

EXCERPTS
PLANNING AND ZONING COMMISSION MEETING
COLUMBIA CITY HALL COUNCIL CHAMBER
701 EAST BROADWAY, COLUMBIA, MO
July 18, 2024

Case Number 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

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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 JOONES: 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 probably come 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.