

**EXCERPTS**  
**PLANNING AND ZONING COMMISSION MEETING**  
**COLUMBIA CITY HALL COUNCIL CHAMBER**  
**701 EAST BROADWAY, COLUMBIA, MO**  
**DECEMBER 10, 2020**

**Case Number 30-2021**

**A request by Anderson Engineering (agent), on behalf of P1316, LLC (owner), for approval of a PD (Planned Development) plan to permit the construction of four, 4-story multi-family apartment buildings, to be known as Aria Boulevard Phase 2. The site is split-zoned and includes a small portion of M-C (Mixed Use-Corridor) zoning that coincides with some accessory parking and a garage. The 7.99-acre site is located along the east side of Nocona Parkway, north of Fremont Avenue (private) and south of Kentsfield Lane (private).**

MS. LOE: May we have a staff report, please.

Staff report was given by Mr. Clint Smith of the Planning and Development Department. Staff recommends approval of the Aria Boulevard Phase 2 PD Plan.

MS. LOE: Thank you. Before we move on to Commissioner questions, I would like to ask any Commissioner who has had any ex parte related to this case to please share that with us now so the whole Commission has benefit of that information. Seeing none. Mr. MacMann, did you have a question?

MR. MACMANN: Just real quick for Mr. Zenner or Mr. Smith. I thought we were getting away from split zone.

MR. SMITH: We would -- we would most likely really like for that to happen. Unfortunately, there is a lot of split zoning properties in town. This whole project was zoned prior to any lot boundaries being in place. And unfortunately, there's nothing necessarily in the UDC that compels anyone to rezone their property to fall within the boundaries of existing zoning or to rezone their --

MR. MACMANN: But all the uses are consistent despite the split zone. Correct?

MR. SMITH: Say that again?

MR. MACMANN: All of the uses are consistent despite the split zone. Is that correct?

MR. SMITH: Yeah. The uses that are in the building -- in the apartment building -- the residential uses --

MR. MACMANN: So we no conflict like we did over on Scott or whatever?

MR. SMITH: No. There's no conflict.

MR. MACMANN: All right.

MR. SMITH: So the uses in the PD are permitted in PD.

MR. MACMANN: I just didn't want something to be piggybacked in there. That's all. Thank you.

MR. SMITH: Yes.

MS. LOE: Any additional questions for staff? If not, we will open the floor to public comment.

## **PUBLIC HEARING OPENED**

MR. WOOTEN: Hello again. Tom Wooten with Anderson Engineering. Questions?

MS. LOE: Any questions? We've got to have -- we're getting a little better, aren't we? No. No. We're running out. Sorry, Mr. Wooten.

MR. WOOTEN: All right. Thank you.

MS. LOE: Any additional comments? If not, we'll close public comment.

## **PUBLIC HEARING CLOSED**

MS. GEUEA JONES: I'm getting tired.

MS. LOE: I am too. Commission discussion? Ms. Geuea Jones?

MS. GEUEA JONES: Thank you. This is what I was talking about. We are feeding the beast. This is turning into massive apartment complexes that are not welcoming, they're not attractive. It's the major entryway into the city, and it's just going to keep getting worse, especially if we don't require any sort of creative thinking on part of -- PD plans like this one. I mean, the point of PD plans and the point of Discovery Parkway is to have a creative vibrant area south of town. This is not creative. This is not vibrant. This is stacking people in as close as we can without a lot of thought or creativity. And it's just going to keep getting worse in that area.

MS. LOE: Mr. MacMann?

MR. MACMANN: To that end I agree with Commissioner Geuea Jones, and I think we need to communicate that to Council if for no other reason about future plans, so I plan to vote no, despite what you all do just so Council is aware that we've got a thing.

MS. LOE: Mr. Smith, this is a plan that is based on a PD -- when was this approved originally?

MR. ZENNER: 2005.

MR. SMITH: '04 or '05?

MR. ZENNER: '04.

MS. LOE: Yeah. So this was approved prior to UDC and under previous, which is why we are not seeing some of the features that would currently be required for --

MR. SMITH: No. I -- not necessarily. If there is something specific you had in mind, they do follow the current landscaping requirements. They'll follow the current design guidelines for multi-family when it is constructed. So most of the UDC requirements, since it is a new PD plan, unless it is accepted in some way by the zoning ordinance or statement of intent, they do have to meet the current UDC regs.

MS. LOE: So previously and on the one that just came through, we were at least getting some entrances facing the streets, whereas this one, we are not. You know, we're just getting the pedestrian connections at the very ends of those long blocks. So, I mean, to me, that is something that we were starting to incorporate into the fabric. Can you explain that's something we were looking for in the other plans and then this one it is not being --

MR. SMITH: So residential -- multi-residential doesn't have that requirement for an entrance to face the street. That is a retail --

MS. LOE: That's right.

MR. SMITH: -- office -- I forget the exact permitted uses.

MS. LOE: Yeah.

MR. SMITH: But that's more of a commercial retail requirement.

MS. LOE: Ms. Carroll?

MS. CARROLL: I've supported the previous cases where there is mixed use with residential above. I support mixed use in general. I think that it is a good use of our land. I don't support a four-story apartment building in this place. I think that the area can easily sustain mixed use. I do worry about overbuilding of PD plans. I do worry about continuing the trend of high-rise apartment buildings that may not have the longevity that we hope for.

MS. LOE: Ms. Burns?

MS. BURNS: I feel like since we've had such a significant case load tonight and have been represented by P1316 in several of our cases, I'm not sure if we're being consistent and that concerns me. I understand moving forward. I don't know what the answer is to looking for a better plan or what we feel would be a better plan. I'm not sure what we truly can require or ask for, but I plan on supporting this because I don't -- I can't in my mind justify that we're not being consistent in saying I just -- I finally reached my breaking point, and this is where I'm going to decide it is.

MS. LOE: Any additional -- Ms. Geuea Jones?

MS. GEUEA JONES: I would say this is different than what we have been supportive of in the past. What we've been supportive of in the past as the exception is retail on the bottom floor and then two stories of living space above that. This is four four-story buildings stacked on top of each other with no retail on the bottom, so I do think this is different than other things that have been approved tonight.

MS. LOE: Ms. Carroll?

MS. CARROLL: And I believe that mixed use gives buildings a little bit more longevity because if the demand for apartments change, they still have -- these were primarily retail with studio apartments above. Demand changes they still have retail and vice versa. I think that is a good use that I support, and this is different use that I don't support. I don't -- it's not that it's a long night and I've reached my limit, it's there is one use that I support and there's a different use that I personally don't support at this juncture.

MR. ZENNER: Madam Chairman?

MS. LOE: Yes?

MR. ZENNER: While I can understand, I think the concern that Commissioners are expressing and I think some of that at times has been expressed by staff as well with this particular development company, they are entitled under the 2005 zoning to develop this property legally the way that they are presenting. There is no obligation in the authorization of the zoning to this property that they had to do mixed use. And directly across the street from this in the Aria project, we have got multiple four-story buildings stacked on top of each other providing residential housing that appears to be occupied. And

they're legally following the rules. And if we like it or not, they are following the rules and they are entitled to be able to submit a plan that does so. I think what you're suggesting, and I think what can be communicated clearly to Mr. Wooten to his client is that we would like to see something different. I would suggest that where Ms. Burns' position is is inconsistency in disapproving this because it's not what you would like may not be appropriate given the fact that they are authorized through the zoning to do exactly what they are doing. And they have submitted us a plan compliant with our regulations, if not meeting more of the standards that are in today's development requirements than were in the development requirements that existed in the mid-2000s. I think we, as a staff, share some of the same concerns in this particular area that is monolithic development, that it is not possibly dynamic enough to deal with the unique position that this property has within this community. Unfortunately, we don't own it. We have a set of regulations that we must apply to it, and they have to comply with those. And they have done that. So I would suggest that Mr. Wooten could probably take back to his clients that there is some concern, and we may appreciate seeing something that was a little bit more sustaining, possibly.

MS. LOE: I'm going to go in order of who hasn't spoken the most yet. So Mr. MacMann, then Ms. Geuea Jones, then Ms. Carroll.

MR. MACMANN: A couple things to respond to Mr. Zenner. We are also under obligation, in our roles, to look over the health, safety and welfare of the entire community. That said, I've counted numbers; it will be close. And if I could be pragmatic as all pragmatic, this will go through Council. I could be wrong, but I think it will. I don't see a problem with us expressing our concern. Mr. Zenner is shaking his head. As long as --

MR. ZENNER: No. No. I agree you should.

MR. MACMANN: As long as we -- if we don't vote -- people look at the vote. That's what they look -- you know, that's what people look at. You know, the vote is 9 -- or 8-0, yes, that's all anybody cares about. If the vote is 4-4 or 5-3 or something like that, that may be a little more communicative. And I don't think anyone here is doing anything untoward. And I think it is fair to express our concerns. And as long as everyone is being above board, I think we are fine. And I do want to give -- and it has been a long night, and I don't want to pick on these folks. And I thought about this the entire week when I was thinking about this agenda giving each of these cases, each of these 18 or 17 or how many we have, their due diligence and not rubber stamping yes or no or anything like that is really important. And I -- to Ms. Carroll's point and to Ms. Geuea Jones' point, this is not -- it's not what we wanted in the UDC. Yeah, it is what they were approved in 2005. We don't like it now. You know, we would rather it not be now. I know many of you guys maybe get the same point. I understand Ms. Burns' point. You know, they've been good actors. They follow the rules, yada, yada, yada. Sometimes that is not enough. That said, I'm willing to make a motion whenever you guys -- which I will make in the affirmative and I will vote no, but I'm willing to make a motion whenever everyone is done speaking.

MS. LOE: I would just like to remind everyone we're not quite -- or we're just over halfway through, so new points only. Ms. Geuea Jones, Ms. Carroll, then Ms. Rushing.

MS. GEUEA JONES: I would just point out that if they were able to do this today, we wouldn't have to vote on it, so they can't do it without our approval. So we do get to have a say in it. And the point of a PD plan is character and purpose, not just doesn't meet the code.

MS. LOE: Ms. Carroll?

MS. CARROLL: I'm happy to let comments stand as they are.

MS. LOE: Ms. Rushing?

MS. RUSHING: Well, I have been a strong proponent of the idea that I have a vote and I can cast it any way I feel is appropriate. With that said, with regard to this development, my attitude has been more there are no surrounding properties that are adversely affected by whatever they do, and even if I think what they are planning to do is ill-advised long term for the developers, I probably will go ahead and support this application for the same reasons that Ms. Burns gave.

MS. LOE: Any additional comments? Mr. MacMann?

MR. MACMANN: If my fellow Commissioners have spoken their piece, in the matter in Case 30-2021, a request by Anderson Engineering on behalf of P13116 [sic], approval of the PD plan, I move to approve.

MS. BURNS: Second.

MS. LOE: Second by Ms. Burns. We have a motion on the floor. Any discussion on that motion? Seeing none. Ms. Carroll, may we please have roll call.

**Roll Call Vote (Voting "yes" is to recommend approval.) Voting Yes: Mr. Toohey, Ms. Burns, Ms. Loe, Ms. Rushing. Voting No: Ms. Carroll, Mr. MacMann, Ms. Geuea Jones, Abstention: Mr. Stanton. Motion carries 4-3-1.**

MS. CARROLL: We have four to approve, three to deny, and one abstention. The motion is carried.

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