to meet the requirements of a block intersection or a separation of houses, then as long as that is understood.

MS. GEUEA JONES: Very good. Commissioner Stanton?

MR. STANTON: In our collective wisdom, the alternative would have been we throw it

back for a design adjustment, which costs the owner more money, that engineer has to go back, resharpen his pencil, redraw this stuff, go in front of another Commission, hopefully get the design adjustment, and come back. We're like a whirlwind to push it forward as it within the powers that we have at this body so that the applicant can move forward with us being satisfied at the same time.

MS. GEUEA JONES: Any further discussion on the motion? Seeing none. Commissioner Carroll, when you're ready, may we have a roll call.

Roll Call Vote (Voting "yes" is to recommend approval.) Voting Yes: Ms. Geuea Jones, Ms. Wilson --

MR. CRAIG: I'm sorry to interrupt. I don't know that -- our court reporter alerted me to the fact that we don't -- I don't think we got a second on that motion.

MS. GEUEA JONES: I'm sorry. It was Commissioner Stanton. I don't think it was --

MR. STANTON: Seconded and accepted the amendments.

MR. CRAIG: And then -- okay. Thank you.

Roll Call Continued:

Voting Yes: Mr. Walters, Ms. Loe, Mr. Stanton, Mr. Williams, Ms. Carroll. Motion carries 7-0.

MS. CARROLL: We have seven to approve.

MS. GEUEA JONES: Thank you. That recommendation will be forwarded to City Council. Thank you very much, Mr. Harrington, for working with us. All right. Moving on.

move to approve with technical corrections and the inclusion of a pedestrian connection between Ella and Eliah, so that no block is more than 600 feet long pursuant to the discussion based on UDC 29-5.1(c)(3)(E) and -- (c)(3)(i) (E) and (c)(3)(ii).

Yes: 7 - Loe, Stanton, Carroll, Geuea Jones, Wilson, Williams and Walters

Absent: 2 - Placier and Baysinger

VI. PUBLIC HEARINGS

Case # 177-2024

A request by Jessica Yankee (agent), on behalf of Bruce M. and Deborah L. Polansky (owners), for a Conditional Use Permit (CUP) to allow the existing single-family dwelling at 400 Clinkscales Road to be used as a short-term rental for a maximum of 210-nights annually, pursuant to Sec. 29-3.3(vv) and Sec. 29-6.4(m) of the Unified Development Code. The 0.11-acre subject site is located at 400 Clinkscales Road and is zoned R-2 (Two-family Dwelling).

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

Staff report was given by Mr. Pat Zenner of the Planning and Development

Department. Staff recommends approval of the conditional use permit to allow 400 Clinkscales Road to be operated as a short-term rental for a maximum of 210 nights annually, subject to maximum occupancy and final compliance reviews being completed by the City's Housing and Neighborhood Services Department following City Council action.

MS. GEUEA JONES: Thank you, Mr. Zenner. If -- before we go to questions for staff, if any of our fellow Commissioners have had conversations with parties outside of a public hearing, please disclose so now. Seeing none. Any questions for Mr. Zenner? Seeing none. We will open the floor to public hearing.

PUBLIC HEARING OPENED

MS. GEUEA JONES: Please come forward, state your name and address for the record. Six minutes for the applicants or a group, three minutes for an individual.

MS. YANKEE: Thanks so much. Good to see you guys again. My name is Jessica Yankee; I live at 17 West Parkway, and I'm here on behalf of 400 Clinkscales. I -- as the first person to do this, I wasn't sure what you guys wanted. I do have a little bit of detail about the property if you are interested. So the Polansky's did purchase this property in February 2022 for the intent Mr. Zenner mentioned. They have children and grandchildren here that they want to visit and not occupy their home, so they do come frequently to stay there, and they saw short-term rental as a opportunity to keep the house in order while they are not here. And they recruited me to come in and take care of the property while they are gone. To date -- so it has been operational since April of 2022. We currently have never received less than five stars rating from any of our guests. We have a perfect five-star rating, no complaints, and to the questions about parking, again, no -- no complaints there from any neighbors. We do make it very clear in our check-in instructions regarding parking on the right, as well as we do actually have signage that shows to park on the right. And then in regards to the five unrelated, I don't think there's been a time we've ever had five unrelated guests. There's only three beds, so you can work that self out. But I'm just here to answer any questions you might have, as this is also your first time.

MS. GEUEA JONES: Thank you very much, Ms. Yankee. Any questions? No. Thank you for -- my only question, you answered. I think when we said is it currently a short-term rental, we didn't mean a licensed one. We meant, like, was it operating under the non-enforcement kind of thing, so thank you for answering that question. I think that's all -- very good. Thank you very much.

MS. YANKEE: Okay. Thank you.

MS. GEUEA JONES: Are there any other members of the public here to speak on

this case? Seeing none. We will close public hearing.

PUBLIC HEARING CLOSED.

MS. GEUEA JONES: Are there any Commissioner comments on the case? Commissioner Loe? Or not Loe. Commissioner Carroll -- other side.

MS. CARROLL: Open this back up. I rather like this application. I -- I think that our Code does a good job at addressing concerns that we had. I don't see any neighbors here to complain. I think the surrounding area can support this. I -- I'm happy to see the first one go by, come and go without a room full of people. That makes me feel like we wrote something that's good and supportable. I'm looking at a statement in the staff report that I just -- I didn't want to go by without drawing attention to, and that is with respect to the goal of creating livable and sustainable neighborhoods, of the Columbia Imagined Plan Policy 1 would be fulfilled given that there is greater housing diversity and inclusivity of housing types within the existing residential neighborhood. It kind -- this statement kind of rubbed me the wrong way in the way that we're evaluating the plan because I don't see how this changes diversity of housing types. The same housing types that were available before are available now. There, perhaps, one fewer rental or one fewer long-term house, but I don't see a difference in housing types due to the STR market, and it's a concern of mine in the way that we address it going forward. Nonetheless, I like this application and I -- I'm prepared to support it, unless there are any other huge deal-breaking comments that I don't know about.

MS. GEUEA JONES: Thank you, Commissioner Carroll. Any other comments? Seeing none. Would anyone like to make a motion? Commissioner Stanton?

MR. STANTON: As it relates to Case 177-2024, 400 Clinkscales Road, STR conditional-use permit, I move to approve.

MS. LOE: Second.

MS. GEUEA JONES: Approval was moved by Commissioner Stanton, seconded by Commissioner Loe. Is there any discussion on the motion? Seeing none. Commissioner Carroll, may we have a roll call.

Roll Call Vote (Voting "yes" is to recommend approval.) Voting Yes: Ms. Geuea Jones, Ms. Wilson, Mr. Walters, Ms. Loe, Mr. Stanton, Mr. Williams, Ms. Carroll. Motion carries 7-0.

MS. CARROLL: There are seven to approve, the motion caries.

MS. GEUEA JONES: Thank you. That recommendation will be forwarded to City Council. We have one case remaining on our docket. I am not inclined to take a break, but if any of the Commissioners need to go, as long as we still have six on the dais, take a minute and come back, and we'll just take turns if we need a break. Is that okay with

everyone? Yep. Excellent. Pushing forward.

Move to approve.

Yes: 7 - Loe, Stanton, Carroll, Geuea Jones, Wilson, Williams and Walters

Absent: 2 - Placier and Baysinger

Case # 183-2024

A request by A Civil Group (agent), on behalf of Dan and Audrey Barraco (owners), seeking approval to rezone 4.82 acres from the R-1 (One-family Dwelling) district to the M-OF (Mixed Use - Office) district. The subject property is addressed as 4414 Smith Drive and is directly south of the intersection of Dayspring Drive and Smith Drive.

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

Staff report was given by Mr. David Kunz of the Planning and Development Department. Staff recommends denial of the M-OF zoning map amendment. Alternatively, if believed appropriate and supported by the applicant, the Planning and Zoning Commission could recommend approval to rezone the parcel to R-MF, which is consistent with the adjacent zoning, land use patterns, and Comprehensive Plan.

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

MR. WILLIAMS: If, as -- well, it's a two-part question. Whether it's zoned as M-OF or R-MF, currently there is no proposed development plan on the site. So if we rezone it, either of those two, does it have to come back before the Commission to build a 35-foot structure on the site?

MR. KUNZ: If it -- if multi-family were accepted by the applicant, it has legal lot status and legal lot status would continue to be held if it stays within a residential zoning district. However, if it gets rezoned to mixed-use office, the applicant would be required to both preliminarily and final plat the lot before a building permit could be obtained.

MR. ZENNER: And the final preliminary and the preliminary plat component of that would come back before this body, but it would be generally a technical review. If it were zoned R-MF, because that is a residential zoning district, it would be a direct submission for code compliance with the building code, which is also evaluated based upon the site design conditions that are established within our development code, so you would not see it as a residential development.

MR. WILLIAMS: Thank you.

MS. GEUEA JONES: Any further questions for staff? Commissioner Loe?

MS. LOE: Planner Kunz, I had a question about the fact -- the report identified that the owner has not identified any project. However, you -- the packet included communication from the neighbors which included a letter from the owner identifying a project for the house. So I just wanted to confirm with you that the proposal to build a second home was never mentioned in meetings with you?

MR. KUNZ: It was mentioned, but in discussion with the applicant, I determined that that's not truly the rationale for the request for the rezoning, but that was the -- in the letter for the concept review, and I don't know if it was in the letter for the application for this rezoning, but, yes. They did state that that was the initial intent that has since been indicated that is not necessarily the rationale for rezoning to mixed-use office.

MS. GEUEA JONES: Thank you.

MR. ZENNER: Ms. Loe, the applicant that wrote the letter that has been provided to the adjoining property owners is here. He can speak to that directly, as well as the agent who is representing the owner.

MS. LOE: I think I was just interested in the discrepancy between staff not having been told of any project and the neighbors having been told of a project, so thank you for that clarification.

MS. GEUEA JONES: Any further questions?

MR. WALTERS: I have a couple of quick --

MS. GEUEA JONES: Commissioner Walters, go ahead.

MR. WALTERS: Two quick questions. You're aware that -- do you know what the traffic count is for Scott -- for Smith Drive in this area?

MR. KUNZ: I do not know the ADT at the moment, no.

MR. WALTERS: How about do you have any comparison or estimates between the daily trips that would be generated by the R-MF plan versus an office plan?

MR. KUNZ: I mean, it would depend on what they elect to construct there. I believe in the staff report, I included prospective trip counts for general office use contrasted with mixed use office or with multi-family development where multi-family development would generate more trips than a mixed use -- or than an office district -- office use would, excuse me. And I want to add that if I'm not mistaken, Smith's designation as a neighborhood collector means it's anticipated average daily trips would be somewhere between 1,500 and 3,500. If it exceeds that, I believe it would have to obtain major collector designation, but that is the rough ADT range that we're looking at with neighborhood collectors.

MR. WALTERS: Neighborhood collectors. Okay. Thank you.

MR. KUNZ: Correct. Yeah.

MS. GEUEA JONES: Any further questions? Seeing none. We will open the floor to public comment.

PUBLIC HEARING OPENED

MS. GEUEA JONES: Please come forward. Name and address for the record. Six minutes for the applicant or a group, three minutes for individuals. Here he comes.

MS. GEUEA JONES: I know that the Commissioners received copies of it by email.

MR. GEBHARDT: Yeah.

MS. GEUEA JONES: Yes. Yes, we did. Sure. I was looking to see if it was attached to the staff report.

MR. KUNZ: No. It would not have been.

MS. CARROLL: It was sent after the staff report.

MS. GEUEA JONES: Yes.

(Off the record)

MS. GEUEA JONES: I will call us back to order. If you are ready, please continue.

MR. GEBHARDT: Thank you. Good evening. My name is Jay Gebhardt; I'm a civil engineer and land surveyor with A Civil Group. I'm here tonight representing Dan and Audrey Barraco who own the property in question, and their son, Joe, is here to represent them. So I submitted this PowerPoint to you because of the time constraints and that, so I'm going to buzz through some of this pretty quick, but some of it I'm going to stop on. So, you know, Dan and Audrey have lived here since 1986, so for 38 years. And to kind of give you a context of what they -- when they moved out here, what was out here, and it was a gravel road, it was in the county, and none of the existing subdivisions around. One of the things I want to point out is -- is Dan and Audrey never opposed or, you know, was against any of this development occurring around them. They just saw it as progress and -- and things change. So going through time, we got The Hamlet being built, and in 2019, we have before Westbury was approved. And then when Westbury was approved, some of the things I want to point out that maybe David is not aware of and Pat is -- so the things and why are the existing things out there today, except for the

Westbury Retirement Center. It's in yellow. But the 150 apartments and 20,000 square feet of retail, those plans are currently being worked on by Matt Kriete over at Engineering Surveys and Services for submittal this fall and construction in 2025. It's -- it is 150 apartments. It's a four-story structure with retail on the main floor. Just below that, right across from our site, is an M-C lot that has a 10,000 square foot building that is -- has been submitted for a building permit. I don't know if the building permit has been issued, but it has been submitted for review. And then on the corner directly to the east of our property, there's been a concept review for a quick-serve restaurant. And when I looked at the plans, there was an arch on it, so I'm assuming it was a McDonald's, but I don't know that for a fact. And then, of course, we have the existing building that's in the two M-N lots and are vacant. So really the only vacant lot out here is that triangular piece on the very southeast corner. The rest of it is all spoken for and being actively developed. Buzz through these real quick. You know, the point of this slide is you can see this site from Scott Boulevard. When you're standing here where that says concept review for quick-serve restaurant, I mean, that's very visible from the property. Right across the street, we have that 10,000 square foot building, and then those 150 apartments and 20,000 square feet of retail between us and the -- between that 10,000 square feet and the Moser's building. And then looking this way, you have the Westbury Retirement Community. This chart I don't expect you to read, but the point of it is is everything in yellow is allowed in both R-MF and M-OF. It is really the green highlighted items that are different, and I tried to make it bigger here. The other colors are either conditional uses or just not allowed in one or the other, but the greens are that. And really where we're headed with this is, you know, what -- what would we prefer to live next to. Would we rather live next to an office development that's there Monday through Friday, 8:00 to 5:00, or would we rather live against apartments. And that's -- the Barraco's didn't really have a say in how everything was developed around them, but -- and they're reacting to how it was developed. So -- but the basic reason that we disagree with staff on this is basically just the idea that we think the M-OF is a less intense use next to it. And part of the definition of M-OF basically says it is a transition zone between commercial. And keep in mind, we've got the highest commercial zone right across the street from us. And then there's been a lot of emphasis placed on Smith Drive being kind of a dividing or jumping-off point, and nothing south of Smith Drive that -- but this property is very similar To The Flats and to the Westbury where it is buffering single-family neighborhoods to that commercial area. So we don't think that is necessarily a good reason for not approving zoning here. Traffic is always a concern, but in this case, you know, we will have to do a traffic impact study. I can't imagine this property being developed in either R-MF or M-OF without a traffic impact study. This slide is basically to show you that, you know, we've got R-MF on the left and M-OF on the right. Everything is the same, and when you get down to the middle paragraph, it's a little confusing, but if I give up five feet of side yard, just five feet, I can go ten feet taller in R-MF, and I can be the same height as M-OF. And I don't know any developer who wouldn't make that decision. They would have another floor of -- of apartments or another floor of height by giving up five more feet. So, to me, from an engineering point of view, and development standpoint, I don't see a difference in the heights of this. What I do see is that the uses that we're talking about being allowed in M-OF that's not in R-MF would require a more substantial screening by the code, so we would have the ten-foot landscape buffer and the eight-foot-tall screening device, whereas, the apartments would only have a six-foot landscape buffer. And so, yes, we're asking for uses that are not residential, but we don't think they're that impactful to that neighborhood, and, in fact, we think it's less impactful. This slide was basically just to tell you what we've done. We reached out to the neighbors within 1,000 feet, had a meeting to -- four people showed up. And then we -- a month later, we had another meeting where we contacted just the neighbors that abut us because we felt they have a different perspective than the general neighborhood, and two people showed up to that. And I've kind of listed out what I thought their concerns were, but I'll let them speak for

themselves because they're here tonight. And so really it's, like, why M-OF instead of R-MF? And it's basically because we think it's less intense use and a better neighbor to live against than that. And when I say this mixed use, I don't -- I don't see this as all just an office complex. I see it as truly a mixed use with apartments above and that. So David's slide that showed the building with -- the building which had apartments above and offices below I think is a really good example. It is three times smaller than the site, so maybe there will be some apartments on this and maybe there will be some of that, but it's -- we don't know. And then that's the other component of this that -- that people have been poking holes in is that, you know, why now? Why are we doing this? We don't have a developer in tow. The property is not for sale. Why are we doing this. And Joe has some -- some reasons for the family on this, but, basically, I -- I don't understand why we would penalize a landowner for wanting to do some planning by instituting zoning for his property just because he can't say where each building is going to be and where the parking is going to be and all that. I think that's -- if we really went through and we do some planning on this, is let's establish what that is. The family does not intend to sell this at this time. They want to live on the property. They want to age in place on the property. But setting this up is their most valuable asset, and setting this up so that it could be sold and sold quickly without a lot of ideas of what could or couldn't be there, and then having a say in how that -- what they think is what's best for the neighborhood that they've lived in for 38 years. There are neighbors in support. We had a petition sent around and now we had six signatures from owners on that in support. And then, you know, the staff is making a recommendation, and I really do think we're trying to put our best foot forward here to -- with the M-OF zoning. The neighbors don't agree, but -- so we want to -- we want to stick with that. We're not going to agree to go to R-MF at this point in time. So if anyone has any questions for me, I went through that pretty quick, but you guys have already seen most of it, if not all of it, so -- yeah, Anthony?

MS. GEUEA JONES: Excuse me.

MR. GEBHARDT: I'm sorry. I'm sorry.

MS. GEUEA JONES: Sir, you know better.

MR. GEBHARDT: Sorry.

MS. GEUEA JONES: Commissioner Stanton, would you like to ask him a question?

MR. STANTON: Yes, I would, ma'am.

MS. GEUEA JONES: Please go ahead.

MR. STANTON: That was going to be my question. Do you want to have a vote as is up or down --

MR. GEBHARDT: Yes.

MR. STANTON: -- or are you willing to negotiate? No negotiation, you want it as -- as it lays?

MR. GEBHARDT: Yeah.

MS. GEUEA JONES: Very good.

MR. WALTERS: I have a question.

MS. GEUEA JONES: Commissioner Walters?

MR. WALTERS: Staff talked about some differences between what could happen after this meeting if it was multi-family versus office, and one of the things if it was an office use would be the requirement that a preliminary plat would come back. And on that preliminary plat, can you give some examples of the things that would be illustrated on it that might have a direct impact on the neighbors, such as lighting and landscaping and that sort of thing?

MR. GEBHARDT: The preliminary plat, and then at least -- and I'll let staff address this because -- too, if they want. But, to me, it would address, like, access to Smith Drive, where driveways would be or where -- if there is a street extension into this, you know, where that would be. And, to me, the only place it can be is across from Dayspring Drive, but -- so, yeah. I don't see it -- especially if it's a one-lot subdivision, I don't see that there would be a lot of things addressed on there at that time that would

answer questions, like, lighting or noise, traffic, that kind of stuff.

. MR. WALTERS: Would it show the landscape requirements, the setbacks and screening and so forth?

MR. GEBHARDT: It would show the setbacks, I believe. No?

MR. WALTERS: Okay.

MR. GEBHARDT: We used to show the setbacks, not anymore, so --

MR. WALTERS: All right.

MS. GEUEA JONES: Any other questions? I have a couple. Trying not to be pedantic or nit-picky, but in your slide, you say that the neighbors didn't realize there was no commercial activity in M-OF, and when you explained that to them, they were okay. I think what you're trying to say is that there is no, like, retail or that sort of thing. But these would be commercial uses, potentially?

MR. GEBHARDT: Right. So you can have a personal service. You could have a salon here, things like this.

MS. GEUEA JONES: Doctor's office?

MR. GEBHARDT: Doctor's office, yeah.

MS. GEUEA JONES: Yeah.

MR. GEBHARDT: When I think of commercial, I think of retail, so that's my fault. That's just the way my brain is wired.

MS. GEUEA JONES: Sure. I just want to make sure we're all on the same page. The other thing is you said they have no current intention to sell, but they want to be able to sell quickly. So -- and maybe this is a better question for -- for Mr. Barraco. Explain that contradiction to me.

MR. GEBHARDT: So without getting into too much of the family's business, the -- Audrey has been diagnosed with Alzheimer's. And if she needs long-term care, there's no -- there's no money for that except this property.

MS. GEUEA JONES: Yeah. So the intent is --

MR. GEBHARDT: To go ahead and get it zoned, and then be able to quickly sell it without having to have a fire sale.

MS. GEUEA JONES: Got it. I think that's all I have. Any last questions? No? Thank you very much.

MR. GEBHARDT: Thank you,

MS. GEUEA JONES: Next person to speak on this case from the public, please come forward. And because we do broadcast and it's helpful for our transcriptionist, make sure you're speaking into that mic. Thank you.

MS. GERMAIN: Hear me okay? Okay. My name is Sonya Germain; I live at 4411 Sussex Drive, so to the south of the property in question. I have lived there for ten years with my husband and our two children. They're eight and eleven now. When we first purchased our home, you know, we've seen pictures of what it used to look like. We had conversations about what could that be in the future. I think that, you know, we assumed future changes would occur. We're supportive of that, but I don't think we assumed that it would be rezoned commercial when it's surrounded by a lot of R-1 development. And then, you know, I kind of addressed the second home on the property and said maybe that wasn't the real reason, but that -- that was in the communication to the neighbors, and I did re-read the application. It was in the application too as the -- the, like, primary purpose for the rezoning. I've worked at Veterans United in the mortgage industry for 13 years, so I don't think that it's necessary to rezone to commercial for building a second home. But all that aside, again, there's no plans to develop or sell. That means that we don't know what it's going to be. And as someone who is going to continue to live there, that's the current plan, I am concerned with all of the different potential options and that there is no direction or anything for us to really argue against. You know, there's no set thing that says that an office building has to be Monday through Friday, 9:00 to 5:00. A hair salon is not going to operate in those hours, so I think that it's a little bit misleading to -- to, you know, get the support of the neighbors by making generalizations and saying

things that may not be true. And then the other thing that I just want to say is that our property has a downward sloping from our backyard to our house, so in terms of, like, building heights and what we have to look at, our privacy in own home, that's an issue for me personally. You know, we live there, our kids play outside. We have barbecues and family things going on, and when you buy a home in an established residential area, you kind of have that expectation that you're going to have some privacy in which to conduct your business, and I don't personally feel like, you know, a four-story apartment building with -- I don't know -- balconies that face onto my property that removes a lot of my privacy, as well as the potential light pollution, just a lot of unknowns that -- that I don't feel like have been really addressed. And in summary, I don't have any personal disagreement with the family. They've been really good neighbors for the ten years that we've been there. We've had zero issues. I come from a farm family myself, so I understand the desire to maximize your property value and your family inheritance. I really do get that. I'm just concerned that this opens up the potential for lots of different use cases that just really aren't appropriate and would be an unfavorable change for the residents of the area. So thank you for your time.

MS. GEUEA JONES: Thank you. If you would give us just a moment. Questions for this speaker? I have a couple of questions.

MS. GERMAIN: Sure.

MS. GEUEA JONES: In your mind's eye, you said that you were talking about, oh, what could that be some day. What is your best-case scenario?

MS. GERMAIN: I think that the -- the way that when my husband and I bought this property, we assumed that what would happen would be the parcel would get divided into smaller parcels and it would be either single-family or maybe, like, duplexes that would be put there some day. I think that would be the ideal use case. I -- I -- from listening to the other commentary today, I understand that there's a desire for community, you know, having different residential options within Columbia, so I definitely understand that. I, you know, wouldn't be opposed necessarily to other options, I would just want to know exactly what they were before I took a stance.

MS. GEUEA JONES: Thank you. I think that -- I think that answers my question. I understand the concern about hypotheticals. I guess my second question would be, like, if you were told this is going to be an office complex with apartment buildings, and you knew that was what it was going to be, would you still be opposed to the change?

MS. GERMAIN: I would want to understand the, like, building height and -- and what the buffering would look like. I think that would be the biggest deciding factor for me.

MS. GEUEA JONES: Okay. Thank you. Any other questions? Commissioner Williams and then Commissioner Carroll.

MR. WILLIAMS: Just to make sure I visualize it. You talked about the slope, but I'm not sure that I quite picked up on which way your yard slopes. I see there's a fence, at least when I look on the Google Maps.

MS. GERMAIN: Yeah, absolutely. There's the fence. We have a two-story home. And, basically, from our -- our master bathroom window, which is in the back of our house, on the second floor, you can look straight over and see the Barraco home today, but it's -- it's set back enough from the fence line that there's no privacy issues, but that's the kind of visibility line.

MR. WILLIAMS: So the -- so looking straight out from the back door of your house, there -- it's a --

MS. GERMAIN: Yeah. It's just an upward slope.

MR. WILLIAMS: It's uphill?

MS. GERMAIN: Yeah.

MR. WILLIAMS: Okay. I don't have any other questions. Thank you.

MS. GEUEA JONES: Commissioner Carroll?

MS. CARROLL: This isn't exactly on the table, but how do you view multi-family development?

MS. GERMAIN: In general, I'm not opposed to it, and I definitely understand -- you know, I work in the mortgage industry, I understand that housing is becoming more and more unaffordable, and I don't -- I don't have any desire to, like, exclude people from having an affordable residence.

MS. CARROLL: Would you find an apartment building preferable to an office use? Well, I guess it's not an office use -- to an M-OF, given what you've seen on the list?

MS. GERMAIN: Okay. Again, I think it would depend on the -- on the details on how, like, how the components of the building are -- are they facing the road, are they facing my house, a mixture of each. I know I probably can't decide. I'm -- this is definitely my first foray into anything like this, so I'm not -- I'm not pretending to have all the answers or know everything, but --

MS. CARROLL: Yeah. I understand. You may get to see more details for an M-OF zoning before the final approval than you would for a residential zoning. I'm putting that out there, so you have all the information.

MS. GERMAIN: Yeah. Okay.

MS. GEUEA JONES: Thank you, Any other questions? Thank you very much. The next person to speak from the public?

MR. BEMAN: My name is Dave Beman; I live at 4800 Greenwich Circle. These comments are about the 4415 case, obviously. I strongly oppose a rezoning to either M-OF or R-MF. The question was asked earlier what would you prefer? R-1. Put another subdivision in there. That's what is consistent with the neighborhood. I feel a little bit at a disadvantage here because we listened to an extensive presentation, a number of points that I would have disagreed with, a number of points I disagree with Jay, but I get three minutes. So how do you respond to that when you could write a position paper on that. Due to the blanket nature of the request, which I don't understand why we're trying to rezone without a proposal, I would want to see a proposal.

And the previous meetings here, it was about we want to rezone this property because we want to do thus and such. That gives people who might oppose it a chance to say something. Right now, we're put in the position of, hey, we want to rezone this to something, and when it's pitched, it's pitched as if, oh, we'd be -- it would be this little unobtrusive thing, like, a little office. But there's no control over that, once you put the zoning and you have the allowed uses, it's done. I'm not sure the zoning change is needed at this time. There's still some available commercial space north of Smith. Did I just hear correctly that those multi-family dwellings already have 150 units in them to the north of Smith? Maybe that's enough. I've heard discussion about the buffer. Smith is the buffer between that area and the R-1 homes. I say if you want to do something with that property south of Smith, put a subdivision in there and have it be more R-1 housing. I do believe that there are certain things that can accrue to an area when you put multi-family in it, and this is not trying to be politically incorrect or anything else, but you have to consider that if you have higher population density housing, sometimes increased crime comes with that. Sometimes there are additional personal safety concerns. There's potential traffic congestion. And as you add more people traveling east-west on Smith, you've got a congestion issue. But then I hear the presentation, well, you know, the traffic count would be high enough so you'd have to do a traffic study. Well, to me, I don't mean to sound too jaded, but it sounds like we approve this, we create a congestion

problem, then we do a traffic study, then we add a traffic light or a roundabout or additional lanes on Smith so that we can mitigate the new congestion that we introduced. And, to me, I am concerned. Okay. Let's say you build a high-density apartment unit and congestion increases. You add a traffic light, you add a roundabout. That decreases the access efficiency for all the neighborhoods to the west of that property. When I go to get out, I'm sitting at a roundabout and a traffic light, or I'm sitting at two traffic lights to get out to Scott Boulevard, so there is an impact on the people even if you do a traffic study and put these other fixes in. So to reiterate, I would think that the buffer would be Scott, and that the reasonable thing to do would be to say let's do this R-1. So I'm against either M-OF or R-MF.

MS. GEUEA JONES: Thank you.

MR. BEMAN: Regarding the question you raised about the letter, yes. The initial time I became aware of this was, hey, we want to care for our parents. We want to build a second home on the property. I met with Jay and Joe at A Civil Group for two hours, and we discussed that. And the real crux of the issue was, no, that's not really it, because we can't really afford to do anything with the property. The real issue is we want to increase the zoning now so that the increased value of the property is ours rather than some future developer. Now I don't have a problem with that. It's everybody's right to try to maximize the value of their property. No beef with that. Be straight with me, and also there is a cost that comes to the rest of the neighborhood if you do that. So my contention would be it's -- it's certainly their right to want the increased value and I don't begrudge that. But you have to weigh that and, in my opinion, it's not sufficient justification for new zoning that may have a negative impact on the existing property values of everybody else. And that's an issue -- and you guys fight with that all the time. I don't have to tell you. So anyway that's -- those are my points. I wish you gave people more time to oppose, and I probably stepped over my time, so I'll be quiet.

MS. GEUEA JONES: Thank you very much. Are there any questions for this speaker? Commissioner Williams?

MR. WILLIAMS: I didn't catch it quickly enough. What street do you live on?

MR. BEMAN: I live on Greenwich Circle, so we're -- we're, if you look on that map, you can't quite see it. You exit Smith on Somerset, and you go south, and you'll see Greenwich Circle cutting off to the west. It’s not on that map that I see. It would be a little to the left. I think you're about to get it. Okay. Well, I can't -- I don't have a pointer. Yeah. I think -- there we are. The little arrow, move the arrow up and to the left.

MR. WILLIAMS: Okay.

MR. BEMAN: Oops. Right there. Right about there.

MS. GEUEA JONES: Okay.

MR. BEMAN: Okay. So the influence for me is I come off Somerset, I turn right heading for the light at Scott. So any increased congestion or a roundabout or another traffic light, that's something I have to move through in order to exit to Scott Boulevard. So -- and they're currently still building R-1 to the west. All those houses aren't even done yet. So the congestion is already going to be increasing because the further west you go on Smith Boulevard, you can drive through those areas and they're building high-end homes and lots of residential area there now. There's also empty land that I suspect at some future point will become additional R-1, which means more and more people to the west trying to get through that choke point where this site resides.

MS. GEUEA JONES: Do you have any follow-ups, Commissioner?

MR. WILLIAMS: I don't. Thank you.

MS. GEUEA JONES: Thank you. Any other questions for this speaker? Seeing none. Thank you for being here tonight.

MR. BEMAN: Thank you.

MS. GEUEA JONES: Are there any further speakers on this case, please come forward.

MS. THOMAS: Hello. I'm Denise Thomas at 4707 Sussex Drive, so just up the road from Sonya. I don't really have a lot to add. I think Dave summed it up really, really well. Just that I agree that M-OF and R-MF seems a bit much right there since there are people whose literal backyards are going up the hill into this property, like, Sonya's, and her neighbors, and she probably would prefer to keep it R-1 or R-2 if possible, and especially if there is more apartments already in the works right across the road, that seems like it would probably satisfy the hope for the node that they're looking for for those commercial areas there. That's all. I just wanted to say my peace. Oh, and I heard something about six people signing a petition in support, but I have to say that letter they sent was very misleading. A lot of my neighbors -- I know we've touched on this. Sorry. I'm not going to pound it, but a lot of my neighbors, when they first read it, thought that they were just wanting to build another home, and that's not what they want to do at all, and I feel like that was probably where those signatures came from, but that's all I've got. I'm sorry.

MS. GEUEA JONES: Thank you. Any questions for this speaker? Seeing none. Thank you.

MR. WILLIAMS: No. I have one.

MS. GEUEA JONES: Oh, sorry. Commissioner Williams?

MR. WILLIAMS: And what do you envision from the standpoint of your location of

your particular property being the biggest impact to you if this rezoning were approved?

MS. THOMAS: For me, traffic. It's -- but that's -- again, we don't know what's going to go there. It's -- there's going to be more traffic no matter what. But if it goes to R-MF or M-OF, it's going to be probably a multi-family home that goes in there, and that's going to be a lot more traffic than there would if it was duplexes or single-family residences, which is what it currently is, which, I mean -- that's all. That's all. Traffic for me.

MR. WILLIAMS: Thank you.

MS. GEUEA JONES: Last call. Seeing none. Thank you very much. Next member of the public?

MR. BARRACO: My name is Joseph Barraco; I live at 602 Nancy Drive, and I appreciate guys' time for this evening, and giving us the opportunity to speak even if it is three minutes. Appreciate it. Me and my family have been proud residents of Columbia since 1983, and over those past 40 years, we've seen our beloved city grow and evolve into a vibrant community. When we first moved here, actually, you showed some of those images, our property was a serene haven. We were able to ride our horses around. We heard coyotes every evening, but all good things must come to an end. As Columbia has progressed, so too has the development around us, and throughout this transformation, our family has consistently supported progress, always aiming to contribute positively to our city's growth. We never stood in the way of development, understanding that change is inevitable and necessary for a thriving community. My parents who are now aging wish to continue living on their property. However, with the extensive development around us, we frequently receive inquiries from developers interested in purchasing the land. So the few city officials that I have spoken to have indicated that our property’s current R-1 zoning is unlikely to remain unchanged as the city continues to expand. With that in mind, our family engaged A Civil Group to assist us in rezoning our property to M-OF. This change will not only align with the surrounding developments, but also provide our family with the financial means to afford any future care my mother may require. We do not want to be in a position where we must sell our property at the lowest price due to some time constraint or family issues. We believe in the principle of reaping what you sow. Our family has sowing seeds of progress and support for our community, and now we seek to harvest those efforts by being responsible stewards of our land. Rezoning to M-OF will allow us to respond appropriately to the evolving landscape around us, while ensuring we can provide for our family's needs. I appreciate you guys considering this request, and if you have any questions, I’m here.

MS. GEUEA JONES: Thank you. Are there any questions for this speaker?

Commissioner Stanton?

MR. STANTON: Some of the speakers question your motives or your initial intent.

MR. BARRACO: Yeah.

MR. STANTON: Can you speak on that?

MR. BARRACO: Yeah. I think Sonya sort of mentioned it, well, I think, you know, being our first foray. We're not developers. Right? Coming into this, I think that there was -- you know, our last resort. It is my wife and my wife and I. She's an amazing -- she's an amazing giving incredible sacrificial woman, and our two families, we would be the people that would care for them. Both my sisters are gone, and so if we ever come to a place where we're not able to purchase a home that abuts into it, we're not able to rent one of the homes that is even closer than where we are. Like I mentioned, I'm on Rollins and Fairview now, so we're relatively close. But if things come to -- to where they actually need care and we need to be closer, we wanted to be prepared for that. In hindsight, it's 20-20. What we should have done is just spoke about the things that -- things that we knew we needed to solve for, not things that potentially could be. But hindsight, 20-20. I feel like we've been, you know, communicating with the neighbors as early as possible, as wide as possible, as upfront and honest as -- as we can be, and that's why we've had all these opportunities to reach out and speak.

MS. GEUEA JONES: Go ahead. Commissioner Williams?

MR. WILLIAMS: First, I want to commend you for your desire to take care of your parents. It's applaudable. My question relates to -- and I apologize, I'm having a -- it's getting late --

MR. BARRACO: Fair enough.

MR. WILLIAMS: -- so I'm having a hard time remembering what I want to ask everyone. What I'm -- you mentioned in the letter and here now that you have received inquiries or proposals from developers in the past, and I am curious, without asking you to divulge any specific information about who or -- you know. But what kinds of development proposals were presented to your family?

MR. BARRACO: My -- my -- since we have been here for many years and been sort of advocates within -- within the community, my dad has relationships and my mom for -- for decades. And so oftentimes, some of those people are developers within this -- within the community currently. They would do things that would be able to be approved in R-MF or M-OF, typical sort of office, apartment buildings that around here in town. Probably three different people have reached out to my dad, specifically having conversations about that. And that's the type of business -- that's the type of business that they do.

MR. WILLIAMS: So just to follow up more specifically, did you get an idea from them about -- so these would be multi-story -- were all of the proposals to you multi-story buildings?

MR. BARRACO: No. No. I'm -- I'm a little hesitant to even have any of these conversations because I don't even want to ever have to do this, you know. So, you know, you keep people in the -- in the Rolodex or at least around so when that time comes, there's people that you can reach out to, but I have not allowed them to even put forward with, hey, here's what I was thinking kind of a deal, or maybe it could be this or that, that's not -- that's not what's -- what we're to focus on right now.

MR. WILLIAMS: So what is the -- I understand what you're trying to do because I think many of us have -- have experienced the stage of life in various ways, seen it in various perspectives that you're -- you're working through right now. So I understand that there seems to be a tension between we want to maximize the value of the property to be able to take care of parents, but at the same time, parents still want to live on the property.

MR. BARRACO: Uh-huh.

MR. WILLIAMS: So what I'm trying to see is that that creates a tension that has been mentioned by many of those speakers --

MR. BARRACO: Uh-huh.

MR. WILLIAMS: -- because it creates an unknown. So where --

MR. BARRACO: Tension of unknowns is what I'm living through every day. And so when -- when you see -- when you see a path forward, it seems like you're going fine and then things drop and you're at a completely different level. Well, if we know that that's how -- how this moves forward, we need to be prepared as best we can so that if and when that reverse of a plateau, whatever that drop is, hits to where, hey, we can't handle this ourselves. There needs to be full-time care. If we don't do this now, then those same developers who have time, you know, have connections, then they come to us, and it's not the same conversation. You know, then it is us during a spot where you have to be very quick or you have to take less money that you know it's not worth. And that's -- and that's not a good steward of the land. If you see that that is what's coming forward, the unknown, you have to do your best to plan for it. And so that's why as you sort of see those things, it's sort of, okay, what are the steps, who do I need to reach out to, and that's how we -- we do -- A Civil Group, what is the appropriate thing for this zoning, and they sort -- it's been in insane education.

MS. GEUEA JONES: Commissioner Stanton, go ahead.

MR. STANTON: I understand your motives. The problem I have, they want us to vote

on this up or down as it is.

MR. CRAIG: Commissioner Stanton, can you speak into the microphone so we can get this on the record. Thank you.

MR. STANTON: They want us to vote on it as is. No wiggle room. They want it either M-OF or nada. So the argument of maximizing the value of your land and all of that, I understand that argument. A kick up to what we may offer is not on the table because what we represented was vote on it as it is, which means there's a bigger picture, and it's hard for me to -- it's hard for me to grasp your full argument without saying if I'm -- if I'm really worried about X, Y, Z in the future, I'm going to leave my -- leave me out. There is no out right here. The guy that's representing you right now wants us to vote on this right here.

MR. BARRACO: Yeah.

MR. STANTON: And so the story gets a little sticky --

MR. BARRACO: How so?

MR. STANTON: Because -- because if it was all about maximizing or at least increasing the value of your potential property, I wouldn't back myself into a corner to say ride or die, because if you're residential now, and, yeah, I might shoot for the moon, if I miss, I'll be amongst the stars. Have you ever heard that before?

MR. BARRACO: I have.

MR. STANTON: What we're presented to right now, and what the guy that's representing you right now said is M-OF or die. That kind of taints your story. It kind of feels like -- I hate to say this, but it would be, like, we give you M-OF and then all of a sudden, miraculously, somebody has a heck of a deal. And then tomorrow, you're a millionaire.

MR. BARRACO: Who?

MR. STANTON: I don't know. I'm just saying that the stars could align tomorrow, and we give you M-OF, and then tomorrow you just get a heck of a deal at M-OF, this -- this drops from the sky and you're a millionaire tomorrow. Oh, my gosh. I was lucky. That's kind of how I'm feeling. And I'm going to vote on M-OF or die. That's what was presented to us.

MR. BARRACO: And the way I understand it is, you present one thing. Is that how you come and you present one thing.

MR. STANTON: Did you listen to the last case? There's always a deal to be made.

MR. BARRACO: Yeah. Well, because this is my first -- first time ever doing something of this, you know, you don't know what you don't know, and so you have to trust the counsel that you bring on. And so I have to -- I have to trust in A Civil Group

because they've come -- you know, because of -- I have to trust them because I don't know this world, Anthony.

MR. STANTON: Okay. Okay.

MS. GEUEA JONES: So we won't take questions from the audience. So I'm going to ask this question. I suspect you won't answer it. But I suspect I'll be able to figure out the answer to it. Are you in negotiations for a sale option should your parents leave the house?

MR. BARRACO: No.

MS. GEUEA JONES: Because that is what this sounds like. It sounds like that's why you want specifically M-OF. You rejected M-F -- R-MF. You haven't talked about M-N.

MR. BARRACO: Yeah.

MS. GEUEA JONES: You haven't talked about M-C.

MR. BARRACO: Yeah.

MS. GEUEA JONES: You want something very specific.

MR. BARRACO: Yes.

MS. GEUEA JONES: That sounds like you've been in negotiations on an option.

MR. BARRACO: Okay. Do you want me to answer?

MS. GEUEA JONES: Please.

MR. BARRACO: I've taken counsel. When I -- when I -- when I reach out to many people, there were people at Plaza Realty that, oh, my gosh, that will be commercial in a heartbeat. No. No. No. You can get it zoned open and all this. There was plenty of people that told me commercial and M-N is exactly what you can do. You've got commercial across the street, too. That's a no-brainer. I hear that from many people. When I interviewed the people to work with, A Civil Group and Jay Gebhardt specifically, he was the only person that followed up the community around that. We've lived in that community our whole life, and so, when he broke down the different things, like, hey, there's only -- there's only a reasonable height that you're going to be able to raise this to, especially without any plans. And so his counsel was if I was a neighbor, I wouldn't want a -- I wouldn't want people coming around constantly. I would want a further buffer. And so I brought that to my parents. I said these are the two things that Civil Group mentioned, and that's what we -- that's what we moved forward with. So it is strictly on -- on counsel -- from my counsel to say, hey, what's realistic, because this is very rare. You're not coming to the Council with plans. It's going to be different. And so you need to do something that, you know, you're focused on the Code. This is reasonable for the area that is possible to get because this is -- yeah.

MS. GEUEA JONES: I think that, you know, we get a lot of zoning changes without plans, unless there's a replat. The issue here is you're asking for a pretty dramatic increase from R-1 to M-OF. You're not asking to go to R-2 so you can do a cottage development. You're not asking to do anything like that. You're not saying, hey, you know, I want to upgrade my zoning. I mean, you are saying I want to upgrade my zoning so I can sell it for more, but the upgrade is multiple steps up, which is why you got push back from staff, and it is different from the rest of the neighborhood in that you've got a pretty massive stream buffer from commercial directly adjacent, and a pretty big thoroughfare. So, I mean, I guess, like, I think Commissioner Stanton is right. The thing that's causing every -- or at least me, maybe not everyone on the dais, but me, to go something is not adding up here is the I have a very specific plan, but also I have no plan.

MR. BARRACO: Yeah.

MS. GEUEA JONES: I don't want to sell my house, but also I need to sell it fast.

MR. BARRACO: Yeah. The plan is we live across that commercial now. It's going to be a hard buyer if you're getting one or two people to live across from that. So when you're thinking about selling your property in the future, you have to think about who is going to buy that. And so who is going to buy a property to put four houses across from that -- from that? It's probably going to be fewer people than are already reaching out to my parents. So it's just natural to go where -- okay. You have to respond to what's happening to you.

MS. GEUEA JONES: Uh-huh.

MR. BARRACO: So never thinking about this until you live through this -- this development and your whole world changes. And so then you have to adjust. And so it doesn't seem appropriate.

MS. GEUEA JONES: Then -- then why, when staff said we would support R-MF did you say no?

MR. BARRACO: Because -- because A Civil Group said that it would probably be appropriate to push forward with the discussion of why office would make more sense to be around them, you know, as a neighbor, and that's what I listened.

MS. GEUEA JONES: Okay. Than you. Commissioner Carroll, did you have questions?

MS. CARROLL: Yeah. I have questions. And that statement just kind of flabbergasted me a little bit there. I don't understand the premise either, and maybe I ought to leave this for Commissioner comment. You know that -- I guess I'm trying to find you a win-win here, and you said that you're worried that you will -- that you will find

yourself pressed for time and having to sell at less than the value of the land to a developer who can upzone and get something better, but nobody is entitled to the best and highest value of their land. Right? They're entitled to what's granted for the land as it's presently zoned. Anybody can pursue an upzoning. It's somewhat rare that we don't go with staff recommendations. It's actually very rare that we don't go with staff recommendations. I think -- I think what I want to say is that your concern may be on a false premise because whoever might buy this from your parents will also have to seek an upzoning for that same parcel still zoned R-1 and still next to R-1. And they're going to encounter the same neighborhood, the same complaints, the same questions from staff. I'm not sure that this is a -- I'm not sure that this is a golden egg that would be granted to somebody other than yourself, and I'm not sure that -- I'm not sure that that opportunity needs to happen now. I'm sorry. I should have held onto this. I just -- I'm hoping that if I address the premise now, you'll have a chance to think about it before we close the public hearing. And I'm sorry that I lost my question in all of that. I guess we can move on.

MS. GEUEA JONES: Commissioner Wilson?

MS. WILSON: As has been stated, I understand where you're coming from and why. What I'm wondering is if you understand that it's our job to measure not only today and what your concerns are, but 20, 30, 40, 50 years from now and the concerns of those around you, as well. And so if we were to accept things just as they are, then we could possibly be making decisions that would be detrimental to others. It's a difficult balance. It's a difficult thing to weigh. Do you understand?

MR. BARRACO: It's -- yeah. It's a lot that you guys have to weigh. I don't understand it completely, but I appreciate the point, yes.

MS. WILSON: I would hope that you could have a side bar with your counsel.

MR. BARRACO: Like everybody is saying the same thing.

MS. GEUEA JONES: Commissioner Williams?

MR. WILLIAMS: I can save it for -- for Commissioner comments.

MS. GEUEA JONES: Okay. Commissioner Stanton?

MR. STANTON: There's a reason why staff picked the particular zoning that they recommended because every one of those guys that have probably got about 100 years of school. Everybody is sitting over there has at least got a master's in this very thing. Eight years probably each person there, and I'm not even talking about the people that are not even in the room. Eggheads that have been reading about urban planning for decades. You get where I'm coming from? That counsel you're talking about, we have a whole office of that counsel with a minimum of eight -- six to eight years of education

eggheading over this very topic. And there was a reason why staff picked this zoning after -- and the egghead that's sitting behind you that's really smart, that engineer, same way, same -- same way. And for us to listen to that man who is very intelligent, because I'm in the construction world, too -- very intelligent man behind you. But staff, to have that conversation with that intelligent man and still decide to do this is heavy. And the only reason I'm saying this is because you have one -- you'll have no out. You have to vote on this or stay where you are. And every -- that argument you just made, is you have no back door -- no back door. So think about that.

MR. BARRACO: Okay.

MS. GEUEA JONES: Anyone else? Seeing none. Thank you very much. Next person? Just a show of hands. Anyone else going to come up after this? Okay. Go ahead.

MR. SCHMIDT: Good evening. My name is Frank Schmidt; I live at 505 Silver Thorne. And full disclosure, I am a member of the Columbia Bicycle and Pedestrian Commission, and of The Local Motion board, but I emphasize that I'm not here for them. I'm wearing a different hat because I'm president of the Stoneridge Estates Homeowners Association, which is within 200 feet to the northwest of the subject tract. And we have approximately 140 homeowners. We and the board unanimously oppose the proposed rezoning. We don't take this position lightly. We've had very good years of friendly interaction and communication with Jay Gebhardt. In fact, I wrote a note about six months ago saying that our association had no objections to one of his projects, which adjoined our subdivision. The major objection is the proposal will convert a single-family residential area to more intensive mixed use, whether it's office or residential. It will encroach on the neighborhoods. Our neighbors in The Hamlet bought their homes with the expectation that they would adjoin single-family residential properties protected by zoning. As an example, rezoning of the Westbury property, which took close to 30 years from agricultural to R-1 to R-2 to commercial, has created a negative impact on our neighborhood. What was touted the last time it was rezoned as a walkable friendly community opened with a Wendy's and a tire store and a Petro-Mart, and I think that -- that's along Scott. The -- the situation of construction basically damaged the median on Stone Valley Parkway, which is a city street that we maintain the median at the homeowners' expense. We have a traffic bottleneck between Dayspring and Scott. No one has mentioned that there is a street, alley, something behind the Petro Mart. It doesn't have a name. The businesses have the addresses as Scott Boulevard, although they don't adjoin Scott Boulevard. So coming off Smith going west, you have to make a sharp right into this unnamed alleyway, which is built to city street standards, as near as I can tell, and then make right turn in, get your gas, make left turn out. And the problem is that Smith zigzags in order to line up with Rollins Road. There have been bottlenecks, crashes, all kinds of stuff at that neighborhood or at that -- basically, between Dayspring and Smith and -- or I mean, and Scott. Scott-Smith intersection is horrible even now. And we're going to increase traffic -- not necessarily a good idea.

Furthermore, I question whether Columbia really needs more office space. I -- I did a quick Google search and there are close to 200,000 square feet up for rent -- small sizes, big sizes, just about any place you want in town, lovely properties that aren't being rented because we're in a situation where people are working from home, office spaces are closing down. So just in terms of the viability of this proposal, I don't think it would

happen. Ultimately, Columbia doesn't need nor can it afford another non-viable commercial property. Thank you. I urge you to reject the proposal.

MS. GEUEA JONES: Thank you. Oh, thank you.

MR. SCHMIDT: Sorry I went too long.

MS. GEUEA JO0NES: Oh, you're fine. Any questions for this speaker? Seeing none. Thank you for being here tonight. And I believe our last speaker of the evening? Please come forward.

MR. MURPHY: Good evening, Chair, and Commissioners. Kevin Murphy with A Civil Group, 3401 Broadway Business Park. The -- once again, M-OF is a perfectly acceptable zoning district in this per --

MR. CRAIG: Mr. Murphy, can I have you speak a little closer into the -- into the microphone, and I believe some members of the public didn't catch who you were.

MR. MURPHY: Sure.

MR. CRAIG: If you could just say that one more time, please?

MR. MURPHY: Kevin Murphy, A Civil Group, 3401 Broadway Business Park Court. I'm saying per the City's UDC code, which everyone worked so hard on, an M-OF district is to serve as a buffer between residential and more intensive non-residential uses. It is intended to allow innovative design approaches that reflect and respect the character of nearby residential areas without the need for rezoning to a planned district. The -- the graphic that accompanies that statement shows two office buildings right next to two residences. We know what -- what the setbacks are. We know what the heights are. We know what the buffers are. And M-OF provides more of all of that. We talk about the 35-foot height, the 45-foot height. R-MF can build 45 feet, as well. It breaks down to the neighborhood production district -- protections. So you would still get a greater buffer in every aspect with M-OF than you would with that. Some of the speakers have spoke about traffic. Again, any traffic impacts we would -- any proposed development that would go here, known or not at this time, would have to prove that it is either addressing traffic impacts or is not -- does not need to. In the -- on the CATSO Plan, Stoneridge Parkway just to the west here is shown to connect to a future West Broadway extension, which would then help relieve this intersection in the future, as well. But for the Comprehensive Plan, this office employment within this marketplace node area is within a residential -- a walkable residential service area. These are all -- all things that -- that point out that this is perfectly acceptable to have a M-OF here versus solely R-MF, which again, could generate more traffic than an office situation, as admitted by staff. I just think we need to trust our ordinances and decide what the best use for this property is, and it's an infill development again next to a highly developed area, and it is designed -- M-OF is

designed to be a buffer between those, and provides a greater protection than the R-MF, and that is why we suggested that to our client. I don't see why at looking these and comparing these how R-MF is greatly better than M-OF when there's so many more protections with the M-OF. I also have some examples here, just I'll point out some recent M-OF rezonings --

MS. GEUEA JONES: Mr. Murphy --

MR. MURPHY: -- in residential areas at Garth and Sexton, at Tenth and Park, there was two or three --

MS. GEUEA JONES: Mr. Murphy, hi. I'm sorry. You've gone over time.

MR. MURPHY: Okay. One more. On Texas Avenue and North Garth.

MS. GEUEA JONES: All right. Are there any questions for Mr. Murphy? Thank you. Last call for any more members of the public? Seeing none. We will close public hearing and go to Commissioner comment.

PUBLIC HEARING CLOSED

MS. GEUEA JONES: Commissioner comments? Commissioner Stanton, we'll let you start.

MR. STANTON: I'd like to entertain a motion.

MS. GEUEA JONES: I think we've got a couple. I know. I think we do have a couple of people who want to make comments, and then we'll come back. Commissioner Williams?

MR. WILLIAMS: So under Missouri law, the burden is on individuals seeking rezoning to show that the current zoning is unreasonable. And I won't go through every factor in that, but one of which is the property value of -- you know, the value of the property, and certainly I can understand your comments regarding the property value being less for R-1, particularly given that it sits on a road that has become increasingly busy and looks out towards what is now a commercial space. So the balance there is that we have to look at -- so that's a detriment to you if we don't approve it. We have to balance that out against the public. The counterside to that is the public doesn't include just the neighbors there, so if the abutting property owners are against it, that's not a de facto reason because the abutting property owners don't speak -- are not representative of the public as a whole. So that's the weighing out that we have to do. I'm saying that just for the record, that these are the factors that we have to -- to consider. And when I look at this, I see on the positive side for the request that there is the surrounding zoning districts along Smith and Scott that would be reflective of a commercial use. This is lighter commercial use than those, and so that certainly weighs in favor of it. The property value aspect I mentioned weighs in favor of it. It's a lighter use, so it is a step

down that weighs in favor of it, and it's also with -- consistent with the neighborhood district designation for Columbia Imagined. On the flip side, we have seen that there's some distinguishment between what's being requested and what's around it. So the M-C and M-N that are around it have the natural boundaries by the creek, which creates a greater setoff than would be present for this property if it was rezoned. And everything that's on the south side of Smith is R-1 except for those properties which have a natural setoff. We have to consider the neighboring property values. I do think that, you know, a 25 or maybe it's increased rear yard, and, you know, space between the boundary -- the rear boundary of the property and a 35- or 45-foot-tall building isn't a great deal of distance when you think about the spacing there. And I've heard numerous individuals from the public who live in the area, but who do not live immediately abutting the property state that they are concerned about traffic because traffic is already an issue with congestion from the development on the north side of Smith Drive, in particular, as it gets close to Scott Boulevard, and the location of the subject property would be very close to that already congested intersection, and so it would add what currently there is no left-hand turn to any commercial business, it would add a left-hand turn to the south, whereas right now all the traffic is at least heading to the north into that commercial property. So those are the things that I'm looking at and I'm weighing out, and that leads me to believe that it's a fairly debatable position as to whether or not this is a proper request. And so for me, the up or down comes to there's no current plan and that means that whether this is up or down, or you told me suddenly that you were going to change it and it was going to be R-MF, there's still no plan. And given the counter balancing, I have concerns that that's just not equitable for the residents and the property owners around both the abutting ones concerned about their property value and the perhaps more distant neighbors concerned about the street. So in my view, weighing out the different factors, my weighing goes to voting no regardless of how it's zoned, whether it's the City's proposal or the applicant's proposal because I don't think it's proper given what we've heard to rezone this without a development plan presented to us.

MS. GEUEA JONES: Other comments? I would -- okay. Go ahead, Commissioner Walters.

MR. WALTERS: I'm going to be in the minority view here because I'm looking at Google Maps here while we're talking, and when you look down Smith Drive, none of the homes front on Scott Boulevard. So this property, though it's zoned R-1, and if it were left R-1, it would be forced to have frontage on Scott Boulevard -- Smith Boulevard. I'm sorry. I said Smith and Scott. sorry about that. When I look down Smith Drive, none of the home sites front on Smith Boulevard -- Smith Drive -- sorry. That doesn't show here

the layout of Breckenridge Park.

(Multiple audience members speaking simultaneously.)

MS. GEUEA JONES: So I -- we can't -- I'm sorry. For the record, the audience members were explaining that there is one home that fronts onto Smith.

MR. WALTERS: Right. That's the only -- that's right -- sorry. That's right. There's one there, but I'm talking about more current subdivisions, like Stone Valley Parkway. None of them are -- none of them face Smith Drive. The Hamlet, none of them face Smith Drive, and I don't think it's probably true in Breckenridge, none of them face Smith Drive. And there's a reason for that because you have cars that would be going in and out of the drives, as you know, and backing right onto a busy street, and that's not preferable. It's possible, but not preferable. And I just think that it's not unreasonable to -- to assume that you could incorporate some mixed-use office into a subdivision like this. I've done it before in some of my subdivisions. At Veterans Walk on the south side of town across from Walgreen's, we started that plat and we had commercial zoning there without a plan. Yet in The Highlands, at the front where there's a swimming pool, there's a -- now there's a doctor's office on Forum Boulevard. It was done without a plan. It is not impossible or weird to have people come in and request zoning without a plan. Now it certainly makes neighbors uneasy. I get that. It's certainly understandable. But I think there is distinction here and I think the reason that A Civil Group probably chose this type of zoning was because there is opportunity for further input on the required preliminary plat that will follow this. Yes, it's scary to see the open zoning now, but there is that -- the next step is to see a plan that would illustrate setbacks, talk more about the topography, talk more about storm water, talk more about lighting, talk more about density, and also take into consideration the grade of the land. Anyway, I'm going to be the only dissenting vote here, but I think it's worth pointing out that there -- some people are alleging how really unusual or how unordinary this request is, and I don't -- I don't believe that at all.

MS. GEUEA JONES: Further comments? Commissioner Carroll and then Commissioner Loe.

MS. CARROLL: I will make a comment. Grading of the land does come into my evaluation of this because it tells me how well it can be screened. The other thing, as far as how uncommon this may or may not be, I do think that this is a somewhat common request for zoning without a plan. That's not at all uncommon -- zoning without a plan. I don't have a problem with that. What's uncommon is bringing forward a request knowing that you don't have a staff recommendation and sticking to it without a plan. Usually -- that is an uncommon scenario. That doesn't come to us very frequently, and I trust the evaluation of our staff.

MS. GEUEA JONES: Commissioner Loe?

MS. LOE: I would like to start first with clarification from Mr. Zenner just to confirm that single-family homes would probably not be allowed to have driveways onto Smith?

MR. ZENNER: Single -- single nor two-family would be allowed to have driveways directly on Smith Drive as a restricted access roadway.

MR. WALTERS: Would or would not?

MS. LOE: Would not.

MR. ZENNER: Would not. Commercial development utilizing a shared point of access and multi-family development, commercial inclusive of the office zoning district, would be permissible because that is not a private driveway. It's not a private residential drive. It is a private what we would consider commercial access into a parking lot. And so, as Mr. Gebhardt pointed out, the likelihood of where that may be located is directly across from Dayspring. Based on sight disability conditions associated with the curvature in the roadway, so that is -- that's the regulatory standard as it relates. This -- if this were to be developed as a residential approximate five-acre tract of land, it would likely either be a short cul-de-sac or it would be a loop street.

MR. WALTERS: A short cul-de-sac or what?

MR. ZENNER: A loop street -- not over 300 feet in length. But -- so we would -- we would end up with something that would be more conventional to what you see in the subdivisions to the south, most likely.

MS. LOE: Thank you, Mr. Zenner. I would also like to just observe that when we did approve the development north of Smith, I remember there was discussion about the M-C and M-N lots to the south, and the fact that there is a physical creek buffer that was provided by the creek between those zoned lots and the R-1 residential lots was critical in approving that M-C, M-N. And I would see this upzoning as being a creep because it's coming across that physical buffer that we did take into evaluation when we looked at that development previously. So while I understand the proximity, it is impinging on other factors we took into consideration. To A Civil Group's comments about the use of M-OF adjacent to residential, I am very much in support of multi-use development, and I fully support the examples that we included in the UDC. However, I'm also very sensitive to existing zoning, especially R-1. As our applicant has pointed out, R-1 property is often an individual's largest investment or one of their largest investments, as well as their home. And because of that, I do not approve upzoning adjacent to R-1 at all lately, and when I do, it has to be with the support of adjacent property owners, and I do not hear that this evening, so I will not be supporting the proposal to upzone.

MS. GEUEA JONES: Thank you. Anyone else? Commissioner Stanton?

MR. STANTON: Just to piggyback off Commissioner Loe, I'm all about increasing family wealth. I'm all about getting the most out of your property. But to that -- to that very statement, there are zones that are made -- you know, I think R-MF might even be too big. I might have sent with a neighborhood multi-family or, you know, I would have probable came down a little lower, because your neighbors have a great impact on what's there and that -- that M-C that's right connected, that's why we really get upset about that because that's the first move somebody makes. Well, it's M-C over here or it's M-F over here, and if you look across the street, that -- right behind that M-C is an R-MF for a reason, and that's what I would support. If it was R-MF, I would be like gung-ho, let's go.

MS. GEUEA JONES: I'll just say one thing and then -- and then if you would like to make the motion. So I am well known, I think, at this point, and very vocal about wanting straight zoning, trusting or code, et cetera. If this were R-MF, I would be in favor of it, potentially not withstanding the neighbors' hesitations, because R-MF is the buffering that is also presented around this neighborhood, as Commissioner Stanton just said, because R-MF provides a variety of potentials, because you could do tri-plexes, four-plexes, you know, condo situation, a lot of things, but most importantly because R-MF would provide more housing, which our city desperately needs. And the fact that we've got no flexibility here, the fact that staff provided good counsel and it was ignored, and there have been multiple things said tonight that set off red flags in my brain. And I don't know that anyone is being purposefully disingenuous, but I think people are shading things to try to get a result and aren't being totally forthcoming. So I -- I don't know what conversations went on during the concept review, but I would strongly encourage both this particular applicant and all applicants to listen to the wise counsel from staff who deal with us on a daily basis almost at this point, and have gotten pretty good at being able to guide people to a win-win situation. So I am a little bit disappointed that we're not going to be able to get there with this because I also, you know, without going into everyone's personal business, and then a similar situation in a completely different state right now where I'm trying to figure out what to do, and I'm sympathetic to that, truly. It is hard and the health care sucks, but I can't go M-F or I can't go M-OF. I think we've all -- unless Commissioner Wilson wants to say anything, would anyone like to make a motion? For everyone listening, all motions are made in the affirmative, don't freak out. Commissioner Stanton?

MR. STANTON: That would freak me out just now.

MS. GEUEA JONES: Sorry.

MR. STANTON: As it relates to Case 183-2024, 4414 Smith Drive rezoning, I move to --

MS. GEUEA JONES: Approve the rezoning from --

MR. STANTON: -- approve the rezoning -- M-OF zoning -- approve M-OF zoning. You messed me up.

MS. GEUEA JONES: Sorry.

MS. LOE: I'll second.

MS. GEUEA JONES: Motion was made by Commissioner Stanton and seconded by Commissioner Loe. Is there any discussion on the motion? Seeing none. Commissioner Carroll, when you're ready, may we have a roll call.

Roll Call Vote (Voting "yes" is to recommend approval.) Voting Yes: Mr. Walters. Voting No: Ms. Geuea Jones, Ms. Wilson, Ms. Loe, Mr. Stanton, Mr. Williams, Ms. Carroll. Motion fails 6-1.

MS. CARROLL: We have six no votes and one yes. The motion is defeated.

MS. GEUEA JONES: Thank you. That recommendation will be forwarded to City Council. That concludes our case business for the evening. We will now go to general public comments.

Move to approve M-OF zoning

Yes: 1 - Walters

No: 6 - Loe, Stanton, Carroll, Geuea Jones, Wilson and Williams

Absent: 2 - Placier and Baysinger

VII. PUBLIC COMMENTS

MS. GEUEA JONES: Is there anyone here from the public to make general comments? Seeing none.

VIII. STAFF COMMENTS

MS. GEUEA JONES: Mr. Zenner?

MR. ZENNER: Yes. So your next meeting will be on July 8th. We will have a standard work session --

MS. GEUEA JONES: Perhaps August 8th, sir?

MR. ZENNER: I'm sorry. August 8th. What did I say?

MS. GEUEA JONES: July.

MR. ZENNER: July 8th? Okay. Well, we didn't have our first July meeting, so I thought we might as well make it up. August 8th, 5:30 p.m., you'll have your work sessions. Mr. Kunz is working on some material from our prior conversation as it related to some lot analysis that you had asked for in regards to the zoning information, so we hopefully will have something there. I will hopefully also have something to provide you

potentially from a use specific standards standpoint. I begin my annual summer vacation here on Sunday and hope to not have to pick up a computer while I'm away for two weeks, but I will be back bright, bushy-tailed to give you another STR report on the 8th. So we only have two actual business items on the 8th. One is, as I indicated, another short-term rental CUP request. This is a little bit different. This will be a property owner that is a long-term rental property owner and is seeking to have a short-term rental authorized as a CUP within a multi-united building up on St. Joseph, so this one unit out of a four-unit building that they are desiring to place into a 210-night short-term rental. And because it is presently a long-term rental, the entire building is long-term rental, the remaining days beyond the 210 potentially could be utilized for a occupant greater than 30 days under a single contract. The second rezoning request is more of a traditional rezoning. This is off of 119 Fyfer Place. This is presently adjacent, it's right on the boundary between the R-2 zoning district to the east and the R-1 zoning, as you come back up Fyfer towards East Broadway where the new white, relatively modern looking buildings are built, directly across from the Boone Medical Office Park, the very eastern side of the Boone Medical Office Park. The purpose behind this request is is when the home was purchased, it had been previously being utilized, I believe, as a non-conforming four unrelated individual R-1 structure. And when the property owners purchased the property, it is a four-bedroom unit, they are wanting to be able to activate that fourth bedroom for rental purposes, and they are seeking to rezone the property. Mr. Palmer is presenting this, and I will allow him to unpack the details for you, but that is the underlying premise. The house in question, just as an additional teaser, the house in question is actually the biggest house on this segment of Fyfer. It is more consistent actually with the homes that are in the R-2 zoning district that is immediately to the east. So Mr. Palmer will provide the rest of the details associated with that. The applicant, I can tell you, has been very methodical in providing comparisons of square footage, bedrooms, and everything else in the surrounding area to assist in making their argument. So for the purposes of context, here is our St. Joseph short-term rental CUP request. This would be, again, just Unit D of the four-unit building that exists, and then our Fyfer -- Fyfer Place rezoning request there that is seeking to go from R-1 to R-2. At this point, I would like to take an opportunity to introduce our newest staff member to the general public. So Kirtis, if you would come up. Kirtis Orendorff joins us from the school of hard knocks and eight years of studying. Apparently, he has poured over the books from UW Milwaukee, has a computer science degree from the University of Missouri, so everybody that goes to Missouri comes back to Missouri, apparently, so we have recruited him back in. But we are welcome to have him aboard. He will be working

probably a little bit more closely with Mr. Kunz as it relates to some of the technical and computer and data related issues. You will see on August 8th my next newest planner who will be starting on Monday. So we are introducing them slowly, but surely. I was unfortunately informed today that the senior planner that we had offered a conditional offer to withdrew, so we will be starting that process again for a new position. But we will hopefully have that wrapped up with a qualified candidate sometime in August if not sometime in September. We have a lot of different things that we are working on upstairs. Not only are we -- Mr. Teddy is working with the consultant on the H3 study. A lot of the information presented tonight will be useful in his communications with Tim Breihan, with H3. We are also -- we have launched with CBB out of St. Louis our transportation -- Metropolitan Transportation Plan update. That is underway and that is Mr. Skov's project at this point. The Comprehensive Plan is a topic that we will get to, and it is something that we have indicated to city management staff that we will be doing the RFP release later this -- early this fall. Some of that is contingent, of course, on staffing. Some of it is also contingent on some of the other activities community wide that are going on, such as the housing study with the County, the County's Comprehensive Plan, and a number of other things that we are working on that can inform our work. So Mr. Teddy and I may need to have a conversation with upper management as it relates to how do we want to schedule the Comprehensive Plan into the process given where we are on all of the other major documents we're working on here locally. So we've got a lot of interesting things that I think we'll be bringing forward to you. We also have probably got a set of amendments to the Code that we will need to bring for some subdivision-related changes that are essential in order for us to address some concerns and comments. With that, I want to let Kirtis say a little bit about himself, give a little bit more of his background and bio, if that's not too much of an inconvenience.

MR. ORENDORFF: Good evening, Council. So as Mr. Zenner pointed out, I got my degree here, lived here for four years in computer science. Lived in Milwaukee for a good chunk of time doing that. Wasn't the right fit, so got my Masters in urban planning up there, and had to come home. Just I had that call in the back of my head. The past two weeks have been very enlightening and so far it's like seeing kind of the other side of things. When you're living here as a college student, you maybe don't think about the rest of the city because you're doing college student activities, so -- yeah. It's been very exciting. It's been already very fulfilling, so excited to get to work with your team in the next -- in the future in here.

MR. ZENNER: Slowly introduce him into projects, so you all don't terrorize him in an early state in his career.

MS. GEUEA JONES: Shocked he stayed.

MR. ZENNER: And I would like to extend our welcome to Mr. Walters. Congratulations on your appointment and surviving through about a four and a half hour meeting, it seems. They can get more interesting and more complex.

MR. WALTERS: They can be or can't be.

MR. ZENNER: They can. So we also will be doing some training, and Mr. Craig and Mr. Kraus will be some of our annual training. There are some things that occurred this evening that I think we need to discuss with you in a work session setting, as well, to ensure that everybody is operating from the same page in the play book as it relates to particular processes, and I don't want to go into that at this point, given the late hour. So we've got a couple of things that I think that we'll have to you that we're augment a little bit of what our regular diet is of talking about the small lots and doing some analysis on lots and then getting into some of the things with H3 that we discussed tonight as well. So look forward to those opportunities. Thank you. Hopefully you enjoyed your break, and I'm looking forward to mine.

IX. COMMISSIONER COMMENTS

MS. GEUEA JONES: Thank you. So also thank you to Commissioner Walters, and if you would like to say anything -- you don't have to. It's not mandatory.

MR. WALTERS: No. I'm happy to be here.

MS. GEUEA JONES: Great. And --

MR. WALTERS: Not at 11:00, but I'm happy to be here.

MS. GEUEA JONES: No, I know. Unless something untoward happens, this will be Commissioner Carroll's last meeting, I believe. So if you want to say anything, you don't have to, either. It's also not mandatory for you.

MS. CARROLL: I was going to make a comment. I just noticed -- actually I hadn't realized what date fell on a Monday until I was looking at the calendar when I got here. This may be my last meeting, and I just wanted to say that it's been an absolute honor to serve with you all the past five years, and welcome to the new folks. Thank you for teaching me, helping me learn and grow as a Commissioner. Thank you for bearing with me, staff, and teaching me, as well. It's been a wonderful experience, and I look forward to hearing from all of you frequently, and reading the minutes, which I will do. Thank you.

MS. GEUEA JONES: Thank you, Commissioner Carroll. You will be missed, but we have your number and your e-mail address, so -- all right. Anybody else want to say anything maybe? Anthony?

MR. STANTON: Well, we get frustrated with City Council, we don't mean you yet, but we'll hope, you know, maybe you'll remember us on the other side of these issues.

MS. GEUEA JONES: Yeah. Would you want to move to --

X. NEXT MEETING DATE - August 8, 2024 @ 7 pm (tentative)

XI. ADJOURNMENT

MR. STANTON: I move to adjourn. Is that what you mean?

MS. LOE: Second.

MS. GEUEA JONES: All right. Without objection, we will stand adjourned. Thank you all for your patience this evening.

(Off the record.)

(The meeting adjourned at 11:14 p.m.)

Move to adjourn