

**EXCERPTS**  
**PLANNING AND ZONING COMMISSION MEETING**  
**COLUMBIA CITY HALL COUNCIL CHAMBER**  
**701 EAST BROADWAY, COLUMBIA, MO**  
**June 10, 2021**

**Case # 107-2021**

A request by Crockett Engineering Consultants (agent), on behalf of Old Hawthorne Development, LLC and Vistas at Old Hawthorne Homes Association (owners), to rezone Lot C1 of Old Hawthorne Plat No. 9 and Lot C2 of Vistas at Old Hawthorne Plat 1 from PD (Planned Development) to R-1 (One-family Dwelling); both lots are located within existing PD plans, are identified as common lots, and are expected to be combined with additional property to the north as part of a new subdivision. The approximately 1.15-acre site is located along the north side of Ivory Lane within the Old Hawthorne development.

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

MR. ZENNER: If you will read -- we are going to do this as a merged three-part staff report.

Case Numbers 106-2021 and 105-2021.

MS. LOE: Gladly.

**Case # 106-2021**

A request by Crockett Engineering Consultants (agent) on behalf of Boone Development, Inc. (owner) for approval to permanently zone 123.84 acres from County A-R (Agriculture Residential) to City R-1 (One-Family Dwelling) upon annexation. The subject site includes two parcels, one located on the south side of the Richland Road, approximately 4,000 feet east of Rolling Hills Road, and the other located to the south of that, and directly north of the Old Hawthorne development, and includes the address of 6450 E Richland Road.

MS. LOE: Also Case Number #105-2021.

**Case # 105-2021**

A request by Crockett Engineering Consultants (agent), on behalf of Boone Development, Inc., Old Hawthorne Development, LLC and Vistas at Old Hawthorne Homes Association (owners), for approval of a 168-lot preliminary plat and design adjustments from Sections 29-5.1(c)(3)(ii) regarding block length, 29-5.1(c)(3)(i)(F) regarding cul-de-sac length, and 29-5.1(f)(2)(iii) regarding driveways on collector streets. The 125.57-acre site includes two parcels located on the south side of Richland Road, approximately 4,000 feet east of Rolling Hills Road that are pending annexation and permanent zoning to R-1 (Case # 106-2021) and three existing City lots located along the north side of Ivory Ln and Crooked Switch Court proposed to be rezoned to R-1 (Case # 107-2021).

MS. LOE: You have a full plate ahead of you, Mr. Smith.

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

**Case 107-2021:** Approval of the requested R-1 rezoning.

**Case 106-2021:** Approval of the requested R-1 permanent zoning pending annexation of the property.

**Case 105-2021:**

1. Denial of the Design Adjustment from Section 29-5.1(f)(2)(iii) to allow streets to intersect at intervals greater than 600 feet.
2. Denial of the Design Adjustment from Section 29-5.1(c)(3)(i)(F) to allow a cul-de-sac length of greater than 300 feet.
3. Denial of the Design Adjustment from Section 29-5.1(f)(2)(iii) to allow residential driveways on a collector street.
4. Denial of the preliminary plat, due to the denial of the design adjustments and its inconsistency with the MRP.

MS. LOE: Thank you, Mr. Smith. Any questions for staff?

MS. RUSHING: We have got lots of hands.

MS. LOE: Just line up. You know, I'm going to start at this end, and we'll move down.

Ms. Rushing?

MS. RUSHING: I am confused about the southern end of this property that borders on Ivory Lane. Is -- are the common lots north of Ivory Lane or south?

MR. SMITH: They are north of Ivory Lane.

MS. RUSHING: So --

MR. SMITH: So if I can --

MS. RUSHING: -- are the trees along that area going to be removed?

MR. SMITH: Yes. I believe they would be -- the majority of them. The preliminary plat generally showed homes along that far south side. Let me pull up this one. So, yes, the brown area and then the blue, those are the common lots that are north of Ivory Lane, and they for the most part all will have single-family lots fronting Ivory Lane and Crooked Switch Court.

MS. RUSHING: And they'll all have driveways onto Ivory Lane?

MR. SMITH: Correct.

MS. RUSHING: Then I guess I'm missing the goal of leaving those as common lots.

MR. SMITH: So, correct. That is why we are supporting the rezoning to R-1 and the reconfiguration to single-family lots because they -- they don't necessarily serve a purpose for -- for preserving trees. And there really isn't any trees on them currently. Most of the trees are --

MS. RUSHING: So they will become parts of these other lots?

MR. SMITH: Correct. I should say the preliminary plat also has its own tree preservation areas on it as well.

MS. RUSHING: And that was going to be my next question. What trees are they planning to preserve on this rather large --

MR. SMITH: I'm certain the applicant could probably answer that better. I do know they have a portion in the west side, if I can get back to the -- so they have a portion here in the northwest corner I know is tree preservation and I believe in the north side as well. He could probably give you a more detailed account exactly where their climax forest that they are going to be required to save is. I think I did -- I think I said it in the staff report, but there is some technical corrections that need to be made. One of those is they need to increase their tree preservation area in one corner. So they may need to decrease a little bit of a lot size and increase a tree preservation area. But we have talked about that this week and that shouldn't be a difficult adjustment to make. But I did want to note that.

MS. LOE: Ms. Carroll, do you have questions?

MS. CARROLL: I do.

MS. LOE: We can come back.

MS. CARROLL: We're asking questions on all three of these at once?

MS. LOE: Yes.

MS. CARROLL: Complicated.

MR. SMITH: We could do --

MS. CARROLL: Okay.

MR. SMITH: -- one at a time. I mean, I'm happy to do any type of way you would like.

MS. CARROLL: I wanted to thank you for your discussion of the Columbia Imagined goal for providing a variety of housing options. In your staff report, you referenced higher density housing that could exist along Richland and Rolling Hills. I was wondering if that is referencing the Arbor Falls Case 140?

MR. SMITH: I don't believe so. What I was --

MS. CARROLL: So that's --

MR. SMITH: Maybe it's -- here, let me see if I could show you.

MS. CARROLL: -- something else?

MR. SMITH: It is -- okay. So here's the zoning. You see on the far west side here, kind of the blue triangular area? That's the intersection of Richland and Rolling Hills. And so the blue there is all zoned PD. It's Planned Development. So I went through the statement of intent there. There is a small square at the intersection, and that is generally commercial. And to the rear of that, all of that is generally residential -- like higher density residential. Single family is permitted there, but so is multi-family. So I identified that as a potential target for higher density residential. And to the far east side, you see Olivette. The green line designating it as a -- as a minor arterial -- yeah, minor arterial. And so that intersection as well would be a good target, I think, for looking at higher density zoning.

MS. CARROLL: Are there current plans for higher density housing in those areas or is that just -

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MR. SMITH: That is -- that would be, I think, our direction moving forward when we have concept meetings with developers who are seeking to annex. We did have one at the northwest corner there of Olivette and Richland, and that was part of the conversation that this is going to be an arterial intersection. And so something beyond just single-family housing is probably going to be appropriate near that intersection, so we would like to see something that provides a variety of different things, whether it is multi-family, whether it is some commercial. So those are the opportunities we think are good locations for that type of thing. So -- and that's what we will continue to recommend.

MS. CARROLL: Okay. Thanks.

MS. LOE: Ms. Burns, do you have questions?

MS. BURNS: I do not.

MS. LOE: Mr. MacMann?

MR. MACMANN: Thank you, Madam Chair. Planner Smith, a couple of process questions and a thank you. Thank you for the M-RP piece because we ran -- you guys might remember like three years ago, we ran into an old M-RP -- an old -- it was cut in half, and we had to move. Do you remember what I'm talking about, Pat? There was -- it had disappeared over time because we had not addressed this particular issue -- process. Given what you said and given your -- the structure of your recommendations, this looks like six motions? One, one, and four? Well, with the three --

MR. ZENNER: Four. Yeah. Four. I'm sorry.

MR. MACMANN: Three design adjustments and a preliminary plat.

MR. SMITH: Correct.

MR. MACMANN: For Council value and customer and developer value state, we could turn the plat down, but probably should then anyway go ahead and vote on the design adjustments or we could do those first and then get the preliminary plat. Do we have a preference? Do we have a direction that we think we should go?

MR. ZENNER: Procedurally, I would suggest that the design adjustments --

MR. MACMANN: Go first?

MR. ZENNER: -- would dictate the action on the plat. If you -- if you deny any one of the design adjustments, the plat by default must be denied. But we need to have a motion on each of the design adjustments for the benefit of the applicant, as well as for a complete record for the Council.

MR. MACMANN: All right. I just want to make sure that we were -- and thank you for persevering through there. It was difficult for me to listen, but you got through it a quick fashion.

MR. SMITH: Thank you.

MS. LOE: Mr. Smith, there's a note on the 2007 PUD plan. This is about the common lots -- saying that the common lots will be dedicated to the homeowner's association. I -- I do have some concern that the recorded intention was that those common lots be given over to the homeowner's association. You clarified that dedication is typically only done with public properties. I would suggest in the future we not accept verbiage that can't be actually followed up on, but I would like some clarification

of what the intent is and if Council had any comments on how we can move forward with this. I'm still a little uncomfortable on this being a recorded intention and not having anything in the file from the homeowner's association.

MR. SMITH: Yes. And she's referencing a note that's fairly common on our current plats that common lots will be -- I'm not exactly sure if they are still using the dedicated word, but it probably is not the accurate word --

MS. LOE: I looked up some others and didn't see dedicated. Yeah.

MR. SMITH: Yes. Because it most likely -- and I don't want to dive into the realm of real estate transfer, but it is probably better to say it's conveyed. Generally, it's done by warranty or quit claim deed, but there does have to be transfer of property ownership. That did not happen. The City and staff is not in the role of necessarily monitoring whether those common lots are transferred. Typically, in my experience, some of that is captured within a homeowner's association bylaws of when the transfer happens, but we also don't review those. So it's not a satisfying answer, but that is probably the situation here. It just didn't occur.

MS. LOE: I'm --

MR. SMITH: And the applicant is here, and he may be able to shed a little bit more light on why that did -- because, as you said, two of the three common lots we are looking at tonight -- well, one -- I should say one wasn't a common lot. It was Lot 516. So there wouldn't be an expectation necessarily that that be transferred to a homeowner's association. It would be unexpected either because it was limited to not for development, but the other two common lots, one of those was transferred and one was not.

MS. LOE: Thank you. Mr. Stanton, did you still have any questions for staff?

MR. STANTON: No.

MS. LOE: No. Any additional questions for staff?

MR. STANTON: Oh, I'm sorry. I'm sorry.

MS. LOE: We can come back or --

MR. STANTON: Maybe I heard or maybe you guys -- how did you want them broke up in the --

MS. LOE: Mr. MacMann covered that, so I think we are good. Ms. Burns?

MS. BURNS: I do have a question. Mr. Smith, in looking at the design adjustments for the cul-de-sac length and the street length from Section 29-5.1, et cetera, I recall in a previous case the fire department weighed in on a cul-de-sac length or a street length, and there was discussion that I think it was -- we allowed. I don't remember the case, but there was discussion. Did that impact your analysis of this or is that a consideration for the applicant if they wanted to consider pursuing these -- these adjustments?

MR. SMITH: The fire department did not make a specific recommendation on this one.

MS. BURNS: Okay.

MR. SMITH: And it may have just been because it still is less than our kind of hard max.

MS. BURNS: Okay.

MR. SMITH: Less than the 750. That might be it. Because we can administratively go from 300 to 750 based on, you know, topo reasons.

MS. BURNS: Okay. I guess that is what I'm thinking. I remember at one point in time they did have to weigh on because it was in excess of what I guess you -- your assessment would allow us to do.

MR. SMITH: Yeah. And I -- forgive me. I can't remember that off the top of my head. I know they have a lot restriction, you know. They cannot have more than 30 lots when there is only one point of access.

MS. BURNS: Yes.

MR. SMITH: So if you had smaller lots on this cul-de-sac and it exceeded 750 feet, you may exceed those 30 lots.

MS. BURNS: Okay. Thank you.

MS. LOE: Ms. Placier?

MS. PLACIER: Thank you. Yes, in terms of -- I'd like to echo Commissioner Carroll's comment about Columbia Imagined, but also make a comment about how the applicant rebuffed any suggestion under Columbia Imagined of there being any mixed residential types in 106, and that those could -- more dense development could easily be located around intersections or on major collectors. That is a concern of mine in terms of economic segregation because those are less desirable places to locate family housing or affordable housing around busy intersections, busy streets. I don't know that I'm suggesting that this be denied because of that, I'm just making a comment that that is a concern and I'm going to be watching for it coming up over and over again.

MS. LOE: Any additional questions for staff? Mr. Smith, just one point of clarification. What's the maximum length in a cul-de-sac?

MR. SMITH: Seven hundred and fifty feet.

MS. LOE: So Crooked Switch Court appears to be longer than 750 feet. And I understand it's an existing cul-de-sac, but as part of this proposal we would be rezoning it to R-1 and adding seven R-1 lots. So shouldn't we be considering the length of that cul-de-sac as well if it's longer than what is currently allowed? Similarly --

MR. SMITH: That's -- that's a good question.

MS. LOE: -- Ivory Lane is longer than 600 feet between Cutters Corner and Lorenzo, similar to Portrush Drive. And we're adding -- we're basically doubling --

MR. SMITH: Sure. And I think --

MS. LOE: -- the housing along that street.

MR. SMITH: I think my --

MS. LOE: So we're making that long block situation.

MR. SMITH: Right. I -- is it a good observation. It really is. It's not something I think I looked at initially. I would -- I think my initial reaction would be that Crooked Switch Court, the street -- the physical

street itself exists now and that isn't changing, we are just adding more residential lots on it.

MS. LOE: We are exacerbating a situation that currently doesn't meet --

MR. SMITH: I --

MS. LOE: Yeah. I think I have some --

MR. SMITH: Yeah. I see where you're going --

MS. LOE: -- issues with that. Yeah.

MR. SMITH: -- and I don't -- I don't disagree with that.

MS. LOE: No. And I understand that it exists.

MR. SMITH: Yeah.

MS. LOE: But we're changing zoning to create an added use.

MR. SMITH: That is correct. And that could also be rectified potentially by extending a street to the north --

MS. LOE: Exactly. Yeah.

MR. SMITH: So I may reserve judgment on exactly if that is how we would interpret that, but I would definitely take that into account, and we'll have to take another look at that. I don't want to commit yet. I'm sorry.

MS. LOE: You're on the spot. Any additional questions for staff? If not, we will open up the floor to public comment.

#### **PUBLIC HEARING OPENED**

MS. LOE: Please give your name and address for the record. And the same time limitations apply.

MR. CROCKETT: Madam Chair, Members of the Commission, Tim Crockett, Crockett Engineering, 1000 West Nifong. Before I get started, I would like to answer a couple of questions that were presented by the Commission. First of all, Ms. Rushing, with regards to the climax forest and the tree preservation, we do have a tree preservation plan that we've submitted to the City's arborist that's going through the process. So there's several areas within this property in that we are going to preserve a significant number of trees both through the regulation as well as voluntarily. And there is also some stream buffer on the property that would preserve some additional trees as well. So it's -- there are substantial locations throughout the property in which trees will be preserved on this piece of property. Secondly, I would like to also address a comment by Ms. Carroll and Ms. Placier with regards to the different zoning designations. And I think the best way to answer that question in this specific instance is that we look at it more globally. When this is part or an extension of Old Hawthorne or we look at Old Hawthorne, it is a mix of varying zoning classification and different styles of homes and different densities. And so I think when we look at that as a global issue here and a, you know, zoomed out situation, we see that. We also have a project that will be coming down in the future that Mr. Smith briefly kind of indicated north of here potentially that would bring in a different price point altogether -- price points altogether. So we are looking at that and we do take that, you know, into consideration when we look at layout

properties like this. So it's not that we just simply look at this piece in its own right. So with that, I would like to start off a presentation for the -- what I will do is I'll kind of group it altogether just a little bit. And with me tonight is Billy Sapp and Tina Bartels, the developers of the Old Hawthorne North development. Again, I believe Mr. Smith did a good job on an overview containing 126 acres. I'm going to go pretty quick through here because I'm on limited time I understand. We talked about what we are annexing, the varying different acreages. The rezoning of remnant track from PD to R-1 and why that takes place. Yes, I mean, that it was the original designation on some of those was common, but the reason for that was is we had to designate them something other than residential. Years ago, we had -- if it wasn't a residential -- if it wasn't for a single-family house, we had to call it something. Whether we were going to redevelop in the future or not, we had to call it a common lot. We had to say it wasn't for residential development so that no one could go in and get a building permit on that specific lot. And so that was the designation that was given to some of those years ago. I think it's 158 single-family lots. Of course, making the connection, we are seeking our adjustments. Talked about that. Here's the preliminary plat. We've talked about that. The design adjustments, as you can see, this is a snippet from Mr. Smith's presentation. The blue lines and then the red indicates the cul-de-sac length. Location one for the design adjustment. I want to talk about this one to start with. If we were to make adjustments to this preliminary plat, what we're indicating is that we need a street -- add a street at this location here. There's location one. We need to add a street between these locations here. We need to add a street at those locations there, and, of course, we have to add one at this location. We don't believe that that's really necessary. And this is a lot of street that we are adding to this development. We believe that we have proper connectivity and adequate connectivity provided within the development as it stands today. The streets show intersected at 600 feet, and we believe several of them do. Let's take into account a section -- location one. By putting the connection across here, we would bisect that island in the middle, and right now, that island is about -- on average about 800 feet. Instead of 600 feet, it is 800 feet. But we're going to add another street in there so we can be under the 600 feet. I believe that the layout itself has a stance today that provides proper connectivity both with vehicles as well as pedestrians. I believe that -- you know, it's conducive to proper development. Here's the situation. On the left-hand side, you have Bristol Ridge development, and on the right-hand side you have what is before you tonight, the Old Hawthorne North development. Both of these are very similar in nature. Both of them are very similar in size. Both of them are very similar in the design adjustments that was requested. Bristol Ridge was granted a design adjustment for this very reason back in, I believe, was 2018. Old Hawthorne North is asking for that same design adjustment tonight. Both of them have about the same distance. The one - the one biggest difference is Bristol had more lots on it than Old Hawthorne North does. We don't believe that -- you know, being consistent, we believe it's not needed at that location. Location one, we don't believe that we need to have that design adjustment or we don't need to have that additional street stub. Location two shown here between the stub -- between the piece to the north and piece a little bit to the south, we reconfigured our -- our subdivision alignment to account for our block length. We put a



through street, a connecting street that goes back out to the main street to the north, and then we looped it back to the south. Having an interconnection between these two I don't believe is conducive to proper traffic flow. When we have long straight streets or longer straighter streets with four-way intersections, that's not conducive to pedestrian traffic. By having a disconnect there, I believe that this is proper. I believe this is the way to go. Those homes can get -- get in an out no problem. It has two points. It has no issue. Having that extra street there, I don't believe is proper in this location. The same goes for number three. Number three to the south, that is a collector street. It has been mentioned to you before, and that will go on potentially. It will have additional connections. Again, every -- all the lots in there have adequate access in and out of the development. Having another one through here just adds street with I don't believe would have a whole lot more benefit with regard to vehicular traffic and pedestrian access as well. Location four is identified at this location. Again, we're going through large lot -- the large lot portion of the development. Mr. Smith indicated that really on large lots, the 600-foot block length isn't really conducive to good development. And I believe that's a good instance right here. If we add that, every three lots or two lots, we're going to have a street. That's quite a bit. What it adds to is that's 2,100 feet. If we go back right here -- right here, that's 2100 feet of additional street that we need to add to this development. Twenty-one hundred feet equates to 1.4 acres of additional impervious surface. And at a time that when we're talking about stormwater management and impervious surface, we talk about all these issues, the environmental controls and everything else, we're being asked to add 1.4 acres of additional impervious surface to the project that in my mind doesn't add any additional traffic or pedestrian benefit to the development itself. It can certainly be served as this is laid out and as it is designed. We would have a reduction of lots. So we have reduction of lots, increase in costs, and all that obviously gets passed on to the end consumer. Furthermore, that 2,100 linear feet of street is only additional costs that the City is going to have to maintain in the long term. And again, it doesn't provide that much benefit that I see. Fire reviewed the preliminary plat and Police reviewed the preliminary plat, and they didn't have any issues with it. If it was a public safety issue, I understand that. But I don't believe this was a public safety issue at all, and I think that it -- it shows. With regards to the cul-de-sac length, yes, we -- it is over the 300 feet, but it is less than the 750 feet. Does it qualify or does it pertain or can we achieve the -- well it avoids sensitive areas? Well, as you can see by the topography here, it does avoid a draw that runs through there, and Ms. Rushing, it does avoid a substantial number of trees through there. If we were to stub that back to the south, that would tear out those trees. Now, can we cross that draw? Absolutely. I'm not going to sit here and say we can't cross it. There will be times I will come here and tell you we can't. Tonight I can't tell you that. We can cross that. But is that good practice? I would tell you no. I would say that hitting that ridge is probably the best -- the best route to go. So I believe that the cul-de-sac is not out of character with the area. Others -- there's a lot -- can I just have a few more minutes, if you don't mind? I'll be -- I'll be quick. I mean, it is three proposals. And so, you know, it's not out of character with the area. The Old Hawthorne development itself has three or four that exceed the 750-foot length, and they achieved that by going through the variance process on the

original preliminary plat. And so we are under the 750 feet. It is riding a ridge top. We are trying to avoid some other -- some trees and some draws. Are they sensitive areas? Not necessarily. But -- and they are certainly areas that we would like to preserve. Lastly, this is -- what is outlined in red is a collector street. We are asking for driveways on some estate lots outlined in yellow. Now we did a full traffic study. Now Mr. Smith didn't indicate the traffic study. It was included in the staff report. But the traffic study brings into question, and they questioned the long-term viability and functionality [sic] of that road being a collector street given various other streets in the area. Being that -- is that road really going to function as a major collector? Further to the west those areas, while they are 20 acres, there is a few limited areas in which that road can go, and there are some large homes already built on those -- on those properties. The likelihood of that road going over there is very slim. And even if it does, the traffic engineer looked at it and said even if that road goes through there, will it function as a collector street? And she said that she doesn't believe that it does. She believes that the traffic is going to migrate north or migrate south, but it is not going to necessarily go east or west. If it does go east or west, Hoylake Drive that it ties into has driveways on it as well. So we don't believe it's going to function as a full major collector. It's not going to carry a bunch of offsite traffic; it's just going to collect the traffic that's in this vicinity and distribute it to the arterial roadways. The situation when you have a lot of traffic on collector roadways is when you don't have a good arterial system. And here we do have an arterial system in place -- or will be in place. So we believe that driveways on that collector is appropriate. Again, the traffic engineer doesn't believe that it is going to function appropriately, and again, that collector street in question is approximately 3,000 linear feet. For a project for a piece of property this size, I mean, that's a substantial undertaking. If we have to put a 3,000-foot street in with no driveways on it, no lots, and every lot backing up to it, that's a large -- large pill to swallow for a development, even though it's 100 acres. It is a relatively small development in those eyes. Deviation from the major roadway plan. The collector along the west side is not needed, and I believe members of the City staff as well as the County staff have both told me that. They have looked at that and they have reviewed it, and they don't believe that that -- that the north/south collector street on the far west side is needed. The applicant was told by the City that the Council can approve a preliminary plat without needing a CATSO amendment. And that is why we haven't gone to CATSO, and that's why we are asking for approval of the preliminary plat. The other collector streets in the area, we are -- we are happy to abide by the best we can. We believe that a limited access on the -- on the driveways -- only asking for 16 driveways. Not every lot. We are asking for just the 16 and I think that is appropriate. So the proposal -- excuse me. The conclusion, the zoning is appropriate for the area, the development matches the surrounding developments. It will be with the existing -- all the existing infrastructure is there to handle the development. The zoning complies with the objections of Columbia Imagined and East Area Plan. Granting the design modifications will not reduce, you know, public safety. It will reduce unneeded pavement. So we believe that is appropriate as well. And of course then, we believe that the preliminary plat can be processed and proceeded to Council without a CATSO action. I will note that there is a development agreement that is -- that will be given to

us soon. This developer is being asked to contribute close to \$100,000 worth of offsite improvements, which is not necessarily a requirement. But we haven't seen that development agreement yet, but we're in agreement that, you know, if we need to pay some additional money, then, you know, that's something that we'll look into. And we're certainly in agreement that those numbers are fine with us. We haven't seen the final terms of that yet, but for the information we have been provided, I believe that we will be in agreement to those conditions. So there are some substantial payments for offsite improvements that aren't needed at this time, but we will be contributing to. So with that, I understand that I have flashed -- you know, I got my light flashed at me, so I will wrap things up and happy to answer any questions that the Commission may have.

MS. LOE: Thank you, Mr. Crockett. Are there any questions for this speaker? Ms. Geuea Jones?

MS. GEUEA JONES: So talking about the -- I think you called them the estate properties --

MR. CROCKETT: Yes, ma'am.

MS. GEUEA JONES: -- that are the larger lots on the collector street. Are you saying then that the ones that backed to Ivory won't have driveways on Ivory, they'll have driveways on -- I'm sorry, whatever the collector street name is?

MR. CROCKETT: No, ma'am. No ma'am. And the --

MS. GEUEA JONES: Oh, I see.

MR. CROCKETT: -- pointer doesn't work on the screen. The ones in yellow will front on to the collector street. The ones that front on to Ivory are the smaller ones, and they are comparable to what is across Ivory.

MS. GEUEA JONES: There is a bunch of text over that property line. But, yeah. No, that makes sense. Yeah. I see now. That's all I have.

MS. LOE: Any additional questions for this speaker? I see none. Thank you, Mr. Crockett. Oh, Mr. MacMann?

MR. MACMANN: I'm sorry. I was uncertain. I'm trying to avoid having to call you back. Can I ask you a hypothetical, which we may get a test here in just a minute?

MR. CROCKETT: Sure.

MR. MACMANN: You get approved on some of your design adjustments, your plat gets turned down or something some such, would you and/or your client be willing to revisit some of these design adjustments?

MR. CROCKETT: We would have to -- we would just have to see what we can do. I --

MR. MACMANN: All right.

MR. CROCKETT: It may --

MR. MACMANN: That's a big hypothetical. I appreciate it.

MR. CROCKETT: Hypothetically, we don't know which ones and how it reconfigures. You know, which ones get approved and which ones don't. It's -- it's -- yes, it's --

MR. MACMANN: All right. Thanks. I just wanted to avoid calling you back. Thank you, Madam Chair.

MS. LOE: Any additional questions? Ms. Kimball?

MS. KIMBELL: Just to clarify question. The AR stands for a half an acre residential development?

MR. CROCKETT: The AR is a county designation -- a county zoning designation, so it is a -- a minimum of half acre in the county.

MS. KIMBELL: It's going to be bigger?

MR. CROCKETT: These will be -- yes, these will --

MS. KIMBELL: The lots on this --

MR. CROCKETT: Yes. These will be slightly bigger. All in all, we will -- the ones to the north are smaller than that, so as Mr. Smith indicated, they are on 10,000 square feet. The ones to the south are around an acre to an acre and a half, maybe 1.9 acres is the biggest one. And so those would be in excess of the County designation. But we are asking since the City -- the City does have an agricultural zoning designation, but it's really not for residential purposes. So really the proper zoning designation for annexation in this case would be the R-1 designation that we are asking for.

MS. LOE: Ms. Carroll?

MS. CARROLL: A real general question, and you may have asked -- covered this already. Why are you seeking City R-1 as opposed to County AR, which you currently have?

MR. CROCKETT: Because we have to -- in order for us to access the City sewer, which is just literally feet away from this property, the requirement is that we have to annex into the City.

MS. CARROLL: Yeah. Thanks.

MS. LOE: Mr. Crockett, what is Old Hawthorne Drive considered -- classified as?

MR. CROCKETT: I believe it is - it's not classified -- it's not officially classified as a collector, but it was built as such. It was a -- I believe it was a wider street cross section. I can't recall what the pavement -- what the right-of-way was off the top of my head, but it functions as a collector street running through the -- through the development.

MS. LOE: And how --

MR. CROCKETT: And it has --

MS. LOE: -- long is it approximately?

MR. CROCKETT: Oh, going off of memory, you know, Old Hawthorne is roughly a mile by mile, and so it runs it up and around --

MS. LOE: That's three miles?

MR. CROCKETT: Probably less than that, but it has a significant number of driveways off of it and functions just fine as a --

MS. LOE: Approximately 25 driveways I'm seeing?

MR. CROCKETT: I don't know. I'd have to look at it. It's a --

MS. LOE: All right.

MR. CROCKETT: I mean, it's --

MS. LOE: So pretty restricted? I mean, it's looking like most driveways are not off of Old Hawthorne, which is why I was asking.

MR. CROCKETT: I'm trying to go off of memory here. I mean, I would say that there are -- you know, on the -- on the east side, there's substantially more. On the north side, there's substantially more. On the west side --

MS. LOE: There's none.

MR. CROCKETT: Yeah. On the west side, there's probably not as many. But on the east and north, I believe there is quite a few.

MS. LOE: I'm counting about 25.

MR. CROCKETT: Okay.

MS. LOE: All right. Thank you.

MR. CROCKETT: Thank you.

MS. LOE: Any other speakers on this case? Mr. Smith?

MR. SMITH: Yeah. I apologize. I wanted to address the letter that we submitted with your packet.

MS. LOE: Yes.

MR. SMITH: And I forgot to do that. And I wanted to take a moment to do that if that would be all right. It will just take one minute. So the gentleman had kind of expressed concerns with sidewalks in the vicinity. Let me see if I can get back to where -- so just for clarification, generally referring to Lightpost Drive was part of that request, and that's this street if you can see my pointer here. It runs kind of on the west portion of this. There was a plat approved for this site out there, and it was initially approved with variances for sidewalks. So they were only required to build sidewalks on one side, and that's why for a portion of Lighthouse -- Lightpost Drive, you will only see sidewalks on one side. However, about halfway through, they actually replatted the site, and no variances were requested with the replat. So from about where my cursor is now here going east, there's about five lots that will not have sidewalks on the north side of Lightpost Drive, but going west of this house, they will have sidewalks on both sides. So there will not be sidewalks constructed on a portion of Lightpost Drive, and that was by design. A variance was granted for that. So just in case anyone from the public is interested.

MS. LOE: Thank you, Mr. Smith. Any additional public comments?

MR. MEYER: Thank you, Madam Chair. My name is Tom Meyer. I'm at 6200 East Richland Road. I'm speaking on my -- behalf of myself and the owner of 6120 Richland Road and the individuals who are under contract for 6250 Richland Road. I have some comments in general about the plans as well as some comments for the owners. I believe we have representatives here. So my first one is that the traffic study states that a west bound turn lane is not recommended, but also states that a site distance survey was not done on site. Driving out there as I do regularly, there are some hills that make

visibility difficult. And so we would recommend that a westbound left-turn lane would be put in into I believe it is called the Capalana (ph.) Drive that they are referencing. In addition, with this additional population out there, the Richland Road has very, very narrow shoulders and no bike lanes. And I think the additional population out there could possibly use that. It would make it much safer to drive through there. We are also concerned about the water collection -- the detention ponds and making sure that the runoff is controlled as well as mosquito control is taken care of in those ponds. We live directly north of this -- north and west of this, and so any additional pest control -- it's already bad enough out there, as if you have been sitting outside these days, you understand that. The mosquitos can get quite difficult. Addressing things to the owners of Old Hawthorne, first we want to make sure that there's some communication from the HOA to the residents that these adjacent lots are private property. We homeowners out there, we do hunting on these lands. I have six acres. The other gentleman to my east has 10 acres. Hunting is allowed on there and we are concerned about the liability of people coming onto the land, especially children. And that is very concerning to me. So there would have to be some clear communication that -- you know, that is a potential. Also, just a general statement, we really want Old Hawthorne to be good neighbors, and there have been times in the past that that has not happened. For example, on Monday of this week, my wife and I were sitting out on our deck, and we could clearly hear music from a live performance happening at the Old Hawthorne Clubhouse. We filed a noise complaint with -- joint communication had an officer come out, and there was some discussion with the manager of the clubhouse. Apparently, there was not an ordinance variance, a noise variance. They said it was a private event, even though they were charging people to show up to join it. It was sponsored by MFA Oil. So this has happened a number of occasions where our peace has been disturbed and we have not been notified. So as we move forward, especially with this increased density, and if there are -- I do not know if there are plans for an additional clubhouse on this north area. If so, we need some -- we would really like some assurances that they would be good neighbors and would be able to perform, you know, noise mitigation. Those are my comments.

MS. LOE: Thank you, Mr. Meyer. Are there any questions for this speaker? I see none at this time. Thank you.

MR. MEYER: Thank you, Madam Chair.

MS. LOE: Any additional speakers on this case?

MR. SPEAR: Good evening, James Spear, 6250 East Richland Road, so the property right next door, 10 acres -- close to 10 -- 9.6, 8 something. The creek, I believe, starts on the property in question. It goes right through mine, so I hope there's not a lot of mud because it -- it's a wooded area. It's forest. There's a beautiful creek, which gets me to part two -- and also the detention pond looks like it sits right in that area potentially, and so what does that mean? I don't know enough about detention ponds, but I assume it's detained on that side. That would be my concern. In the mid-1970s, our lots -- about four of us were bought from the Zumwalts, and created a large property -- five, six and then the ten acres with homes. And I would disagree with staff. It is not -- the street going into my property is not looking onto

underdeveloped property. It is -- it's County. It's country. I lived on -- off West Boulevard for eight years, and then have now lived in -- on Richland Road for six because of the country and because it is close to Columbia. I love Columbia and I love living in Columbia, but it is not underdeveloped. It's a beautiful property of trees and forest. And that's exactly why I live there. And -- and myself and my other neighbors that have been mentioned are a neighborhood of four. We are all there for the long term because of these properties the way they are. Because of a job change out of state, as he mentioned, there was -- my property is under contract. I purposely did not list it because watching subdivisions encroach all -- for a number of years has -- I sold this to people that want to live on -- in the woods. And that was an important thing to me and to the new owners and to the people that I bought the house from in a very similar way. And so it's not underdeveloped. It's developed just right for us that live -- and I would say all the people to the west are feeling the same way -- small house, medium size house, very large home. So thank you for hearing those comments.

MS. LOE: Thank you, Mr. Spear. Any questions for this speaker? I see none. Thank you. Any additional speakers on this case? Seeing none. We will close public comment.

#### **PUBLIC HEARING CLOSED**

MS. LOE: Commission comment? Mr. MacMann?

MR. MACMANN: Let's get this ball rolling here. I'm kind of -- as I may have indicated before, I'm kind of feeling for lack of a better phrase, Solomonesque here. Some of the design adjustment -- the cul-de-sac doesn't bother me. I do agree with Mr. Crockett, that's not going to -- this collector is going to be a low-use collector. This is an expensive development. There's not going to be much traffic in here. Those two design adjustments don't concern me. The length of roads concerns me. And because we have had this problem in the past, not dedicating that -- not adhering to the M-RP on the west side of the property is problematic. A couple of you folks have been here longer. We've had a couple situations where we end up with a piece of property that is landlocked because it is not thoroughly -- it's been a couple of years since it has happened, but then you run into some nightmare where you are trying to, you know, wiggle a road back in somewhere. That's where I'm at right now. The rezoning on the lower end doesn't bother me, the permanent zoning doesn't bother me. A couple of design adjustments still bother me, but I'm -- I'm having trouble with the plat. So I just -- thought I would just kick that off. And I would like to ask staff if you could keep this up while we are doing the -- this is very good reference. So we could -- thank you.

MS. CARROLL: Since we're discussing --

MS. LOE: Ms. Carroll?

MS. CARROLL: Since we're discussing all three at once and I asked the previous question on the rezoning I do see a variety within this development at large. I see a variety of lot sizes. I see other adjacent developments that have different sizes. I -- I -- my comment to staff is meant to further this discussion, and I view this as a positive change.

MS. LOE: Seeing that discussion is slow, I'll jump in. Unlike Mr. MacMann, I see the lack of

acknowledging the collector an issue. I live on a previously suburban collector in the older southwest section that probably -- that looked like this back in the 50s, but now, it's become an overused cut-through, and it does have a few driveways on it. And I wish we had done a better job of regulating those driveways back in the day because they are dangerous, and it does impede --

MR. MACMANN: You're talking about the north/south right by you? Is that what you're talking about?

MS. LOE: Yes. I'm talking about College Park. Yeah. And so when I look at this, I'm thinking this is our opportunity to do it right because while I understand it is a pocket of woods now, it is going to continue to grow. Columbia is continuing to grow. So I'm looking at where -- you know, how we have to lay infrastructure and anticipate the next 20, 40, 60 years. And I'm seeing where that wasn't done to the best -- with the best results just 40 years ago. So that's one design adjustment I would not allow to be waived. Cul-de-sac length, as I mentioned, I don't -- I don't see how we can build on something that is already exceeding what we allow nor -- and I also believe while I understand that there's different viewpoints on design, I believe the requirements in the UDC have been vetted and that there was compromise. And that in general we should do the best to abide by them unless there is reason to do otherwise. And as of yet, I have not been given a good reason to do otherwise. The argument that there need be 2,100 additional feet of street to accommodate the requirement is merely based on the existing layout being proposed. But as we know in design, there is always alternatives, and I'm sure there's an alternative that would require much less street and could achieve some of the goals or requirements in the UDC. So I'm afraid that's not an argument that persuades me. The rezoning, I'm -- I am uncomfortable with the language. I understand we don't have overview on private arrangements, but I don't -- I believe it needs to be clear how land is intended to be used. And if we are approving those plats and signing off on them that -- I mean, even if -- it needs to be clear. And I don't want to be reassigning uses for something we've been told has been assigned for a use already. And I am uncomfortable with that. Additional comments? Mr. MacMann?

MR. MACMANN: If there are no further comments. If my fellow Commissioners are comfortable with this, I'm going to go top to bottom addressing these one at a time. Are we good with that? In the matter of Case 107-2021, rezoning for those C1 and C2 lots, I move to approve.

MS. GEUEA JONES: Second.

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

**Roll Call Vote (Voting "yes" is to recommend approval.) Voting Yes: Ms. Rushing, Ms. Kimbell, Ms. Placier, Ms. Burns, Ms. Carroll, Mr. Stanton, Mr. MacMann. Voting No: Ms. Geuea Jones, Ms. Loe. Motion carries 7-2.**

MS. CARROLL: We have seven votes to two. The motion carries.

MR. MACMANN: Madam Chair?

MS. LOE: Yes?



MR. MACMANN: Before I make my next motion, I have a little point of order. For our new Commissioners, I will be making all of these motions in the affirmative. If I'm going to vote no, I'm going to give you the courtesy of saying I will be voting no, but it is just part of our parliamentary procedure that move to approve -- move to approve. All right? Are we with -- I just want to make sure. All right. Moving on, in the matter of Case 106-2021, permanent zoning, I move to approve.

MR. STANTON: Second.

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

**Roll Call Vote (Voting "yes" is to recommend approval.) Voting Yes: Ms. Geuea Jones, Ms. Rushing, Ms. Kimbell, Ms. Placier, Ms. Burns, Ms. Carroll, Ms. Loe, Mr. Stanton, Mr. MacMann. Voting Motion carries 9-0.**

MS. CARROLL: We have nine votes to approve. The motion carries.

MR. MACMANN: In the matter of Case 105-2021, design adjustment based upon Section 29-5.1(f)(2)(iii), I move to approve. I will be voting no.

MS. GEUEA JONES: Second.

MS. LOE: Second by Ms. Geuea Jones. Motion on the floor. Any discussion on this motion? Seeing none. Ms. Carroll, may we have roll call, please.

**Roll Call Vote (Voting "yes" is to recommend approval.) Voting Yes: Mr. Stanton. Voting No: Ms. Geuea Jones, Ms. Rushing, Ms. Kimbell, Ms. Placier, Ms. Burns, Ms. Carroll, Ms. Loe, Mr. MacMann. Motion is defeated 8-1.**

MS. CARROLL: Eight votes to one. The motion is defeated.

MR. MACMANN: In the matter of Case 105-2021, design adjustment Section 29-5.1(c)(3)(i)(F), I move to approve. I will be voting no.

MS. GEUEA JONES: Second.

MS. LOE: Second by Ms. Geuea Jones. Motion on the floor. Any discussion on this motion? Seeing none. Ms. Carroll, may we have roll call, please.

**Roll Call Vote (Voting "yes" is to recommend approval.) Voting Yes: Ms. Geuea Jones, Mr. Stanton. Voting No: Ms. Rushing, Ms. Kimbell, Ms. Placier, Ms. Burns, Ms. Carroll, Ms. Loe, Mr. MacMann. Motion is defeated 7-2.**

MS. CARROLL: We have seven votes to two. The motion is defeated.

MR. MACMANN: In the matter of Case 105-2021, preliminary plat design adjustment Section 29-5.1(f)(2)(iii)[sic], three i's, I move to approve.

MS. GEUEA JONES: Second.

MS. RUSHING: I want to make clear based on -- that you're not -- on these you're moving to approve the design adjustment. Correct?

MR. MACMANN: Correct. All in the affirmative.

MS. RUSHING: Not to approve the denial of the adjustment?

MS. LOE: No. Just --

MR. MACMANN: Correct. I'm -- I asked Planner -- a little point of order. I asked Planner Smith to do that because I thought it was definitely going to be easier for me to read --

MS. RUSHING: Right.

MR. MACMANN: -- and perhaps the audience to follow and us to follow.

MS. RUSHING: What I was hearing was moved to approve the denial. That's not --

MR. MACMANN: If I did speak that --

MS. RUSHING: That was not correct.

MR. MACMANN: -- I'm sorry.

MS. RUSHING: Yeah.

MR. MACMANN: Should I restate that one?

MS. RUSHING: You moved to approve.

MR. MACMANN: Okay. Okay. All right. Fine. So we're voting?

MS. RUSHING: The design adjustment.

MR. MACMANN: Correct.

MS. RUSHING: Okay.

MS. LOE: Ms. Geuea Jones, did you second?

MS. GEUEA JONES: Second.

MS. LOE: Thank you. We have a motion on the floor. Any discussion on this motion? Seeing none. Ms. Carroll, may we have roll call.

**Roll Call Vote (Voting "yes" is to recommend approval.) Voting Yes: Mr. Stanton, Mr. MacMann. Voting No: Ms. Geuea Jones, Ms. Rushing, Ms. Kimbell, Ms. Placier, Ms. Burns, Ms. Carroll, Ms. Loe. Motion is defeated 7-2.**

MS. CARROLL: We have seven votes to two. The motion is denied.

MR. MACMANN: In the matter of Case 105-2021, preliminary plat -- this is the preliminary plat itself, no design adjustment, I move to approve, period. I will be voting no.

MS. GEUEA JONES: Second.

MS. LOE: Second by Ms. Geuea Jones. Any discussion on this motion? Seeing none. Ms. Carroll?

**Roll Call Vote (Voting "yes" is to recommend approval.) Voting Yes: Mr. Stanton. Voting No: Ms. Geuea Jones, Ms. Rushing, Ms. Kimbell, Ms. Placier, Ms. Burns, Ms. Carroll, Ms. Loe, Mr. MacMann. Motion is defeated 8-1.**

MS. CARROLL: We have eight votes to one. The motion is defeated.

MS. LOE: Thank you, Ms. Carroll. That completes the voting on these three cases. We're going to take an eight-minute break to 9:20, so we're going to recess.