City of Columbia, Missouri

Meeting Minutes

Planning and Zoning Commission

Thursday, April 20, 2023 7:00 PM	Regular Meeting	Council Chambers Columbia City Hall 701 E. Broadway

I. CALL TO ORDER

MS. GEUEA JONES: I will now call to order the April 20, 2023 meeting of the Planning and Zoning Commission.

II. INTRODUCTIONS

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

MS. CARROLL: Commissioner Geuea Jones?

MS. GEUEA JONES: Here.

MS. CARROLL: Commissioner Placier?

MS. PLACIER: Here.

MS. CARROLL: Commissioner Kimbell?

MS. KIMBELL: Here.

MS. CARROLL: Commissioner Wilson?

MS. WILSON: Here.

MS. CARROLL: Commissioner Loe?

MS. LOE: Here.

MS. CARROLL: Commissioner Stanton?

MR. STANTON: Present.

MS. CARROLL: Commissioner Burns?

MS. BURNS: Here.

MS. CARROLL: Commissioner MacMann.

MR. MACMANN: Present.

MS. CARROLL: I am here. We have a quorum; we have nine.

MS. GEUEA JONES: Thank you very much.

Present: 9 - Tootie Burns, Sara Loe, Anthony Stanton, Michael MacMann, Valerie Carroll, Sharon Geuea Jones, Robbin Kimbell, Peggy Placier and Shannon Wilson

III. APPROVAL OF AGENDA

MS. GEUEA JONES: Mr. Zenner, are there any changes to the agenda?

MR. ZENNER: No, there are not.

MS. GEUEA JONES: Commissioner MacMann?

MR. MACMANN: Move to approve.

MR. STANTON: Second.

MS. GEUEA JONES: Moved by Commissioner MacMann; seconded by Mr. Stanton. Could I have a thumbs-up approval. We've got unanimous with one abstention? Oh, sorry. For the agenda. I'm already on to the next. Yes.

(Unanimous vote for approval.)

MS. GEUEA JONES: Unanimous approval of the agenda. Thank you.

Move to approve

Yes: 9 - Burns, Loe, Stanton, MacMann, Carroll, Geuea Jones, Kimbell, Placier and Wilson

IV. APPROVAL OF MINUTES

April 6, 2023 Regular Meeting

MS. GEUEA JONES: We all received a copy of the April 6, 2023 regular meeting minutes. Are there any changes or adjustments to those minutes? Commissioner MacMann?

MR. MACMANN: Move to approve.

MR. STANTON: Second.

MS. GEUEA JONES: Moved by Commissioner MacMann; seconded by Commissioner Stanton. Thumbs-up approval on the minutes? There we go.

(Eight votes for approval; one abstention.)

MS. GEUEA JONES: Unanimous, with one abstention. Thank you.

Move to approve

V. WITHDRAWN ITEMS

Case # 129-2023

A request by Brush & Associates (agent), on behalf of Ron and Beth Chapman Trust (owner), for the assignment of IG (Industrial) and R-MF (Multi-family Dwelling) permanent zoning, upon annexation, of approximately 5.08 acres presently improved with contractor shops. The applicant intends to connect to public sewer which requires annexation per a sewer agreement authorized by Ordinance 20898. The property is located on I-70 Drive Northwest north of Sorrel's Overpass Drive, and contains parcels: 16-102-05-00-021.00 01 and 16-102-05-00-021.01 01. **(The applicant has submitted correspondence withdrawing this application from consideration)**.

MS. GEUEA JONES: Our first item is a withdrawn item.

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

MR. ZENNER: There really is no report to give. This is just a formal notification that the case has been withdrawn. It may be considered for future action under a different procedure. We have not yet received any additional information from the applicant as to how they would proceed. So there is no formal action required by the Commission to receive or accept the withdrawal. It is, again, just for general notification.

MS. GEUEA JONES: Thank you very much. We have entered that into the record, and if I understand you correctly, we do not need a vote on the withdrawal. Is that what I'm understanding, or do we need to vote to acknowledge it? I don't think I've had one of these before.

MR. ZENNER: We -- typically on a withdrawal, we do not -- you don't -- it's the applicant's choice.

MS. GEUEA JONES: Okay.

MR. ZENNER: They withdraw, and you don't need to take action.

MS. GEUEA JONES: Wonderful. Thank you very much, Mr. Zenner. The withdrawal will be noted for our permanent records.

VI. TABLING REQUESTS

Case # 123-2023

A request by A Civil Group (agent), on behalf of Green Meadows Property, LLC (owner), for approval of a 4-lot Preliminary Plat of R-1 (One-family Dwelling) zoned property, to be known as Quail Creek West Plat 8. The approximately 18.42-acre subject site is located southwest of Smith Dr and Louisville Dr, and includes the address 825 Louisville Drive. **(A request to table this case to the May 4, 2023 Planning Commission meeting has been received. This is the applicant's second request**).

MS. GEUEA JONES: May we have a staff report on the tabling request?

MR. ZENNER: Yes. So this is the proposed subdivision plat four lot preliminary at the corner of Smith and Louisville Drives. This is the project that we are still awaiting a final geotechnical report on that was going to be utilized to help identify and further justify the location of lots and buildable areas. That geotechnical report has been delayed, and hence, the reason for this tabling request.

MS. GEUEA JONES: Very good. Any public notice on this?

MR. ZENNER: No, there is not.

MS. GEUEA JONES: Okay.

MR. ZENNER: This is a subdivision action with no design adjustments.

MS. GEUEA JONES: Thank you very much. Are there any questions for staff on the

tabling request? Seeing none. I will open the floor to public hearing just in case there is anyone here who wants to speak on the issue of tabling this case.

PUBLIC HEARING OPENED

MS. GEUEA JONES: Seeing none.

PUBLIC HEARING CLOSED

MS. GEUEA JONES: Commissioner discussion? Commissioner MacMann?

MR. MACMANN: I'm going to assume May 4th is a good time. Yes?

MR. ZENNER: As we have been informed, yes, it is. The staff report, just to be quite honest. The staff report will not take a tremendous amount of effort to pull together. It really is we want to ensure that the geotechnical report that supports the locations of the building areas has been submitted and we have had adequate time to review.

MR. MACMANN: That's -- who is doing the report?

MR. ZENNER: The report is a consultant activity that Mr. Gebhardt's firm has contracted for, or the owner has. If I am not incorrect, it's ESS local -- our local firm.

MR. MACMANN: Okay. With that in mind, if there are no other questions or concerns. In the matter of -- right case number here -- this -- yeah. Here it is. In the matter of Case 123-2023, Green Meadows Property, I move to table to date certain 4 May 2023.

MR. STANTON: Second.

MS. GEUEA JONES: Moved by Commissioner MacMann; seconded by Commissioner Stanton. Is there any discussion on the tabling motion? Seeing none. Commissioner Carroll, may we have a roll call.

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

MS. CARROLL: We have nine to approve; the motion carries.

MS. GEUEA JONES: Thank you very much. That case will be tabled to May 4th.

In the matter of Case 123-2023, Green Meadows Property, move to table to date certain 4 May 2023.

Yes: 9 - Burns, Loe, Stanton, MacMann, Carroll, Geuea Jones, Kimbell, Placier and Wilson

VII. PUBLIC HEARINGS

Case # 02-2023

A request by A Civil Group (agent), on behalf of Grindstone Acres, LLC et al (owners), for approval of a PD plan (Planned Development) and Statement of Intent (SOI). The PD plan, to be known as the *PD Plan Copperstone Corner*, proposes a 10-lot subdivision and private street

network, but no individual development on the lots at this time. The 16.79-acre property is located at the southeast corner of Scott Boulevard and Vawter School Road, and includes the address 4190 W Vawter School Road.

Ms. GEUEA JONES: Before I -- go ahead and please give us a staff report, Mr. Zenner.

` Staff report was given by Mr. Pat Zenner of the Planning and Development Department. Staff recommends:

1. Approval of the requested Statement of Intent for the PD zoned land addressed as 4190 West Vawter School Road; and
2. Approval of the PD plan to be known as "PD Plan Copperstone Corner."

MS. GEUEA JONES: Thank you, Mr. Zenner. Before we go to questions for staff, if any of my fellow Commissioners have had any contact with the parties in this case, please make that known now so we all have information -- the same information to work from. Seeing none. Who would like to ask Mr. Zenner the first question? Commissioner MacMann?

MR. MACMANN: Thank you, Madam Chair. Mr. Zenner, a couple of questions. The northernmost curb cut closest to the traffic circle, that's 150, 200 feet from the beginning of the right-hand turn, something like that?

MR. ZENNER: That is compliant. Yeah. It is compliant with our standards.

MR. MACMANN: Okay.

MR. ZENNER: I believe it's actually greater than that. I don't have the dimensions specifically.

MR. MACMANN: I was just ballparking it from the dimensions on the -- on that. The second thing, tell me how this commercial association would work, and how we would codify that to maintain this road. I'm thinking about Peachtree and related areas where we have a nightmare. And it's not -- they're not the only ones. We just were there recently.

MR. ZENNER: You share many of the same concerns that we, as staff, share. That is one reason why it took quite some time to lovingly browbeat Mr. Gebhardt into accepting and acquiescing to our requirements. This is a street that will be designed and constructed concurrent or constructed to City street standards.

MR. MACMANN: And I'm with you. I'm just worried about maintenance five years from now.]

MR. ZENNER: From maintenance and maintenance issues that we have with a lot of our construction similar to Peachtree where we have privately maintained streets, those streets were not built to a standard. So base construction, the initial construction, as

with most municipal streets, it will be identical, and the life span generally on a municipal street property maintained, you end up getting 15 years out of, generally. In this particular instance, it is -- we -- we share the concern. It is a private covenantal issue that we are not subject to.

MR. MACMANN: I get that, but we will be -- the browbeating that you are giving Mr. Gebhardt the public will be giving to us over and over and over, complaining about -- something about the road.

MR. ZENNER: So, again, it is a -- I can let Mr. Colbert respond to this on the developer's behalf as to how this will work. Our understanding, without private covenants and associations work, they will have an -- they will have a fee structure. They will be collecting fees to be applied to that.

MR. MACMANN: And I appreciate that's not our gig. But like with an HOA going in, that's something the developer does rather than the neighborhoods do. I'm just -- I'm concerned about that in the future.

MR. ZENNER: This is a commercial development, and there are some significant differences with if you want to fill your commercial development and you want to maintain your commercial development, you'll likely maintain your commercial development roads. We advise ad nauseam we do not want you to put a private road in here. The applicant initially wanted to plat lots immediately to the middle of the right-of-way. We said you will not do that because what they wanted to do is they wanted to sell individual ownership of the underlying roadbed to each individual lot owner, and we said that is disastrous from the start. We did not feel comfortable with that at all, and therefore, we said you will put it in a common lot like we do every other private road in every other PD. And so I will be bringing to you a project at the next meeting that is another private street, which does not follow that same philosophy because it is not a PD, and we still share the same concern. However, we also do not have and we will not step into a private contractual matter --

MR. MACMANN: And that's totally fine. I would just --

MR. ZENNER: That is how it will be managed.

MR. MACMANN: At some -- some point, we should look at the Orange County and Los Angeles County, the way they do it. It's about four times more expensive, but that's --

MR. ZENNER: Oh, I agree on the --

MR. MACMANN: And I don't -- I don't have a problem with -- I actually think it's better for them to have the internal road. It's just --

MR. ZENNER: So does our Public Works staff.

MR. MACMANN: Yeah. Well, that's -- I can see a situation 15 years from now when

it's our road, but regardless of that. Question: The SOI has -- allows drive-ups, and I'm fine -- I'm fine with that.

MR. ZENNER: Uh-huh. It was originally allowed, as well.

MR. MACMANN: Okay. And I am fine with that. I'm a little concerned and I can -- Mr. Gebhardt is going to roll his eyes at me here in just a minute -- on Lots 103 and 104 having drive-up facilities in those two so close to the intersection, because we have this ongoing issue, and I'm not -- Jay, I'm not beating up on your particularly. We have this ongoing issue, and we just went through this political issue of these drive-ups that cause issues. So thank you very much for your answer. So there -- all these lots could have a drive-up. We could have ten drive-ups on this thing.

MR. ZENNER: You could.

MR. MACMANN: I doubt we would have more than two or three, but I just wanted to make sure that they are, by right, according to the SOI, they can have them. Thank you very much. Thank you, Madam Chair for that discretion.

MS. GEUEA JONES: Thank you, Commissioner MacMann. Commissioner Carroll, you're next.

MS. CARROLL: Yeah. I'm just trying to wrap my head around the new process and the differences. So can you confirm, does the final site-specific PD approval mentioned in the staff report come back to us for approval before it goes to Council?

MR. ZENNER: Yes.

MS. CARROLL: And how does that streamline the process?

MR. ZENNER: It doesn't -- that -- there's -- in that respect, it's not streamlined. The respect that we have is is this is a development plan that does not show what often is the point of contention, building footprints that we have no earthly idea if will ever be built. So if we -- and that often leads to additional revisions that need to be made. It further actually helps ensure that there is more oversight, as the staff report points out. If there were building footprints shown on this, and let's just use Mr. MacMann's example of a drive-through on Lot 104, and that drive-through modified ever so slightly, but within the -- it shrunk. It's made a little bit smaller. That is a minor change which would never come back through this body because that's how our provisions of making amendments to a PD function. When you have a site-specific footprint, we'll allow you to make those changes. Now if you wanted to enlarge the building, that's a different story. And so by not having anything shown on this except the subdivision layout for what they want and setting up what is allowed with these parameters, we actually provide a little bit of added protection, a better public process in my mind because you're not basically setting up property owners to say, oh, well, I'm going to have a three-story building next to my

home. I want to go pitch a fit downtown, when, in fact, that three-story building may have only been shown there for inventory purposes, never to be built. And I think what I have seen over the 14 and a half years I've been here, I'm tired of fictitious plans that generate a tremendous amount of unnecessary frustration amongst all of the parties involved. We really are trying to get to the point of where we're defining what the bulk, the mass, the infrastructure needs are, the layout of the project so it functions property transportationwise, and it addresses the neighboring concerns of how do we buffer and mitigate impact. So that -- you're not going to lose any authority to basically say, well, it doesn't meet X, Y, or Z standard from the statement of intent or the design parameters that are on this plan before they actually get to pull a building permit. And that is something that I think is a value added to the process that we're gravitating toward. Obviously, it's different, it's new, and it's something that we may have to adjust to. However, I do believe it has value.

MS. GEUEA JONES: Do you have anything else, Commissioner Carroll? Commissioner Burns, did you have something?

MS. BURNS: No, not at this time. Thank you.

MS. GEUEA JONES: Okay. Anyone else, questions for staff? My question is this. Under this, what are they allowed to do that they're not allowed to do under M-N?

MR. ZENNER: The only added use -- the only added use would be the indoor entertainment and recreation.

MS. GEUEA JONES: But that's permitted under M-N?

MR. ZENNER: It would be. So you're asking the question where we raise in the discussion of why not M-N or M-C versus PD, that is -- so in the discussion that we had with Mr. Gebhardt, based on the applicant's engagement with the surrounding neighborhood, they wanted the PD plan for the purposes of having secondary site plan review approval, we get out of that the ability to condition the roadway improvements through the traffic study and a separate development agreement that goes along with this. We have the ability, basically, to enforce higher standards for screening and buffering which protect the surrounding neighbors. And as I just explained, we have the ability to, basically, have better control -- better control for the development process by reviewing, which is no loss to what we have today, but we have a plan now that we can go by that basically lays out a lot arrangement. Now they can consolidate lots, there's nothing here --

MS. GEUEA JONES: I understand all that, but what -- what difference in land use is there between this PD plan and M-N?

MR. ZENNER: No land use change is everything with other regulatory provisions that

we are able to extract.

MS. GEUEA JONES: So increased screening, increased buffering and --

MR. ZENNER: Increased open space.

MS. GEUEA JONES: Increased open space. Actually, I don't know that that's true.

MR. ZENNER: Based upon maximum lot -- maximum lot coverage. No. We are -- well, at least on the lots that back up to the residential, we are getting five percent more.

MS. GEUEA JONES: Okay.

MR. ZENNER: We also have a plan that depicts the buffering scheme with berming and additional plant material placement specified.

MS. GEUEA JONES: But reduced setbacks and increased building height?

MR. ZENNER: No, not on --

MS. GEUEA JONES: I mean, on the -- on some lots, yes. Isn't that building heights and setbacks consistent with M-C zoning; isn't that --

MR. ZENNER: So the M-N district or the -- or the -- in the C-P that was approved in 1998, again, as another point in the staff report, the M-N or the C-P zoning district in 1998 did not actually specify dimensional standards. It did not specify a maximum height. The standard within the 1998 C-P was that the height of the development needed to be consistent with the surrounding development. Hence, the reason why we offer as an option that the reduction of height on Lots 106 through 110, which is what's adjoining the residential neighborhood, could be self-restricted. Easier to do that in a planned district and not -- not eliminate the other things that we're gaining out of the planned district. And then the development along Lots 101 through 105, which are on the arterials, is consistent. The height there would be consistent, in our opinion, with M-C. It is appropriate for that intensity of development to be there. The dimensional standards of setbacks are really no different between the former C-1 and the M-C and the M-N, but again, the height restriction, when I went back and reviewed the historic ordinance, it never had a height limit and, therefore, you know, if you had a 65 foot -- yeah.

MS. GEUEA JONES: But M-C is higher than M-N.

MR. ZENNER: Yes. It would be.

MS. GEUEA JONES: Okay.

MR. ZENNER: And, again, that is an option that the Commission can take to reduce, or you could choose, instead of reducing M-C, you could request that the applicant agree to M-N dimensional standards, and, ultimately, that's not going to change anything. It's going to change the height -- building height.

MS. GEUEA JONES: Sorry. But if we -- if we did that, then we would basically have a PD plan where we just described M-N straight zoning.

MR. ZENNER: Not necessarily, because you still have other features that are not generally required. You do not have a maximum footprint limitation in any of our commercial zoning districts. You do not have the ability to extract additional landscaping screening and open space in our regular zoning districts. And furthermore, while the residents are not here, and I will let Mr. Gebhardt speak to this, their coordination and communication with the neighbors is one that they have wanted this PD to be in place. We do not have a problem, given the nature of this, to leave it zoned PD. It is PD, it just doesn't have a plan. This provides us a meaningful plan that then can facilitate development, and that is what the neighbors want. They want that additional control.

MS. GEUEA JONES: I absolutely understand that. I would take issue with the word "meaningful," but that -- that's fine. I think that's all the questions I have for you right now. Anyone else? Okay. With that, I will open the case to public comment.

PUBLIC HEARING OPENED.

MS. GEUEA JONES: Whoever is first, come on up. We do limit you to three minutes for an individual, six minutes for a group. For the applicant, which one of you will be taking the six minutes?

MR. COLBERT: I will leave that for Mr. Gebhardt. I'll just take three minutes, if that'll work.

MS. GEUEA JONES: Okay. In that case, name and address for the record? You know the drill.

MR. COLBERT: Thank you, Madam Chair. Caleb Colbert, attorney, at 827 East Broadway. Thank you for your time this evening. I just want to hit on some of the -- the comments that came up in the staff report. The intention of this request is we are trying to plat the property. We are trying to come up with a comprehensive development plan for this property. Because the property is in the planned zoning district, the PD plan is what functions as the preliminary plat. The preliminary plat give us an idea of what lot layout is going to be acceptable. We know what traffic improvements are going to be required with this proposed lot layout. And as Mr. Zenner mentioned, because the property is in the planned zoning district, this is our only option, essentially, to -- to lay out and get a plat approved. We did have four open-house meetings with the neighbors to talk about this proposal, and to talk about would M-N zoning be appropriate or be supported at this location. That was one of the very first questions that we asked them, and the answer was loud and clear that they would not support open zoning because they wanted to have the opportunity to have input and public engagement as development occurs on each one of these lots. So we had made the decision that, in light of that request of the neighbors, that we wanted to honor that. This property has been zoned

planned now for 25 years, so we wanted to operate within the bounds of essentially what exists today, but plat the property so that we know, essentially, what an end user could -- could end up with on the property. We do have one business in mind on Lot 101; that is the Diventures Indoor Swimming or indoor scuba instruction that Mr. Zenner mentioned, but otherwise, we didn't show any building footprints or layouts because, as he indicated, we would just be speculating as to what would go on those lots. So we felt it was, you know, more transparent to say, well, we don't have a user, we're not going to show any buildings on these -- on these individual lots. We'll give the neighbors and end user the opportunity to come back to this Commissioner with a final PD plan on those individual lots. So again, that's the intention of the request. We're trying to work within the bounds of what exists today. We're carrying forward the existing uses, and we would respectfully ask for your support. I'd be happy to answer any questions. Jay Gebhardt is here to answer any questions on the PD plan, design questions. Julie Nolfo is here to answer any questions on the traffic aspects of things. Yes, ma'am.

MS. GEUEA JONES: Okay. Thank you. Commissioner Carroll, I'll let you start.

MS. CARROLL: Did you have any of the neighboring residents from your meeting who were able to give support to this project?

MR. COLBERT: We -- I don't know if they actually sent in letters of support, but we heard their concerns and we addressed their concerns with, essentially, the lot layout and the traffic improvements. That essentially satisfied their concerns, but I don't think that they sent letters of support or anything to that effect.

MS. CARROLL: Yeah. I really don't like doing PD plans for something that could be done via straight zoning. I do understand when neighbors request because they are more comfortable with enhanced control. I understand the need for that even. But I would be much more comfortable hearing that from the neighbors so that I understand the need, and the things that they wanted to achieve with that PD plan. That's a component that I'm really missing here. I'm really hopeful that maybe there's a neighbor in the audience. Yeah. It -- Mr. Zenner, did you receive any letters of support?

MR. ZENNER: We have received no public correspondence relating to this.

MS. CARROLL: Yeah. Okay. Thanks.

MR. ZENNER: And I believe we do have a resident from the adjoining property here to speak.

MS. CARROLL: Okay.

MS. GEUEA JONES: Commissioner MacMann?

MR. MACMANN: Just a quick point of order. I know some of the Commissioners who have been around for a moment, and Mr. Zenner will also remember the development

at Addison's when that went in. The neighborhood had great pause to begin with, mostly because of traffic. But I believe that was rectified through meetings and a more expansive buffer was offered to those neighbors, also. And once those meetings took place, those neighbors were much more accepting of that. So these --

MS. GEUEA JONES: Do you have a question?

MR. MACMANN: I just -- just a point of order. That's all. Just bringing that back up.

MS. GEUEA JONES: Okay.

MR. MACMANN: These neighbors are not without experience.

MS. GEUEA JONES: It could -- can it wait for discussion so we can get through?

MR. MACMANN: Certainly.

MS. GEUEA JONES: Sorry. Thank you. Commissioner Burns?

MS. BURNS: Thank you. Mr. Colbert, as these developed, I'm trying to visualize that, and what the conversation with the neighbors will be and what is, you know, because this could be a year's long. How cohesive will the development be, and that might be a Mr. Gebhardt question, and what input, at that stage, will be involving the neighbors? So as far as building faces, frontages, parking lots, how you're getting in and out, will the neighbors be allowed to comment on each individual parcel as it's developed?

MR. COLBERT: Sure. So I'll let Mr. Gebhardt talk about sort of the development time line or the development pattern. But, ultimately, all of the adjacent property owners are going to be. you know, informed when any final plan comes forward on any of these lots. And so they'll certainly have the opportunity to engage with the developer on that particular lot as to the design of the building that goes in there.

MS. BURNS: I guess, just to follow up, I would like that not just adjacent property owners, but owners within a certain -- within 1,000 feet so that everybody has an opportunity to weigh in on this because it will impact them, even if they aren't directly adjacent to the property.

MR. COLBERT: Sure. And when we had -- when we hosted our open-house meetings with the neighborhoods, we did invite everybody within 1,000 feet for -- for purposes of our meetings.

MS. BURNS: Thank you.

MS. GEUEA JONES: Any other questions? I have a couple. Why doesn't M-N zoning, aside from the neighborhood concerns, why doesn't M-N zoning work for you here?

MR. COLBERT: Candidly, it is the neighbor concerns that are driving the request for the planned zoning district. Ultimately -- again, we presented a request to the neighbors that we would like to put this in M-N zoning, and unfortunately, that -- they did not

support that.

MS. GEUEA JONES: Did you request the M-C height increase, or was that planning staff?

MR. COLBERT: The applicant requested that.

MS. GEUEA JONES: The applicant requested the M-C height increase. So you didn't ask to, basically, put M-N zoning in a planned district so the neighborhoods would have fewer concerns?

I'm saying you asked for an exception to what would otherwise be M-N zoning requirements?

MR. COLBERT: Yes, ma'am. Yeah. That is correct.

MS. GEUEA JONES: Okay. But M-N zoning would work but for the neighbor concerns?

MR. COLBERT: In terms of uses, yes. On the dimensional standards, I'll have to let Jay comment on if that -- the reduced building height would work on, for example, those lots north of Capital Drive.

MS. GEUEA JONES: Got you. How does doing it this way benefit the City as a whole? Is it --

MR. COLBERT: Well, ultimately, it benefits the City in that the neighbors have an opportunity to engage in what develops next to their properties. It is that public engagement process that benefits the City.

MS. GEUEA JONES: And the only problem with this site and straight zoning is the neighbors and the other little exceptions that you want on the dimensional standards?

MR. COLBERT: Yes, ma'am.

MS. GEUEA JONES: If the neighbors had all been on board, would you still be in front of us asking for dimensional standard exceptions?

MR. COLBERT: I don't know if we would be asking for an exception for the dimensional standards, but we would absolutely be presenting you with a preliminary plat for open zoning.

MS. GEUEA JONES: Thank you. Any other questions? Commissioner Loe?

MS. LOE: I have a question for staff. Mr. Zenner, just to clarify, this is not a request to zone PD. Correct? This is a request to approve a PD plan. This plat is already zoned PD.

MS. GEUEA JONES: And change --

MR. ZENNER: That is correct.

MS. LOE: No. It's not to change, and that's why we are -- there is no SOI.

MR. ZENNER: There is no -- yeah. And so, as a part of defining the preliminary --

defining the development plan as we do with all projects that do not have a statement of intent, we require a statement of intent to be submitted. We require that the PD plan process follow the current confirming standards. And as noted in the staff report, the fact that we are adding a use is what is triggering the statement of intent submission. Otherwise the applicant could have continued to have operated under all of the existing uses in C-1 from 1998. The development plan could have been brought forward independently of any statement of intent, but we typically require that when a plan is now submitted, that the design parameters are on the plan and an updated statement of intent is brought forward concurrently. We update and correct all previously existing planned districts when a plan is -- when a plan is presented. So that is the standard practice that we utilize. And the more contemporary PD projects that have come forward have statements of intent with them. That was a provision that was created, if I'm not incorrect, in 2001, so every planned district since 2001 has an SOI. So you're either getting an SOI revision as a result of a plan approval, or, in this instance, because no SOI existed, we require the SOI and we require the development plan with all design parameters on it. And as -- again, the M-C dimensional standards were applied in the absence of any height restriction existing because of the location of the property at two arterials. And that was not defined in the initial SOI submission, and it had to be clarified, and therefore, that was discussed with the applicant and indicated from staff that M-C was appropriate in this particular location. R-MF was not defined in the way that it is defined here in the staff report, it just listed R-MF. There were really no defined dimensional standards in because we want to ensure that when a developer goes to look at this property to develop any one of the ten lots, they know exactly what the dimensional requirements are. It was very vague, and I can let Mr. Gebhardt speak to that as to that nature, but what we have asked to have added in the statement of intent before you this evening is a clarification because of what staff does in its review process with every application. We are dotting i's and crossing t's that often are not done when we get items to us. And so M-C, in our opinion as a staff, is appropriate in this location. We have offered to the Commission, if you don't believe so, restrict the development requirements as you see fit. We have offered that limitation.

MS. LOE: Thank you. Thank you, Mr. Zenner. I would just like to observe that the M-C, while it does have a 45-foot height limit, and the M-N has a 35-foot height limit, the M-N, rear yard and side yard setback from R residential is ten feet, whereas the M-C setback adjacent to R district is 20 feet in both the rear yard and side yard setback. Thank you.

MS. GEUEA JONES: Any other questions? One more, and this may be better for

somebody else. Part of what was in our staff report is that this makes it more marketable. How does -- and I know it's already PD, but we're dividing out lots here before us again. How does this make it more marketable than it would be requesting straight zoning for sales?

MR. COLBERT: It's ultimately -- well, in the planned district, this functions as our preliminary plat, so we can go to the market and say here are lots that have been approved via the PD plan, which is the preliminary plat. So all you need to do to get approval is go through the final platting process with the development plan.

MS. GEUEA JONES: Right. But if it were straight zoned, they could just start building after getting permits?

MR. COLBERT: If we platted the lots correct, yes.

MS. GEUEA JONES: Okay. Thank you. Anyone else? Thank you very much.

MR. COLBERT: Thank you.

MS. GEUEA JONES: Next up?

MR. GEBHARDT: Good evening. Jay Gebhardt with A Civil Group. And we have been working on this for almost two years now, and we've met with the neighbors four different times. The first time I met with just the neighbors that abutted us because I thought their concerns would be different than the neighborhood in general. And we did notify everyone within 1,000 feet, so all the Spring Creek people and some with -- actually Thornbrook and Creek Sides [sic] got notified. So we had a -- at their clubhouse where we met three times with them. Each time, the crowd got smaller and smaller, which is an indication to me that they're -- they were more and more satisfied with what we were doing. To answer your question, Sharon, about why PD was -- because it is PD. The neighbors are familiar with that process because they went through it with Addison's and they went through it with John Hall, and they feel like they have an understanding of that and that they have some control, and that was very, very, very important to them because I tried to convince them with the M-N. But to be honest, it's -- it's a very hard sell to go from PD to M-N if you have neighborhood opposition. It's -- they just don't want to release that ability to come down here and talk to you guys about whatever is going on each of these lots. That's very, very important to them. And so that was the main driving force. This idea of the height is something that just kind of developed because there was the absence of a height. And since staff supported M-C, we were good with M-C. If you want to make it M-N, we're good with M-N. It's -- it's not a reason for the PD. That is not a reason. So I understand your frustration, but until there is more education of the general public of the new UDC and -- and the protections, in the last meeting, we kind of had this opposite discussion, trying to go from PD to M-C, and that is just a lack of trust in -- in

the existing system is what -- my opinion on that. I think there are neighbors here to speak, and so I'll let them speak for themselves. But, you know, one of the main concerns was the buffering that we presented. So what we've -- what we started out with was a fence, but there's already a lot of fenced yards there, so we were going to have a fence and then another fence, and that didn't make a lot of sense to them. So we came up with this staggered evergreen buffering, and we're going to use Green Giant Arborvitaes, which get pretty big. And their thing was just we would like you to be able to guarantee us that those are built within 60 days of the paving being done on the first phase, because they want those trees established as quickly as possible. So the PD plan lets -- allows me to agree to things like that that aren't just a private agreement between me and them. It's something that's part of the plan. So that's kind of an example of -- of what's going on. As far as the screening and the height, the third dimension on here is -- is hard to see, but this rises 70 feet from Vawter School to the south line. We're going to probably come to the south line and cut down maybe 15, 20 feet, so those homes on those lots 106, 107, and that, they're going to be sitting significantly lower than the homes in the neighborhood. And with the trees, we don't believe that they'll have a lot of visual impact, so they -- they -- they like that, the ability to do that. There was several changes in the plan, as this occurred. In October, we had a -- a major shift of the location of the road. All along this, we've had Diventures as a partner in this, and they've actually met -- at one of our neighborhood meetings, they came and presented what they are doing, and they fully intend to follow through with this, and come on Lot 101 should we get this approved. And so this -- it's an example -- I wanted to come lock-step with them, because then I could have our plan and then have an example of what the PD plan, but, you know, each one of those people are going to have to come and talk to the -- if they want to get approved, they're going to have to talk to those neighbors, they're going to have to figure out what -- what they need and what they want and what their concerns are, and try to address and mitigate them. And that's the driving force between why we're here, because it would be more streamlined, it would be easier. My client wasn't real happy about going the PD process, but we just didn't feel like we would have had any rate of success if we came down here and there's 50 neighbors down here telling you why not -- you shouldn't approve this.

MS. GEUEA JONES: Thank you. Any questions? Commissioner Placier?

MS. PLACIER: Yeah. For what it's worth, I kind of like it because of the greater control for the neighbors, and that it gives us more clout in terms of setting in -- well, I don't know about stone, but the layout and landscaping and those kinds of things. My question was, you mentioned houses or homes, 106 and 107. Is that where any R-MF

might -- well, multi-family might be located, or was that just a --

MR. GEBHARDT: To be honest with you, I think the ground is too expensive to support multi-family.

MS. PLACIER: Okay.

MR. GEBHARDT: But if it were to occur, it would occur on those back lots, the second tier of commercial. The first tier is just way -- going to be way too expensive for you to afford apartments there. Now, you might get some commercial with some apartments above it in that first tier and second tier, too, but I don't see a stand-alone R-MF type just apartment building on that.

MS. PLACIER: Well, that was one puzzle I had is why, because it -- the -- at least the staff report talks about the lower footprint of the lots that were the R-1, and yet two of the largest lots are bordering R-1, so I was trying to picture small footprint, large lot back there, what that might be, but I guess that's getting --

MR. GEBHARDT: And this is kind of an example --

MS. PLACIER: Okay.

MR. GEBHARDT: -- Peggy, of -- of where you get kind of hooked on this drawing. Right? I draw these drawings, they look pretty and exact.

MS. PLACIER: Oh, okay. So I'm just --

MR. GEBHARDT: But what -- what the reality is in a commercial or industrial development, we don't know the lots.

MS. PLACIER: Okay.

MR. GEBHARDT: I mean, we will have someone come to us and say I want to be here, but I don't want to buy three acres, I want to buy two and half, or I want to buy two. And then we go through the process with your staff to figure out if that's a major revision or a minor revision, and then we go through that. So we really don't know these things, and right now they're drawn the way they are just because it's the geometry of the road, they're narrow at the front, and they get wider in the back. There's also going to be a significant slope in the back of those lots that I talked about. You know, if you cut 15 feet, you're going to have 45 feet of that that's just going to be slope. You're not going to be able to do parking or anything on it like that. So I think, you know, like I said, I'll let the neighbors speak for themselves, but --

MS. PLACIER: Yeah. And those are the lots that -- or that is the area of this whole plan that will have the most impact directed back on the R-1 neighbors, so they will probably have more participation in that.

MR. GEBHARDT: Right. And I would like to offer that Julie came from St. Louis to be here to answer question for you about the traffic, so if you've got anything specific

about what she did, how she did it, what she assumed, all those type of things, she'll be speaking next. Thank you.

MS. GEUEA JONES: Thank you very much. Oh, sorry. Anybody else for Mr. Gebhardt before we let you sit down? All right. Who is next. Come up.

MS. NOLFO: Good evening. I am Julie Nolfo with Lochmueller Group, a professional engineer and professional traffic operation engineer. It doesn't matter how far I drove, but I'm here to answer questions --

MS. GEUEA JONES: I think your mic --

MS. NOLFO: Yeah. Oh. I'm here to answer any questions if you have to about the traffic impact study that was done for the project.

MS. GEUEA JONES: Any questions regarding traffic flow, any of that? Commissioner Stanton?

MR. STANTON: Since she drove to us, I just want to ask one question. How long was your study taken and what were your general results?

MS. NOLFO: So we -- actually the process has been a little over a year now -- or, no -- close to a year. We began in the summer of 2022. We updated it again in January of this year. We recommended a series of road improvements to the area, both associated with this development, as well as provided a 20-year horizon to give the City some thoughts about the roundabout even going further out into the future. We recommended pretty much everything that Jay has on the plan for you there. We offset from the Break Time. We initially looked at aligning with the Break Time Drive, and actually it has more of a detrimental impact on the existing users of the Break Time if we align with them than if we are positively offset, so that's how we ended up at that location. We recommended essentially continuing the three-lane section on Scott Boulevard up to where it would tie into the split island for the roundabout. On Vawter School Road, we recommended, you know, today at frontage, there's -- there's a left-turn lane into Frontage Drive and then just sort of a striped-out portion. Well, we recommended that you carry that down to the split island, and that allows somebody, and particularly at Break Time. The existing development with the Break Time, particularly with the restaurants added in there, to have the advantage of a center turn lane, so really, we were resolving an issue that had nothing really to do with the applicant. And then we -- the northbound bypass lane that's associated with the roundabout, so -- and the pedestrian crossing that was recommended to get across Vawter School Road to tie into the residential area and the sidewalk system. So it was actually a considerable investment. I'm not usually an applicant's favorite consultant on the team.

MR. STANTON: Thank you.

MS. NOLFO: You're welcome.

MR. STANTON: Did that make your trip worthwhile?

MS. NOLFO: You know, it was worthwhile anyways, but thank you.

MS. GEUEA JONES: I actually do have a question. Are -- were your recommendations based on the idea of internal connectivity other than the private road?

MS. NOLFO: We -- we assumed that it would -- there would be internal connectivity to Front Gate Lane that would tie it over to Front Gate Drive. In terms of whether or not there was internal connectivity between the ten private lots, no. At that point, we just focused on the external road system, so we didn't -- we assigned them to Capital Drive, and then to Scott, Vawter School, Front Gate Lane based off of that because we -- we don't know if they would or would not be. We always are proponents for cross access, big fan of it, so, you know, would recommend that, but Mr. Zenner does a pretty good job of looking for cross accesses on his own.

MS. GEUEA JONES: So your -- your study was based on traffic flowing, not based on the idea that there will be businesses on those ten lots, but based on the businesses that exist?

MS. NOLFO: No. It's based on assumptions on the ten lots.

MS. GEUEA JONES: Okay.

MS. NOLFO: So the impact study, basically, established as a baseline of how things operate today without development, and then you layer in development on top of it. Since there were no designated land uses, we worked with the applicant to come up with a list. It was a very aggressive list, to be honest, in terms of traffic generation. There were numerous discussions throughout the process that I -- I don't think that all of those would ever be developed, but, at the same time, we were trying to be conservative without being egregious, and I think that's the balance that they were looking for here.

MS. GEUEA JONES: Just in the PD plan, there's no entry-exit onto the private road that's marked that I can see, unless I'm misreading it. So that's why I was trying to figure out, like, are we thinking this is going to be all paved and people interconnecting that way or what we're doing, but that's not your job.

MS. NOLFO: Right.

MS. GEUEA JONES: Commissioner Carroll, I saw a hand.

MS. CARROLL: How did your traffic analysis model for pedestrian activity?

MS. NOLFO: So it did -- we count the pedestrians and then we -- they're folded into and they are accounted into the models for that. In terms of increase, we don't normally do -- increase it for that. We -- we conservatively assume it's more vehicular based, unless I'm dealing with a development that is -- is truly pedestrian focused. But in

addition to that, we then look for connectivity, if there are gaps in the sidewalk system, do we want to -- is it a place to provide safe passage across the road, et cetera, things like that, and we worked with the City for that.

MS. CARROLL: Thanks.

MS. NOLFO: Uh-huh.

MS. GEUEA JONES: Anyone else? Seeing none. Thank you. Thank you for traveling.

MS. NOLFO: Thank you. Uh-huh.

MS. GEUEA JONES: Any other members of the public, please come forward now.

MR. FEROE: My name is John Feroe; I'm Lot 307 on your diagram there.

MS. GEUEA JONES: Very good. Go ahead.

MR. FEROE: Oh. What would you like to hear from me?

MS. GEUEA JONES: What is your opinion of this plan and your interactions with the developer so far?

MR. FEROE: Well, I can only speak for myself, but I don't think that what I think would be far off from other people who -- especially people whose lots will abut the -- the corner there. I think they are very pleased with what has happened, but other than some specific details such as what is the interface between the land and our property actually going to be with the trees that get planted, whatever, most of it's hypothetical. And I think what the -- what the homeowners appreciate is the fact that a year from now, ten years from now, whatever goes in there, whoever lives there, will have some input because it's impossible to tell today what -- what that's going to be. And so I think, you know, that's probably why there's -- I'm the only here -- all right -- because they feel like that when it comes time to make a real decision, that they'll have input, too, as they did with Addison's. All right? And -- and they will speak their peace, and they think that they can come down here and you will listen to them, and the City Council will listen to them, and I think they'll be satisfied. Now my own particular concern, which I haven't talked to Jay is -- is that my land is probably one of the lowest ones on there, and I wonder how in the world he's going to -- to account for that when he does some shifting of dirt and that sort of thing. And -- but I'll just, you know, wait for that to happen, and he -- he and his people have done a very good job of -- of presenting everything. I've been to -- well, at least been to three, maybe four -- all four of the meetings. All right? And, yes, he's right, that every time there's less people show up, but I think it's simply because they have confidence that if you approve this, that they'll have a say-so or input anyway to whatever decisions will ultimately be made. And -- and until they can make decisions on real buildings and, you know, parking and that sort of thing, you know, we're just kind of --

it's all hypothetical and -- and they have better things to do.

MS. GEUEA JONES: Any questions? I just have one. And you've talked a lot about the neighbors wanting to have a certain level of control and understanding the PD process because of the Addison's lot. Do you think if they had in front of them a list of here are the things that could potentially go there and, like, I guess my question is what are they afraid of someone putting there if they don't get to see every single lot before it's built?

MR. FEROE: Car wash, gas station, McDonald's, that sort of thing.

MS. GEUEA JONES: Got you. Okay. Thank you very much.

MR. FEROE: Okay.

MS. GEUEA JONES: Any other members of the public to make comment? Seeing none.

PUBLIC HEARING CLOSED

MS. GEUEA JONES: Commissioner comment? Commissioner MacMann, I know you wanted to talk about Addison's.

MR. MACMANN: I -- thank you, Madam Chair. I think it's -- that's all come out here.

MS. GEUEA JONES: Okay. Thank you. Commissioner Carroll?

MS. CARROLL: Yeah. You know, I understand the PD plan process. I don't love doing PD plans because they come back through us so many times. I don't think -- I actually do have an enormous amount of trust in our Code for most situations, and this does generally fit in M-N. That said, I also do understand situations where public wants more control and allowing public that level of control helps you plan your site. I'm a little bit concerned that it may come back to us again, as you start to fill, to replan this and replat this, and still end you up in a sticky process. I guess that's something you're okay with. I -- I think what I'm getting at here is, you know, I'm happy with PD allowing neighbors more control. I think that's part of our jobs as Commissioners to hear out neighbors and be part of that process. I'm a little bit concerned that this doesn't get applied equally. I can think of at least one recent case that was somewhat contentious where a PD plan was suggested to offer neighbors more control, and that was discouraged because it was a single use PD plan. This is a much larger plan, granted, but I -- I don't see that as significantly different because it is still a PD plan, primarily because the neighbors wanted more control. And I'd just like to see that rationale distributed equally or to better understand why there are differences.

MS. GEUEA JONES: Commissioner Burns is next.

MS. BURNS: Oh, thank you. I have no problems with PD plans. I think they serve a purpose. I think they serve the purpose here, and I think they give peace of mind to the interested parties and the parties who will be impacted. One question I did have is Mr.

Gebhardt had mentioned that as far as the height, the 40-foot -- 45-foot height that would go with this, that they would be amenable to a 35-foot height and -- but there are no neighbors here asking for that. I'm just thinking if we're talking about moving forward and there aren't neighbors here, or maybe they're -- you know, properties change hands, if -- about the opportunity to go with the lesser height and then come back and bring in the 45 -foot height if an applicant would request that, but just giving that additional protection to the neighbors. That's a consideration I'd like to discuss.

MS. GEUEA JONES: Thank you. Commissioner Stanton?

MR. STANTON: I think this is a great job. I love the way that this was done. It was already a PD. The neighbors are not going to give up that leverage. Yes, it would have been good straight zoning, but they don't trust it. They had -- they had the dominos in their hand to control and -- and protect what the new Code offers them in the buffering and in all of that, so I think staff and Mr. Gebhardt's team did a great job in hashing this out and I plan to support it because we want to see more of this interaction. I know we don't want to give -- you know, we don't want to do PD plans everywhere. I agree, but I don't want to force feed straight zoning if the citizens themselves are asking for this, and they're asking for that input. And for us to even try to -- I mean, just imagine what would happen if we tried to reverse that -- that power. I like everything that's been done. I think silence is an answer in itself. There's not a bunch of people here, either, A, they're ill informed, or, B, they agree. Either way, we have to go off of what we see. Imagine how we would take this if no one was here the other way, you know. So I think they did a great job. I love it, and I plan to support it.

MS. GEUEA JONES: Commissioner Loe, did I see a hand?

MS. LOE: Yes. Thank you. The request before us is to review a PD plan, not to review a request for PD zoning. I think the comments about PD zoning are -- while there may be sentiment about it and a bit misplaced, I think we should be commenting on the PD plan. And if we have any specific comments on that, to that point, I think Commissioner Burns has made a specific comment about the plan requirements, the height. I plan to support it. The applicant has not made a request to change the zoning. Thank you.

MS. GEUEA JONES: Commissioner MacMann?

MR. MACMANN: Just one thing. In response to Commissioner Burns, as we're going to -- the body, anyway, will review these plans one at a time. That will give us and the neighbors option to come from 45 to 35, you know, if that's the case, unless we don't want to do that, but each -- each one of these things is going to come back through here, you know, each and every deal.

MS. BURNS: I think I was going the opposite way.

MS. GEUEA JONES: Commissioner Burns. Yeah.

MS. BURNS: I think I was indicating that we -- if we approve this, that we would approve with a 35-foot height with the opportunity to go to 45 feet. Is that your understanding?

MR. MACMANN: Okay. I thought I was with you, and now I'm not sure.

MS. BURNS: Yeah. It's 35 feet. Mr. Gebhardt, and correct me if I'm wrong, Mr. Gebhardt. You said you would -- that would be acceptable. My thought is that it offers more protections than the 45-foot height that we have. Is that correct or not?

MR. GEBHARDT: Yes. Except --

MS. GEUEA JONES: And wait. Sorry. For the record, Mr. Gebhardt has returned to the microphone.

PUBLIC HEARING REOPENED

MR. GEBHARDT: Thank you. Yes, with the exception that I would like Pat's input on that because, if I come back with a plan and they want to do something higher than 35 and less than 45, it's a revision to the statement of intent for the whole development, not just that lot.

MS. BURNS: Okay.

MR. GEBHARDT: And so, Pat, I'd like you to weigh in on that, if you could, because I don't know the answer to --

MR. ZENNER: Yeah. I think what is being -- so the height restriction that was offered in the staff report is specific to a set of lots that would potentially impact the adjoining development most significantly. That is Lots 106 through 110.

MS. BURNS: Okay. Yes.

MR. ZENNER: And so if you were to add that restriction, the M-C height would only apply to the corridor frontage lots and that is a by right height. So if an architect comes in and designs a three and a half story building, and it is under 45 feet, and you want a 35 -foot building, unless there's some sustainable reason as to why, other than an objection by surrounding property owners, that that 45-foot-tall building should not be permitted, the applicant is going to be given that right. So the way that you have to solve this is, you either resolve to have 35 feet as the dimensional standard and we use the M-N dimensions standards. And as Ms. Loe pointed out, the M-N zoning standards reduce your siding or rear setbacks versus the M-C. I mean, I would not -- I think the fact of the matter that we make reference to M-C, I would not want to just say, well, we're going to take M-C otherwise except height. I would then probably just ask Mr. Gebhardt, revise your statement of intent to use the M-C setbacks and height, but do not reference the

zoning category, and that's part of where we're trying to use fewer words to describe the dimensional requirements by taking the existing dimensional standard. You create yourself probably more challenge to reference M-C and then have our staff remember that, oh, well, this was approved with instead of 45 feet, 35. So if you want to go that route, my recommendation would be is we need to go ahead and we just need to pull out the reference to M-C dimensional, and specify you want a maximum commercial non-residential building height of 35 feet, a front yard setback of 25 feet, and side yard and rear yard setbacks of 20 as adjoining to R-1 and no rear or side is adjoining to other commercially -- commercially zoned parcels. That is how the current Code reads.

MR. GEBHARDT: Pat, my question is, let's say I bring in a user for a lot, and it's been set at 35 feet. What is the process for us --

MR. ZENNER: That is a statement of intent revision.

MR. GEBHARDT: It is a statement --

MR. ZENNER: And that becomes a -- that then runs it back through this process.

MS. GEUEA JONES: But they have to do that anyway.

MR. GEBHARDT: Right.

MR. ZENNER: Well, no. It's somewhat different. I mean, if you're coming through and you're developing -- you're submitting a plan that is compliant of all of the requirements, it's not that the review becomes any less, but the procedure at the Council, you're not rezoning property, and it's specifically to that site, which is, in essence, what would end up happening, you would be revising the statement of intent specific to that lot. We're trying to establish a set of dimensional requirements that is consistent across the entire development, so when an individual comes in to present a development plan, they're not having to ask for any modifications. They're just drawing their development plan that meets their needs. Hence, this is where we get into this constant revision of content. And I -- and so, I mean --

MS. BURNS: I will withdraw my request for that then because I understand what you're saying, and I -- there's no one here requesting that. That was my thought. So I'm not a neighbor. I don't have -- I will withdraw that consideration.

MR. ZENNER: And I would further add -- I thank you for doing that, Ms. Burns. But I would further add the review that each of these site plans must go through before it even reaches us is going to probably dictate that instead of building to 45 feet, you're not going to get our support as surrounding neighbors if it's over 30. So, I mean, ultimately what this does allow is it allows the commercial parcels the more commercially oriented parcels on the perimeter of the property at the intersection, that added flexibility. But because of the site plan review process, everything along the residential is going to be

probably debated before they even submit, which will reduce the height to begin with. So at the end, we probably don't benefit. We may hurt the opportunity for more creative development.

MS. BURNS: Thank you.

MS. GEUEA JONES: Thank you, Mr. Gebhardt.

MR. GEBHARDT: Thank you. Appreciate it.

PUBLIC HEARING CLOSED

MS. GEUEA JONES: Before I give Commissioner MacMann another bite at the apple, when I am asking about the difference between this and M-N, I am evaluating the PD plan. The whole purpose of PD plans in our Code is to allow for more innovation and flexibility in mixed uses and efficient land use and that sort of thing. The point of a PD plan is not to adopt straight zoning onto a completely unused piece of property that doesn't really have any major building challenges to do things that are allowed in straight zoning districts and only to increase the buffer along the residential line. I understand where the neighbors are coming from. This City has not been kind to neighbors in the past. Our zoning -- I shouldn't say our City. Our zoning has not been kind to neighbors in the past. That's why we adopted the UDC. That's why we have buffering standards and setback standards and they're different if you're up against a residential zone. And I think that this more than anything tells me that we, as a City, need to do a better job of making it easier for our citizens to understand how our law is designed to protect them, to give them someplace to go to see, okay, you know, like the case from last week. Somebody wants M-C zoning on here. What does that mean? And not make them go and read through an ordinance to figure that out. And I know that's a huge project, and I know that we're understaffed as it is. That's the job of the public information office, that's not the job of planning staff, but this tells me it is a gap we should try to fill, and I hope that my friends on the Council actually read this transcript because I think that if this is the path forward, we are going to have a City full of empty lots that cannot be sold because a buyer has no idea what they're going to be able to build on it, and they're going to have to come back to us to get permission, and that's going to delay sales. It's going to delay development. It's going to delay everything because this process, as streamlined as it may be, is not easy. So when I'm looking at this PD plan and saying -- and hearing people say you could build on these lots today if you wanted to, because there's a plan in place. It's a legacy plan.

MR. ZENNER: There is no plan. That is the purpose of this request.

MS. GEUEA JONES: Well, but they could be -- they could sell the lots and they could do what they did with Addison's. That's what you said.

MR. ZENNER: And it would still go through the same platting process that is sought at this point --

MS. GEUEA JONES: Yeah. My point is they can't sell them today. They are going to have the same problem selling them after we approve this.

MR. ZENNER: You cannot -- at this point, this property to be divided as it is displayed here, if they wanted to develop the corner, you would have to produce a PD plan with the public infrastructure to go with it. It would have to be the same plan. That's the point. And so you could develop it incrementally. The applicant has chosen to develop a comprehensive development plan with the note specifying the particular restrictions on the plan for the purposes of helping to market what is available.

MS. GEUEA JONES: And the buyer is still going to look at this and say I have to go to Planning and Zoning before I can start development.

MR. ZENNER: And the only way to have corrected that would have been to have sought to rezone the property to M-N --

MS. GEUEA JONES: Correct.

MR. ZENNER: -- which is what the applicant did not want to do. We can't force them.

MS. GEUEA JONES: I understand all of that, Mr. Zenner. My point is the reason the applicant didn't want to do that is because of neighborhood push back. The reason for neighborhood push back is a lack of understanding of what will be allowed. And I know you disagree with me, but this is my time to make comments. I hear what everyone is saying. I know we're going to approve this. I'm going to vote yes because it's what the neighbors want. But this is not a good path forward. So as a global discussion, we need to figure out what is, because if every single developer has to come to us before they can break ground and start getting building permits, that's not good for the City, in my opinion. And everyone can disagree with me if they want. That is all of your rights. And again, I'm going to vote yes, because it's what the neighbors are asking for and I respect neighborhood input, but I don't think this is a good pattern to start going down. With that, if anybody else has anything to say. Commissioner Stanton?

MR. STANTON: In theory, you're correct, but in the true capitalist form, a capitalist is going to do what he can get away with, bottom line. If he gave you straight way, straight path with no -- with no guardrails, I do concrete. If you let me get away with doing four inches and charging five, I'm going to do it.

MS. GEUEA JONES: Yes.

MR. STANTON: If I don't have to put soil, if I don't have to put gravel underneath there so grade that, I'm going to do it, and I'm going to charge you still. I'm going to --

capitalism is going to -- you're going to push the limit and you're going to do what you're allowed to do, and that's what -- that's what the fear is. It isn't that they don't understand. It's not that, you know, the Code is broke or none of that. It's pure human nature and it's pure capitalism that people want to be able to have a -- barriers or a buffer, just like what we were talking about with the -- with the cottages. We're -- this is -- this plan as written has drawn the playing ground, the playing field, the baseball field, the football field with the end -- the end zones, the side lines and everything have been established. Now we can play the game because we know where all the -- we know where all the barriers are, and that itself makes it very marketable because I know where the barriers are. Good, bad, or ugly, I know what they are, and they have been established in this plan. Yes, straight zoning makes it easier for everybody, but when people don't have a say-so, they don't trust the person that's going to build, that's human nature. It's not the system, it's pure human nature. It's pure human nature. And if there was not a speeding sign out there to say go 20 miles an hour, people would not go 20 miles an hour. That's just human nature. It just is. You're going to go as fast as you can get away with, or as fast as you can safely do it within your limits, and that's -- that's where the trust is, is that we have developers now, like Mr. Gebhardt, but Mr. Gebhardt is going to push his limits, too. He's got angel wings on right now, but he's -- he's a builder, too. He's going to do what he can get away with, period. And that's where the problem is. It's human nature. And that why we have to have these things in place that kind of keep our human nature in check. That's my opinion.

MS. GEUEA JONES: Commissioner MacMann?

MR. MACMANN: As much as I've enjoyed this one hour and 40-minute discussion, I have a comment and then just a comment for future reference on the record, and then I have step two of what I'm about to say. When we get these in the future, the 45-foot issue is going to be on the south side, the last three lots. The topography will wipe out that. He wants 45 feet at the corner. You're not -- it's going to be below you. So just for future reference. My next concern, Valerie, you have my -- if there are no more questions or comments, I have a motion.

MS. GEUEA JONES: Go ahead, Commissioner.

MR. MACMANN: In the matter of Case 02-2023, the approval of statement of intent for development plan and SOI for whatever we're calling this -- Copperstone Corner, I move to approve.

MR. STANTON: Second.

MS. GEUEA JONES: Moved by Commissioner MacMann; seconded by Commissioner Stanton. Is there any discussion on the motion? Seeing none.

Commissioner Carroll, may we have a roll call.

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

MS. CARROLL: We have nine yes votes --

MS. WILSON: Have a safe trip back to Kansas City.

MS. CARROLL: -- the motion carries.

MS. GEUEA JONES: I'm sorry. What was that?

MS. WILSON: I was saying have a safe trip back to Kansas City. I apologize that you have to leave so late.

MS. GEUEA JONES: Commissioner Carroll, could you read out the result again, please, for the transcript.

MS. CARROLL: We have --

MR. MACMANN: Commissioner Burns brought up a point, before you announce the vote. I did not include indoor recreation and entertainment in the motion. If that was an added --

MS. GEUEA JONES: Is that necessary, or is that in the SOI?

MR. ZENNER: It has it in the SOI. We just culled it out in the recommendation.

MR. MACMANN: I withdraw my point of order. Thank you very much.

MS. GEUEA JONES: Thank you. Commissioner Carroll, will you please announce the vote.

MS. CARROLL: So we had nine yes votes; the motion carries.

MS. GEUEA JONES: Thank you. The motion will be forwarded -- or the recommendation will be forwarded to City Council. Thank you. And echoing Commissioner Wilson --

MR. ZENNER: I believe there is a second motion that is in order. That was the SOI, if I am not incorrect.

MS. GEUEA JONES: Thank you. Commissioner Burns?

MS. BURNS: Oh, sure. In the matter of Case 02-2023, 4190 West Vawter School Road, development plan and SOI, I recommend approval of the proposed SOI with the inclusion of indoor recreation entertainment as a permitted use on site as noted.

MR. ZENNER: We just did that. It's the -- it's the first motion.

MS. THOMPSON: We need the development plan.

MS. BURNS: The development plan?

MR. ZENNER: Yes.

MS. BURNS: Sorry. I move approval of the proposed development plan.

MR. MACMANN: Second.

MS. GEUEA JONES: I'm looking at legal and our court reporter. Is that correct? I'm seeing nods. Thank you. I heard a motion by Commissioner Burns and a second by Commissioner MacMann. Is there any discussion on the motion for the development plan? Seeing none. Commissioner Carroll, may we have a roll call.

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

MS. CARROLL: We have nine yes votes; the motion carries.

MS. GEUEA JONES: Thank you. The recommendation will be forwarded to City Council.

Motion # 1 - In the matter of Case 02-2023, the approval of statement of intent for development plan and SOI for whatever we're calling this -- Copperstone Corner, move to approve. VOTING YES: Geuea Jones, Placier, Kimbell, Wilson, Loe, Stanton, Burns, MacMann, Carroll. VOTING NO: None. Motion carries 9-0.

Motion # 2 -In the matter of Case 02-2023, 4190 West Vawter School Road, development plan, move approval of the proposed development plan. VOTING YES: Geuea Jones, Placier, Kimbell, Wilson, Loe, Stanton, Burns, MacMann, Carroll. VOTING NO: None. Motion carries 9-0.

Case # 136-2023

A request by A Civil Group (agent), on behalf of WTF Holding Co, LLC (owner), for approval to rezone 2.33 acres from PD (Planned Development) district to the M-C (Mixed-use Corridor) district. The subject site is located southeast of the intersection of Clark Lane and Woodland Springs Court, and includes the address 1110 Woodland Springs Court.

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

Staff report was given by Mr. Pat Zenner of the Planning and Development Department. Staff recommends approval of the request to rezone the property to M-C.

MS. GEUEA JONES: Thank you, Mr. Zenner. If there are any of my fellow Commissioners who have had any contact with the parties in this case, please say so now so we can all benefit from the same information. Seeing none. Are there any questions for staff? Seeing none.

PUBLIC HEARING OPENED

MS. GEUEA JONES: Public comment on this case?

MR. GEBHARDT: My name is Jay Gebhardt, a civil engineer with A Civil Group, 3401 Broadway Business Park Court. I think this is probably pretty obvious, but I don't have any neighbors, so we're asking for M-C. And I wanted to kind of explain my perspective when I get projects is the neighbors -- it's like a three-legged stood, and the

neighbors are one leg of that stool. And if I have any hope at all of that stool standing, I need at least two legs. You're one of those legs, and it's -- it's almost impossible without -- when there are so many neighbors come down and don't support it. This one, there are no neighbors. There is nobody to contact really that would have a concern about this. So that's why we're doing this. It seems like a cleanup; it seems like a way to get rid of an unnecessary planned district. That's why we're here.

MS. GEUEA JONES: Thank you very much. Any questions for Mr. Gebhardt? Seeing none. Thank you for coming tonight.

MR. GEBHARDT: Thank you.

MS. GEUEA JONES: Any other public comment on this case? Seeing none.

PUBLIC HEARING CLOSED

MS. GEUEA JONES: Commissioner comment? Commissioner Stanton?

MR. STANTON: This looks like straight zoning, Madam Chair.

MS. GEUEA JONES: It does, indeed.

MR. STANTON: And I would like to recommend a motion if -- may I?

MS. GEUEA JONES: Please.

MR. STANTON: As it relates to Case 136-2023, 1110 Woodland Springs Court rezoning, I move to approve the proposed M-C zoning.

MR. MACMANN: Second.

MS. GEUEA JONES: Moved by Commissioner Stanton; seconded by Commissioner MacMann. Any discussion on the motion? Just very quickly. You're right, Commissioner Stanton. This does seem like straight zoning, and I approve. With that, if no one else has any discussion, Commissioner Carroll, may we have a roll call.

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

MS. CARROLL: We have nine votes; the motion carries.

MS. GEUEA JONES: Thank you. That recommendation will be forwarded to City Council.

As it relates to Case 136-2023, 1110 Woodland Springs Court rezoning, move to approve the proposed M-C zoning.

Yes: 9 - Burns, Loe, Stanton, MacMann, Carroll, Geuea Jones, Kimbell, Placier and Wilson

VIII. PUBLIC COMMENTS

MS. GEUEA JONES: Are there any other general public comments for this evening? Seeing none.

IX. STAFF COMMENTS

MS. GEUEA JONES: Staff comments? Mr. Zenner?

MR. ZENNER: Your next meeting will be May 4th. Prepare to have coffee that night. There are a lot of projects that will be being brought forth to you, a number of which are going to be somewhat comprehensive, and two-for projects, as we refer to them, rezoning actions with preliminary plats, development of preliminary plats with permanent zoning requests. So unlike what I normally would do for you this evening, due to some time constraints, due to my workload, we do not have an overview of all those cases. I'm going to walk through these maps. 825 Louisville is what was tabled this evening as a preliminary plat on the corner of Smith and Louisville Drive. This is a four-lot subdivision that we have been waiting on the geotechnical report. The next two projects have been delayed as a result of traffic -- a revised traffic study and MoDOT final confirmation of construction plans for a redesign of the intersection of New Haven and Route 63 and Lenoir Street. The rezoning action is to rezone the property from M-OF to M-N, M-C, and M-OF. The preliminary plat proposes a 13-lot development that relocates Lenoir Street and provides other public infrastructure identification and improvements pursuant to a traffic study to allow that property to then proceed forward for future final platting. What I will tell you is the preliminary plat will sit for quite some time due to the programming necessary in order for MoDOT to make the investments into the infrastructure realignments. Nonetheless, we are doing the rezoning request and the preliminary plat at this time in order to address the applicant's desire to be able to market the property for future users. A number of the 13 lots actually do have roadway frontage on existing New Haven, which may permit them an ability to be able to be developed without some of the additional MoDOT relocation work being completed. Mr. Kelley will deliver the staff report on this at the May 4th meeting. And the next two projects are another two-for. This is basically a rezoning request and another preliminary plat. This has been delayed due to revisions to the required preliminary plat in relationship to a revised traffic study, as well. The preliminary -- or the rezoning action proposes to rezone roughly 18 acres, if I recall correctly, to M-C, retaining the southerly remaining acreage of this parcel as M-OF and entirely contained within a development lot. The proposed preliminary plat is proposing a 13-lot development with a private street network that will actually not exist within a platted common lot, it will exist within an ingress-egress

easement which is the appropriate procedure to follow when we do allow private streets which are not an allowed use typically within the City's regulations. However, due to the development agreement associated with this project, we have allowed for the private street to exist within a irrevocable ingress-egress easement built to commercial, non-local residential street standards. We will also -- I will be delivering this report on the 4th. This is a permanent zoning request and a preliminary plat for Richland Heights, which is a new residential subdivision. This is immediately to the east of Old Hawthorne North to the south of Silver Lake. This particular request on the permanent zoning side is for R-1 and M-N, if I am correct, on the corner. It does also involve a traffic study, a development agreement, and the potential -- not the potential -- the relocation of Olivet Road on the south side of Richland to align with the new alignment on the north side of Richland Road in the Silver Lake development, all of which the preliminary plat is being prepared in order to allow for the transition and the sale of the westerly portion to the residential home builder, and the current landowner to retain the commercial corner and the land that would be otherwise transferred for future public road right-of-way purposes. The full preliminary plat, if I am not incorrect, is about a 300-lot preliminary plat -- or I'm sorry -- 197 lots, and then the commercial piece along the Olivet Roadway frontage. We will have a full preliminary plat review, along with the permanent zoning request, and Mr. Palmer will be presenting this on the 4th. The southeast corner of Chinaberry and Old 63, this is being proposed for a gym. It is a final plat. This is a non-legal lot at this point and, therefore, it needs to be platted to have legal lot status conferred upon it, and it needs to be done through the Planning and Zoning Commission, so this is a pretty straightforward request. This is Mr. Kelley's presentation on the 4th. Oakland Gravel is a preliminary plat for Corriente Village which is a recently approved cottage style subdivision by the Board of Adjustment. This is an 18-lot development, if I recall correctly, with 40-foot-wide lots. Generally, probably over the 3,000 square foot minimum that we would have, they are probably more consistent with the adjoining residential lots, but they do utilize the smaller lot frontage with a public street installation. Mr. Kelley will also be presenting this project. And then the final three projects that we have, a PD plan revision out at Cherry Hill. This is a lot consolidation and a plan revision for the project itself. It does not require a statement of intent revision. This is simply consolidating lots, and if I am not incorrect, it will allow for us to maintain the PD designation on this property. Again, it is a plan. They are seeking plan revision and approval, so no rezoning action sought on that. And then the last two projects are projects that I will be presenting that have been precipitated by the recent denial by our Board of Adjustment for variances associated with the ability to allow a accessory structure to be built forward of a future

principal structure, as well as -- and that is the conditional -- that's why they're being brought forward. The rezoning action here is to take this ten-and-a-half-acre parcel that is family heir property developed currently with a single farmstead and a chicken coop converted to a three-unit multi-family building, which will be torn down, and rezone it to Ag from A or from R-1. It is a very odd request that we don't often receive to go and basically down-zone a property, so to speak, but it will restrict development for the future to only two lots. The conditional-use permit is required due to the Ag zoning to allow for a secondary residence to be placed on the property, which will be the property owners' principal home after retiring from Chicago. The original homestead is intended to stay. The two of them do need to be handled in the order of rezoning and then conditional use. As I said, I will be presenting those reports on the 4th of May as well. So we will have coffee available for you. I anticipate having a probably long meeting. Hopefully, we will not get too far off track as it relates to traffic related requirements associated with three of the projects, or the content of permanent zoning being applied to property outside of current corporate limits. With that, that's all we have to offer.

MS. GEUEA JONES: Thank you very much.

X. COMMISSIONER COMMENTS

MS. GEUEA JONES: Are there any comments from my fellow Commissioners.

XI. NEXT MEETING DATE - May 4, 2023 @ 7 pm (tentative)

XII. ADJOURNMENT

MR. MACMANN: In the name of all that's holy, I move to adjourn.

MS. LOE: Second.

MS. GEUEA JONES: Okay. Thank you, Commissioner. Moved by Commissioner MacMann, seconded by Commissioner Loe. With no objection, we will stand adjourned. Thank you.

(The meeting adjourned at 9:11 p.m.)

(Off the record.)

Move to adjourn

Yes: 9 - Burns, Loe, Stanton, MacMann, Carroll, Geuea Jones, Kimbell, Placier and Wilson