

## EXCERPTS

### PLANNING AND ZONING COMMISSION MEETING

AUGUST 9, 2018

#### VI) PUBLIC HEARING

MR. STRODTMAN: Moving on to our public hearing this evening, Case Number 18-146. At this time, I would ask any Commissioner who has had any ex parte communications related to this Case 18-146, please disclose that now so all Commissioners have the same information on behalf of this case in front of us.

#### Case No. 18-146

**A request by Smith Lewis, LLP (agents) on behalf of NGT, Inc. (owners), to annex 10.36 acres of land into the City of Columbia and have it designated as M-N (Mixed-use Neighborhood District) as its permanent City zoning. The subject 10.36-acre tract is located at the northwest corner of Brushwood Lake Road and Scott Boulevard. The subject property is currently zoned Boone County A-R (Agriculture Residential). (This item was tabled at the July 19, 2018 Planning and Zoning Commission meeting.)**

MR. STRODTMAN: May we have a staff report, please?

Staff report was given by Mr. Rusty Palmer of the Planning and Development Department. Staff recommends approval of the annexation and permanent zoning.

MR. STRODTMAN: Thank you, Mr. Palmer. Commissioners, any questions for staff? I see none. This is a public hearing. We'll go ahead and open it up to the public. We would just ask for your name and address before you get started.

#### PUBLIC HEARING OPENED

MS. LAMAR: Good evening. Phoebe Lamar, 111 South Ninth Street. I'm here this evening on behalf of the applicant. I'm going to keep it brief because I've actually been through this once before. The purpose of doing this has not changed. This is in order to be able to develop this at some point in the future. We can't connect to the sewer if we -- if we don't annexed, we can't do any kind of development that, in my client's opinion, makes the most sense on this corner without getting it rezoned. So that's what we're requesting. There really are only two basic changes since the last time we were here. The first is that we have gotten a vacation of the prior location of Brushwood Lake Road. The second is the fact that we have gotten a revision to the FEMA floodplain map, and as a result, there is a developable piece of property located within the confines of this tract. If you have any questions, I'm happy to answer them.

MR. STRODTMAN: Thank you, Ms. Lamar. Commissioners? Mr. Stanton?

MR. STANTON: So this modification is -- you haven't had to add any fill or nothing. They just reassessed it?

MS. LAMAR: Not during the -- not during the context of this action. I think at some point in the -- in the past, something was done, but, no. In the context of this, nothing was added.

MR. STANTON: As is, it's no longer in the floodplain?

MS. LAMAR: That's correct.

MR. STRODTMAN: Additional questions, Commissioners? Ms. Loe?

MS. LOE: Ms. Lamar, what's the intended use of the site that's not developable?

MS. LAMAR: That will be -- I don't think it's developable at all, so, I mean, a substantial -- I doubt that it's going to be touched. I mean, a substantial amount of it, at least, is going to end up in green -- green space and that sort of thing.

MS. LOE: Thank you.

MS. LAMAR: Sure.

MR. STRODTMAN: Any additional questions, Commissioners? Thank you, Ms. Lamar. Appreciate it.

MS. LAMAR: Thank you.

MS. COOPERSTOCK: My name is Linda Cooperstock. I'm the one property owner, 4051 South Scott Boulevard, that's adjacent to that little wing-shaped piece on the -- that would be the south side of that property. Do you see what I'm talking about? So I only have one question for clarification. I'm not opposed or pro or anything. It's neutral. But what -- what will happen to that piece? That's, right now, a flood treatment catchment area, and that's the only part of that whole property that directly abuts our property, so our property is that funny other almost pie-shaped piece right next to --

MR. ZENNER: Here?

MS. COOPERSTOCK: Right there, yeah. So I'm -- and so my question is about that red-rimmed area. Right there, yeah. What is that and how will that be treated?

MR. STRODTMAN: I think, Ms. Cooperstock, according to Ms. Lamar just a minute ago, she referenced, and maybe Mr. Palmer can go back to the graph that shows the green highlighted there. The part that's green is the part that they are proposing to be utilized for a -- some type of commercial development, a little strip center type of development. The other area Ms. Lamar just made reference to, to her knowledge, it would -- it would remain green space, as is, undeveloped. And since it is -- it's not developable today unless it was to be raised similar to that green area. So you shouldn't see much of any changes to those areas.

MS. COOPERSTOCK: Right. Well, if it is raised, it removes that flood catchment and then we flood again.

MR. STRODTMAN: Staff, Mr. -- is that correct that that's the only area that would be changed is the -- is the green is what would be developed. The other areas --

MR. PALMER: Right. Yeah. And I believe the piece to the south is almost entirely still in floodplain, so it -- it could be developed, but I'd have to look back and see how much is floodway, which can't be developed. But really, for all intents and purposes, it's -- it's undevelopable because of other factors, but mainly storm water, as well. I mean, it's -- like she said, it's -- it's kind of a catchment at this point because the road has been built there. It's the low spot, so --

MR. STRODTMAN: Mr. MacMann?

MR. MACMANN: If I may, just for clarity. Ma'am, if you look at the packet that came with it that's available online, do you know how to look at that?

MS. COOPERSTOCK: I do know.

MR. MACMANN: Okay. The -- the second piece in there is the letter of revision issued by FEMA. And if you look at paragraph 2 there -- I'm sorry -- that specifically excludes anything not in the shaded green area, so nothing -- it remains a floodway.

MS. LOE: No. It's not in --

MR. PALMER: There's -- there's both, I believe, on that piece.

MS. LOE: Yeah. And here's the FEMA map.

MR. MACMANN: Thank you.

MS. LOE: Which shows that the area that is a bit darker in the lower left-hand corner -- yes. That's in the floodplain, according to the FEMA map right here. So that, under our floodplain overlay zone could be developed. So my question for you would be, if this is a catch basin, who has identified it as that?

MS. COOPERSTOCK: What -- who --

MS. LOE: I mean, you're calling it that, but is -- is it serving that purpose for a certain --

MS. COOPERSTOCK: Well, when they put the roundabout in, they used -- that's where the water flows down from Vawter School and actually --

MS. LOE: So MoDOT?

MS. COOPERSTOCK: Oh. I don't know who specifically.

MR. PALMER: So because of the road extension of the new Brushwood Lake Road, it became a low spot that was completely enclosed. And so it naturally catches water now as opposed to allowing it to flow on into the creek. There's -- you could kind of see from that image that there's a bit of a -- a humped backup before you get to the creek. And so that's just a low spot that has always been there, and because of the road being lifted up away from it, it has caused that to back up in there. And because of that and because of our storm-water requirements, it's -- it's basically undevelopable because they would have to mitigate any additional storm-water runoff, which you could see in the aerial actually, it ponds up there. So they would have to mitigate that runoff before they could develop that piece of land.

MS. COOPERSTOCK: Yeah. Right now, it's a pond, and --

MS. LOE: And the area due west of that is floodway --

MS. COOPERSTOCK: Yes.

MS. LOE: -- meaning they could not fill that, as you were indicating.

MS. COOPERSTOCK: Okay. And the -- I think the -- one of the purposes for allowing that to catch the water was when we traded property -- so my property was actually part of what's now the roundabout, it was understood that the way that they would -- the City would handle the flood water would not impact our property further as far as further flooding. So with that catchment like that, we have no

flooding back there anymore. We used to, and there's no -- there are no mosquitoes and, you know, everything that goes with that, so that was my big question. The question -- the kind of partial answer to what was it filled with, I watched it being filled for a number of years, and I watched spontaneous fires -- combustion start from the wood chips that they were just piling and got really hot in the summer. And so a lot of that very low base is wood chips, and then rock came in on top of that, but, yeah. It was -- it was a mountain of wood. So my -- my question would be, I assume you do -- somebody who is building does core samples before they can put stuff up?

MR. STRODTMAN: Yes, ma'am.

MS. COOPERSTOCK: So the buildings don't fall down. Thank you very much.

MR. STRODTMAN: Thank you, ma'am. Anyone else like to come forward this evening? I see none. We'll go ahead and close the public hearing.

### **PUBLIC HEARING CLOSED**

MR. STRODTMAN: Commissioners, questions? Additional information needed from staff? Ms. Loe?

MS. LOE: Well, I have a question if that -- it does sound as if that area, even if it's shown in the floodplain, has been created as a bit of a catch basin by the roadway construction. So I just want to verify there's some assurance that there is some protection to that, or that would be evaluated moving forward? I mean, should the development or in the process of looking at the overlay, because what I'm looking at right now from FEMA does not -- shows that it's in the floodplain.

MR. PALMER: It does not show it as a floodplain?

MS. LOE: Right. It shows that it's in the floodplain, not in the floodway.

MR. PALMER: Not the floodway. Okay.

MS. LOE: So it would, under our provisions, be more open to development.

MR. STRODTMAN: Right. And I think, as Mr. Palmer mentioned, that the likelihood of that is pretty near to impossible due to the storm --

MS. LOE: I was asking for reconfirmation of that.

MR. STRODTMAN: Right. I don't think that he can because I don't think it's truly a basin.

MR. PALMER: I'm just unsure if it was created intentionally as a part of that roadway project. I'm not sure, so --

MR. ZENNER: From a storm-water -- from a storm-water management perspective, if it was not created as part of the roadway project, and we can't verify that for you because we do not have those plans. The fact that it is a catchment right now for potentially the water that is coming off of the roundabout, to create it as a catchment for not only that water, but the water generated off of the 2.9 acres to be developed and created as an off-site -- not an off-site, it would be an on-site at this point, because this is all one parcel of property divided by a road, as an on-site retention area to be utilized -- the capacity to be utilized, a portion of that capacity to be utilized for proposed development, that would all be defined at the time of plan submission. Our building and our site development staff are going to

have to do one of two things -- or the applicant will have to do one of two things. They're going to have to prove that the 2.9 acres has enough storage area on it to support the increased impervious surface that they'll create or there is a means by which that -- that runoff can be captured internal to their property. Whatever agreements exist in advance or prior to to ensure that our adjacent property owner was not going to experience any more additional flooding are going to have to be taken into account. Again, it's outside of purview in our involvement in the development process to be able to confirm those types of activities. What I can tell is is there's going to like be an evaluation. The other thing, if I do understand correctly, is Brushwood Lake Road was not taken through a dedication of road right-of-way. It was taken as a road easement. This property is not considered a legal lot. It has not been platted. And, therefore, there will be right-of-way dedications not only for the rights-of-way deficiencies that Mr. Palmer pointed out. There very well may be a dedication of road right-of-way for Brushwood Lake. I would not be surprised if, at that point, as part of the plat evaluation, we're going to go back to the construction plans for Scott Boulevard and find out more information about this catchment area and make sure that the plat adequate defines what its intention is. So allow us an opportunity to be able to go to the next step, if it is so inclined -- the Commission is so inclined to make a recommendation on the zoning. We have a couple of other processes, one of which is going to have to come back through you because we're going to be doing dedication of right-of-way. So the platting action will come through the Commission, as well. And at that point, if we still have a question as it relates to this, that would probably be the appropriate venue to have it again raised in because there would be an opportunity at that point to potentially make a recommendation that the plat approval be conditioned on something. Can't condition the zoning since it's a straight request.

MR. STRODTMAN: Ms. Loe?

MS. LOE: Just a housekeeping question. The recommendation on the screen says approval of annexation and permanent zoning, but we are not recommending approval of annexation. Correct?

MR. ZENNER: That is correct.

MS. LOE: Thank you.

MR. STRODTMAN: Commissioners, any additional questions of staff? Or a motion?

Ms. Russell?

MS. RUSSELL: In the Case of 18-146, I move to approve the permanent zoning to M-N.

MR. STRODTMAN: Thank you, Ms. Russell. Do we have a second?

MR. STANTON: Do we have to add the annexation approval?

MR. PALMER: No.

MS. LOE: No.

MR. ZENNER: No. No. No.

MR. STRODTMAN: We don't want to do -- annexation is not part of it. It's strictly a -- the M-N zoning. Do we have a second?

MR. STANTON: Second.

MR. STRODTMAN: Mr. Stanton, second. Commissioners, we have a motion on the floor made by Ms. Russell, received a second by Mr. Stanton. Is there any questions or discussion needed on the motion? I see none. Ms. Burns, when you're ready for a roll call, please.

MS. BURNS: Yes.

**Roll Call Vote (Voting "yes" is to recommend approval.) Voting Yes: Ms. Russell, Ms. Burns, Ms. Loe, Mr. Harder, Mr. Stanton, Mr. Strodtman. Voting No: Mr. MacMann. Motion carries 6-1.**

MS. BURNS: Six to one, motion carries.

MR. STRODTMAN: Thank you, Ms. Burns. Our Planning and Zoning's recommendation for approval of M-N, Mixed-use Neighborhood District zoning, will be forwarded to City Council for their consideration.