

**EXCERPTS
PLANNING AND ZONING COMMISSION MEETING
JULY 5, 2001**

ITEM (A) 18-Z-01 A REQUEST BY GARRY AND BRENDA LEWIS AND LAKE-OF-THE-WOODS SOUTH, L.L.C. TO ESTABLISH PERMANENT CITY ZONING ON PROPERTY PENDING VOLUNTARY ANNEXATION INTO THE CITY OF COLUMBIA. THE PROPERTY IS LOCATED GENERALLY SOUTH OF I-70 AND EAST OF THE CURRENT COLUMBIA CITY LIMITS.

Staff report was given by Charles Bondra, Department of Planning and Development.

Mr. Barrow asked regarding the sewer extension to the western tract, how was that being extended and was there going to be a trunk line coming up Grindstone Creek.

Mr. Montgomery said the plan was to construct an outfall sewer line up Grindstone Creek and the lower end of it would be west of Hwy. U.S. 63. He said at that point it would then extend in a roughly northeasterly direction up into the site. Mr. Montgomery discussed putting in a pump system.

Mr. Barrow asked what the distance of the pipe was.

Mr. Montgomery said two miles.

PUBLIC HEARING OPENED

Tom Mendenhall, 2909 Falling Leaf Lane, said he was one of the partners at Lake of the Woods South, L.L.C. He said they spent quite a bit of time working on that project. He said you might be familiar with the Lake of the Woods Store on the north side, and he said they were instrumental in working with the City and the County to clean up the old lagoons there. He said they bought the tract on the south side and had numerous meetings in working with the sewer and the planning process to help clean up that area and take out some of the lagoons that were old and outdated. He said they put in a 12-inch water line. He stated he had Allstate Consultants and an architect with him if anyone had any questions.

Cullen Cline, 806 Locust St. said he represented Garry and Brenda Lewis, the owners of Tracts A and G, and he would suggest the staff had done some thorough work on the proposed permanent zoning. He said if you knew the history of Garry and Brenda Lewis as developers, they did an excellent job. He said it would appear that their zoning request was certainly reasonable and within the planned use of the area. He said he would urge the Commission to favorably consider it.

Harry Lenenbard said he and his wife owned the Choate property and it would be part of the proposed permanent zoning and they would like to see it get included in L.L.C. South.

Robert Willingham, said he had a farm near the proposed Tract A. He said he thought they were making a mistake, because if they brought Stadium Blvd. up, it would come across there. He said there was a store there, but he did think they needed to go ahead and put in the sewer line. He said there were no houses there.

Mr. Skala asked Mr. Willingham where his property was in relation to Tract A.

Mr. Willingham replied across the road and there were 160 acres.

Mr. Barrow said Tract A was zoned for residential housing in the County, so they could build subdivisions under the County rules if they could find a sewer for it. Mr. Barrow said he appreciated what Mr. Willingham said about Stadium Blvd.

Mr. Willingham said there would be a lot more money spent with Route Z.

John Bomar, 376 N. Sequoia, Lake of the Woods Neighborhood Association, said they had an open dialogue with the architect who worked with the Lewis' and his only problem was they were going from a planned situation to where they knew they would see a plan. He said it seemed less restrictive, but since they had the open dialogue with the architect and firm he felt very comfortable. He said they did need a sewer there.

Ms. Jones said to Mr. Bomar he stated his neighborhood association met with the architects and the developers, and she was wondering if he was happy with everything they presented.

Mr. Bomar said they were.

Ms. Jones asked Mr. Bomar if he had any concerns at this time.

Mr. Bomar said no. He said it just seemed like that piece that was saying they were going to be able to see the plan might not be as tight as it once was.

Ms. Jones asked if he spoke to them about that.

Mr. Bomar said yes and he showed him what his idea was on the plan, but it was a small concern.

Ms. Jones said so that was a concern to you.

Mr. Bomar said he had seen things go on a certain track in other instances, and then change.

Ms. Jones asked what the feeling was from the rest of the people that were at the meeting.

Mr. Bomar said he had spoken to the Board and a few of them were there presently and they would probably voice their opinion. He said their neighborhood had 150 people and 1/3 of them were members of the association. He said they had sent out newsletters in the past few weeks and he hadn't heard any yes' or no's. He said usually if there was a problem he would receive a call, whereas recently, he hadn't received any calls.

Mr. Cady said on Tract F-3 they were wanting C-P on it. He asked if that was one of the tracts you looked at?

Mr. Bomar said correct.

Mr. Cady asked if they hooked into the two streets stubbed out of your subdivision or did they put a cul-de-sac on them?

Mr. Bomar said it was a verbal agreement on just putting a "T" intersection because as a neighborhood they didn't want to see those streets go through.

Mr. Cady asked if they were putting a cul-de-sac on them.

Mr. Bomar said the idea was to put a t, a stop or to widen a little bit. He said there was going to be a buffer adjacent about to where Tracts F-2 and F-3 began. He said they were talking a 30-foot berm which they had done 90% at this time.

Mr. Cady said he was wondering because there were two streets stubbed into what was going to be future C-P. He said usually if you didn't want it to be connected you requested it to be a cul-de-sac so there was no commercial traffic coming through your neighborhood. He said he didn't know if that had been addressed yet.

Mr. Bomar said it had been discussed with the t and not a cul-de-sac because it would impair with the berm that they were looking at putting just for a noise barrier between what they were going to build on that side.

Mr. Cady said he guessed they could build t's now. He said he was just asking Mr. Montgomery, because he had always been told to build a cul-de-sac.

Dick Dowdy, 500 Crater Lake Dr., said he lived in Lake of the Woods Subdivision. He said he was in general agreement with the planned aspect of what was previously zoned and had some difficulty with permanent zoning without being able to see some

plans. He said what was more important to him at that point was the traffic issue. He said he didn't want another Clark Lane at that corner of the subdivision. He said without any insight into what might be planned for traffic control he had some real problems with that kind of development. He said they were looking at a frontage road on St. Charles Road and neither one of those could handle the kind of traffic the proposed traffic would create.

David Flottman, 5531 Rocky Mountain, said he wanted to confine his comments to Tract 4. He said that property obtained its commercial character when the neighborhood association meeting with the developers worked out a proposal or a plan whereby the developers would install a berm. He said the developers would file a plan with County Planning and Zoning and the landowners would not oppose the development. He said they find themselves there that evening and the plan had disappeared from F-4. He said the developers would have been required to file the plan under the zoning they had in the County and he didn't see any reason for them not to have to file a plan in the City, because there had been a change in the boundaries. He said that plan went with the planning and zoning process and there needed to be continuity between the City and the County. He said he didn't know what the developers had in mind for F-4, but they needed to be held to the standard which they voluntarily assumed in the County. He said he thought it would be a mistake to take that piece of property into the City relieving the developers of the obligation which they assumed to the process. He said he thought people were entitled to rely upon a plan. He said people had purchased and sold property in that subdivision with the understanding there was going to be a plan for that development and he thought it would be in the best interest of the City Planning and Zoning process to require a developer when he came in to the City, having assumed that obligation in the County to require that obligation when a developer, came in to the City.

Dale Coble, 5060 E. St. Charles Rd., asked if the process of rezoning got approved, would the Lake of the Woods Subdivision be brought into the sewer system, the trunk line that ran along Grindstone Creek?

Mr. Montgomery replied the sewer main the City would be extending up into the area would be sized to accommodate the Lake of the Woods Subdivision as well as others. He said it would take some discussions and negotiations with the Boone County Regional Sewer District, which maintained and operated the plant at the current time. He said the goal would be to eliminate point discharge throughout the drainage basin, subject to negotiations we hoped that would occur.

Mr. Barrow asked if that meant many of the small sewer plants would then be eliminated and all of the sewage would be going into the City's system?

Mr. Montgomery said that was correct.

Mr. Cobble said it was his understanding the Lake of the Woods subdivision would not be included in the voluntary annexation.

Mr. Montgomery said no it was not included.

Mr. Cobble said it would be 18 months before the sewer line would be put in and the rest of the sequential process would be done.

Chad Sayer, 3312 Lemone Industrial Blvd. said he wanted to clarify one item on F-4 and Mr. Bondra made clear. He said that the west half was zoned C-G in the County and the change he was talking about was 12 acres. He said that was approximate and it was a little bit smaller than Tract G. He said the change was from CG-P in the County to C-3 in the City. He said the tracts that abutted the Lake of the Woods Subdivision were remaining C-P back to the north.

Mr. Barrow asked why Mr. Sayer wasn't seeking planned zoning on those other tracts?

Mr. Sayer said to isolate it was a planning and a marketing issue, and to isolate it if you looked at extending the C-P up there (the street layout in the County, the line between the proposed C-G and it was actually zoned C-G in the County and the tract right south of it, in between it and Lake of the Woods Subdivision) it really had to do with that at that aspect of it in that stage of the program. He said they just split the zoning with the street.

Don Mueller, 640 N. Shiloh, said he lived by Tracts F-1 and F-2, and said he had concerns with the rain and flooding in his yard, with less than one inch of rain. He said this concerned him with four children under the ages of 8 years old.

Mr. Barrow asked if he had spoken to the developer.

Mr. Mueller said he had and he also had brought his video to planning and zoning and shown them what his yard looked like with less than one inch of rain. He said he was then given a number and his yard was trenched around the perimeter, and that diverted the water. He said now here it was after the spring rains and more than half of it was filled back in.

Mr. Daugherty asked Mr. Sayer if he had taken into account Mr. Mueller's complaint.

Mr. Sayer replied yes and part of the discussions and rezonings had occurred in the County. He said those developers agreed not to extend any street, but Teton, and that was through, of course, through a discussion with the County Planning and Zoning. He said Teton would be the southern most street and Mr. Bondra's plan showed that. He said they would not expect to extend Shiloh or the other streets. He discussed drainage and the possibility of filing a variance. Mr. Sayer said there were some people

who didn't want Teton extended. He said there were two site visits from the Department of Natural Resources. He said there had been no trees removed.

Mr. Cady asked if Teton was going to be the back door out of Tracts F-1 and F-2?

Mr. Sayer replied yes.

Mr. Cady asked if all of the F-1 and F-2 development came out of Teton or would he connect to the C-P.

Mr. Sayer said there was a minimum of two and possibly three connections to the tract and there were additional stubs shown on the eastern side of tracts F-1, F-2, F-3, and F-4.

Mr. Cady asked if there would be access to the north.

Mr. Sayer said yes.

Mr. Barrow said to Mr. Sayer that his storm water regulations were under the State U.C. Department of Natural Resources and would you say since you worked both in the City and in the County, and this proposal came in as a City zoning, that the storm water regulations would be more stringent?

Mr. Sayer said as far as the regulations, they could be, and as far as compliance, they could be, that really wasn't an issue. He said they would probably get a review by the City Inspectors.

Brian Connell, Guitar Bldg. said his office was Connell Architecture and he represented Lake of the Woods South, L.L.C., along with Allstate Consultants. He said since they started the process, Lake of the Woods South acquired the property in late December of 1999, and they had been working 18 long months on the process of working through the various issues that were related to development, rezoning, and other issues. He said first with the County Planning and Zoning and then the City Planning and Zoning. He said he was the person who initiated and conducted the meetings with the Lake of the Woods Subdivision. He said he was directed by Lake of the Woods South to go to the meetings, and to the best of his ability, answer with honesty and openness, with the intent of the development, to make commitments, to reach cooperative agreements in terms of the best balance for this particular property. He said there were those who totally disagreed with what they were trying to do and would have liked to see the property remain a field. He said there were those who understood that the kind of development they were proposing was inevitable and appreciated their efforts to do so in a responsible manner. He said that was the commitment Lake of the Woods South had made, not only to the neighbors but to the County. He said now they were here making the same commitment to the City. He said again with the help of Allstate Consultants, the developers, the neighbors, the Boone County Regional Sewer District,

City Public Works, MoDot, and the list goes on, he said. He said they had been pursuing a very responsible development and growth in that area. He said Mr. Mueller made the comment that Mr. Connell was the contact he made when his backyard was flooding. He said he contacted the members of the Lake of the Woods neighborhood association and they made it clear that whatever they needed to do to solve his problem in the immediate to go ahead and do so. Mr. Connell discussed the berm. He also discussed zoning, depth and frontage in relation to Hwy I-70.

PUBLIC HEARING CLOSED

Ms. Jones asked what Tract H was.

Mr. Bondra said it was pasture land and it was vacant.

Ms. Jones said the application brought up a lot of issues but she wanted to focus on the zoning request. She said she also was concerned about Tracts G and F-4. She said Mr. Connell mentioned something about responsible growth and she thought that was what the City did. She said to be responsible, especially when there were two large tracts, the 24-acre and the 13-acre tract, we did need to look at C-P, planned commercial. She said she didn't have any problems with anything else with the proposal, but she thought it was the City's best interest all around if they planned that area. She said they didn't know what was happening on Tract H, but perhaps that would be sold and become a subdivision. She said if they had open zoning next to it, that would be a problem. She said for long term growth for the City, they didn't know what was going to happen to an open zoned area in 25 years from now or 50 but she felt it was their responsibility to be foresighted and think about the future of this community.

Mr. Skala said he tended to support Ms. Jones on her comments and you would not normally consider this a unique piece of property since it was primarily pasture land. He said on the other hand, it was pointed out in one of our discussions not too long ago, the I-70 Corridor and the way it developed into a unique piece of development. He said he felt they would be remiss if the Commission didn't consider some sort of planned commercial zoning for the tracts that were immediately adjacent to the I-70 Corridor. He said there was nothing to lose.

Mr. Daugherty said he agreed that Tracts F-4 and G should be a planned district. He said that was an entrance into the City of Columbia and we needed to make it as attractive as possible. He said he hoped he could vote on each tract separately so he could cast his vote.

Mr. Holden said he didn't see the need for planned districts on Tracts F-4 and G and he was moved solely by the fact that the western half of F-4 was currently an open zone in the County and they were just going to be including the eastern half of the property as a

commercial zone and Tract G was a planned industrial district which was a more intensive use than what they were requesting. He said he thought open zoning was appropriate along the I-70 Corridor and the F-3 tract that was going to be planned was going to be a sufficient buffer between the residential areas. He said he was pretty close to supporting the proposal and the main importance in doing that was unless they had the commercial districts they wouldn't be able to pay to upgrade to have the sewer. He said that was a large sewer system on the eastern side of town and it sounded like it was needed.

Mr. Barrow said for two reasons he felt they needed to have Tracts F-4 and G planned commercial. He said one was planned now and in a way it was a covenant. He said he was always concerned about the coordination between the City and the County and this was a clear case of passing the baton, and if we had open zoning he would see it as dropping the baton. He said also the intersection, the diamond interchange was going to change radically when Stadium was put through and he agreed with an earlier statement in that the State, the City and the County Engineers were looking at the alignment for that. He said he felt the sewer line was a huge issue that hardly anyone had discussed. He said he felt the area needed to come under planned zoning. He was concerned with the commercial zoning and was afraid it would become like Midway.

Mr. Cady said Tracts F-4 and G added together totaled 38 acres. He said the one thing we looked at was we would like to get the one corner of the interchange planned but it was already open zoning.

Mr. Barrow said it was not.

Mr. Cady said it was C-G in the County which was the equivalent of straightforward C-3 in the City. He discussed the interchange. He said he didn't have a problem with the plan except for the C-3 uses. He said he tended to lean towards the open C-3 uses with Tracts F-4 and G. He said he didn't like to use a buffer because it was transitional zoning in his mind.

Mr. Perkins said he would support the requests on Tracts F-4 and G as well and he was relatively familiar with the area as well and he didn't have a problem with Tracts F-4 and G being open C-3 zoning. He said he looked across the road to what was over there, the Little General Store that was on the opposite side of the interchange and it just didn't bother him for it to be there and he intended on supporting it.

Mr. Daugherty said his problem was he looked across the road and down the intersection and saw what was there and for some reason he tended to not support it.

Mr. Skala said to Mr. Barrow he appreciated his remarks in regards to the sewer because it was a big project and he felt the sewer projects really drove the developments more so than even the road projects because that was where the trunk

lines were. He said he also tended to concur with Mr. Daugherty because he lived on that side of town, the east end, and he didn't really appreciate what he saw. He said he felt it cried out for planned zoning, both to respect the covenant in terms of the County/City relationship and to protect everyone involved, including the developer if something should arise because of the large scale development. He said in terms of what we were discussing (water runoff and street alignment and so forth).

Ms. Jones said this was vacant land, at least most of it, and so if there was something already built on it that might be a little different, but since we were bringing it into the City as is, she felt it was enough acreage that we needed to plan it. She said we were bringing it into the City with our standards and she thought we should plan those two portions. She asked if we could go ahead and vote on them separately.

Mr. Barrow responded if someone wanted to go ahead and make a motion. He said he felt it was in the City's and the neighborhood's best interest to have Tracts F-4 and G in planned zoning. He said they didn't give him any compelling reason not to have planned, other than marketability, or so the lines would be contiguous.

Mr. Daugherty moved to recommend approval of the requested permanent zoning on Tracts A, F-1, F-2, and F-3 with allowed C-P uses for Tract F-3 being all C-3 uses, with the exceptions noted in exhibit A. Seconded by Ms. Jones.

Call the Question

Roll Call Vote: Yes is to recommend approval. Voting yes: Mr. Holden, Ms. Jones, Mr. Perkins, Mr. Skala, Mr. Barrow, Mr. Cady, Mr. Daugherty. Voting no: No one. Motion carries: 7-0.

Mr. Barrow said they were now down to Tracts F-4 and G.

Mr. Cady said if the west part was already open C-3 zoning could they leave it C-3 and the other one C-P.

Mr. Barrow said he would rather see the east part be open.

Mr. Cady said he would like to see it all C-3. He said normally when property was annexed the developer had the right to ask for the same rights he had in the County as far as the zoning. He said as far as the uses, he had a hard time putting a plan on something that was open zoning.

Mr. Daugherty moved to deny the requested C-3 zoning for Tracts F-4 and G. Seconded by Ms. Jones.

Call the Question

Roll Call Vote: Yes is to recommend denial. Voting yes: Ms. Jones, Mr. Skala, Mr. Barrow, Mr. Daugherty. Voting no: Mr. Holden, Mr. Perkins, Mr. Cady. Motion carries 4-3.