



City of Columbia, Missouri

Meeting Minutes

Planning and Zoning Commission

Thursday, September 21, 2017
7:00 PM

Regular Meeting

Council Chambers
Columbia City Hall
701 E. Broadway

I. CALL TO ORDER

MR. STRODTMAN: Good evening. I'd like to call the City of Columbia Planning and Zoning Commission September 21, 2017, regular meeting to order. May I have a roll call, please.

MS. BURNS: Yes. We have eight; we have a quorum.

MR. STRODTMAN: Thank you, Ms. Burns.

Present: 8 - Tootie Burns, Sara Loe, Joy Rushing, Lee Russell, Anthony Stanton, Rusty Strodtman, Brian Toohey and Michael MacMann

Excused: 1 - Dan Harder

II. APPROVAL OF AGENDA

MR. STRODTMAN: Mr. Zenner, is there any changes to our agenda?

MR. ZENNER: Yes, sir. We would like to go ahead and shift the public hearings that are at the very end of the agenda, which is for Case 17-211, and that is for the Schilb Antiquarian. We would like to move that public hearing up in front of the subdivisions and public hearings on the agenda, which would put it in front of Cases 172 and 171, which will have a slightly longer public hearing time associated with it. And we would just like to be able to take care of all of our regular business that will take less time prior to getting to that particular item.

MR. STRODTMAN: Thank you, Mr. Zenner.

III. APPROVAL OF MINUTES

MR. STRODTMAN: Commissioners, we had minutes sent out to us for the September 7 regular meeting. Are there any corrections or modifications needed to those minutes? I see none. We'll do a thumbs up on those minutes.

(Unanimous vote for approval.)

MR. STRODTMAN: We're all approved. Thank you.

IV. TABLING REQUEUST**Case # 17-76**

A request by Crockett Engineering (agent) on behalf of Michael Charles Caulder (owner) to annex 161.84 acres of Boone County A-R (Agricultural Residential District) zoned land into the City of Columbia and apply R-1 (One-Family Dwelling District) as permanent zoning. The subject site is located on the north side of State Route WW, approximately 900 feet west of S. Rolling Hills Road. **(The applicant has requested that this item be tabled to the October 19, 2017 Commission meeting. This is the applicant's second tabling request.)**

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

MR. SMITH: Yes. Thank you, Mr. Chairman. As you stated, the applicant has requested the tabling and staff is supportive of that. There are some issues that we're still working through before we are confident that it can come before the Planning and Zoning Commission, so we would like additional time to work with the applicant to iron those final issues out. So, they are -- I think their request is for October 19th. I think Mr. Crockett is here, as well. And that's all I have.

MR. STRODTMAN: Thank you, Mr. Smith. Commissioners, any questions of staff? Mr. MacMann?

MR. MACMANN: I have a motion.

MR. STRODTMAN: I'll take it.

MR. MACMANN: In the case of 17-76, Charles Caulder annexation, permanent zoning, I move that we table till date certain 19 October, Planner Smith?

MR. SMITH: Correct.

MR. MACMANN: Yes.

MR. STRODTMAN: Thank you, Mr. MacMann. Do we have a second?

MR. STANTON: Second.

MR. STRODTMAN: Mr. Stanton, thank you. We have a motion on the table for a tabling request, Case 17-76, by Mr. MacMann and seconded by Mr. Stanton. Is there any discussion needed on this motion? I see none. When you have a chance, I'll take a roll call.

MS. BURNS: Yes.

**Roll Call Vote (Voting "yes" is to recommend approval.) Voting Yes: Ms. Rushing,
Ms. Russell, Mr. Toohey, Ms. Burns, Ms. Loe, Mr. MacMann, Mr. Stanton, Mr. Strodman. Motion carries 8-0.**

MS. BURNS: Eight to zero, motion carries.

MR. STRODTMAN: Thank you. That item will be tabled until our October 19, 2007 [sic] Commission meeting.

MR. ZENNER: Mr. Chairman, before you start, it was noted by Mr. Caldera that you failed to actually formally approve the amended agenda. If you could please take a motion on that for the public record, it would be greatly appreciated.

MR. STRODTMAN: That's why we have him here. Yes. I'll take a motion on that approval of the agenda change.

MS. BURNS: I move to approve the agenda change as stated.

MR. STANTON: Second.

MR. STRODTMAN: Ms. Burns and Mr. Stanton, thank you. We have a motion to approve the changed agenda. I'll take a roll -- thumbs -- we'll just do a thumbs up on that. Everybody, thumbs up.

(Unanimous vote for approval.)

MR. STRODTMAN: We're unanimous. Thank you.

In the case of 17-76, Charles Caulder annexation, permanent zoning, move that we table till date certain 19 October

Yes: 8 - Burns, Loe, Rushing, Russell, Stanton, Strodtman, Toohey and MacMann

Excused: 1 - Harder

V. SUBDIVISIONS

Case # 17-101

A request by Crockett Engineering Consultants (agent) on behalf of Gates Real Estate, LLC (owner) for approval of a 193-lot preliminary plat revision on R-1 (On-family Dwelling District) zoned property, to be known as The Gates Preliminary Plat No. 3. The 120-acre subject site is generally located south of Old Plank Road, and south of Wentworth Drive.

MR. STRODTMAN: Now, on our -- to our first subdivision item, Case 17-101. At this time, I would ask any Commissioner who has had any ex parte communications prior to this meeting related to Case 17-101, please disclose that now so all Commissioners have the same information to consider on behalf of this case in front of us.

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

Staff report was given by Mr. Clint Smith of the Planning and Development Department. Staff recommends approval of the revised preliminary plat of The Gates Preliminary Plat No. 3.

MR. STRODTMAN: Thank you, Mr. Smith. Commissioners, is there any questions

of staff? Mr. MacMann?

MR. MACMANN: Thank you, Mr. Chairman. Planner Smith, did we, in this process, end up eliminating all the storm water basins or reduce them in size or what was the process there?

MR. SMITH: The common lots as reduced did not have storm water in them at that time. Designs haven't been submitted for the storm-water facilities for that portion of the preliminary plat. However, once they submit the construction plans, usually the time they're ready to final plat them --

MR. MACMANN: So on --

MR. SMITH: -- then they locate them.

MR. MACMANN: -- on upon final plat, then we'll readdress, revisit this?

MR. SMITH: Possibly, if need be, yes.

MR. MACMANN: If need be. I just wanted to know. Thank you.

MR. STRODTMAN: Any additional questions, Commissioners? I see none. As is in our standard practice, this is not a public hearing, but it is a subdivision. We will open it up to anyone that's in the audience that has relevant information to this case. You're welcome to come forward and give it to us at this time. Just please give us your name and address.

MR. CROCKETT: Mr. Chairman, members of the Commission, Tim Crockett, 1000 West Nifong. I believe Mr. Smith did a very thorough job on describing this situation. If the Commission will recall, this is two previously approved preliminary plats, portions of them. And when the second preliminary plat was being completed, there was discussions with the Parks and Recreation Department about park acquisition to the east. There were some further discussions about maybe some additional land on this side, which didn't come to take -- I don't think -- believe the Parks wanted additional property that backed up to this -- or, excuse me -- within this development. So what we're doing is we're asking to reallocate some of those common lots back into sellable lots. To answer your question, Mr. MacMann, the storm-water obligations that my client has will -- can and will be met at -- within the current common lots. If they cannot, it's certainly been made very aware that we have then grant what we need to in order to accommodate those accommodations. So -- and we have looked at it. We believe we can, however, if we can't, we will allocate other common lots. One of the big issues that - that we're encountering in a lot of these common-lot area scenarios is that nobody wants a dead or dying tree in their backyard. And what's happening many times is HOAs are getting phone calls from homeowners saying, Hey, I have a dead tree in my backyard. It's becoming dangerous to my kids. I don't want that around them. Once

that phone call is made and the complaint is on file, the HOAs, on a legal standpoint, their insurance companies are basically saying you need to go out there and cut that tree down because now it's -- now it's a liability that you've been made aware of and you need to take care of that. Cutting down trees costs anywhere from \$500, \$600, \$800 to cut that tree down. So HOA dues in many places are being spent on tree removal as opposed to mowing, irrigation, landscaping, and the needs that they're supposed to be spent on. So that's becoming a hardship to a lot of the HOAs. The lots that have been sold, the ones that have houses on them, the lots that have been platted do have common lots in the backyards, and some of them have common lots that have not been platted yet. None of those areas have been eliminated. If you purchased a lot out there that backed up to a common lot, you're certainly going to remain common area, so we're not taking away any of those areas. So if you look at the marketing material that my client had provided early on to the perspective buyers, it showed a lot of those lot extensions and the elimination already, so we don't feel that it's been anything that we're trying to switch on the residents out there. And so with that, I'm happy to answer any questions that the Commission may have.

MR. STRODTMAN: Thank you, Mr. Crockett. Commissioners, any questions for this speaker? I see none. Thank you.

MR. CROCKETT: Thank you.

MR. STRODTMAN: Thank you. Any additional speakers? I see none. Commissioners, additional discussion, questions, motion? Ms. Russell?

MS. RUSSELL: I'm going to make a motion in the Case of 17-101, that -- to approve the revised preliminary plat for The Gates Preliminary Plat No. 3.

MR. STANTON: Second.

MS. LOE: Second.

MR. STRODTMAN: Mr. Stanton. We have a motion to approve Case 17-101 by Ms. Russell and seconded Mr. Stanton. Is there any additional discussion needed on this motion, Commissioners? I see none. Ms. Burns, when you're ready for a roll call.

MS. BURNS: Yes. Thank you.

**Roll Call Vote (Voting "yes" is to recommend approval.) Voting Yes: Ms. Rushing,
Ms. Russell, Mr. Toohey, Ms. Burns, Ms. Loe, Mr. MacMann, Mr. Stanton, Mr. Strodtman. Motion carries 8-0.**

MS. BURNS: Eight to zero, motion carries.

MR. STRODTMAN: Thank you, Ms. Burns. Planning and Zoning's recommendation for approval will be forwarded to City Council for their consideration.

In the Case of 17-101 move to approve the revised preliminary plat for The Gates Preliminary Plat No. 3.

Yes: 8 - Burns, Loe, Rushing, Russell, Stanton, Strodman, Toohey and MacMann

Excused: 1 - Harder

Case # 17-216

A request by Central Counties Surveying (agent), on behalf of Wabash Arms of Columbia, LLC (owners), for approval of a 2-lot subdivision to be known as "Athens Subdivision, Plat 1" and a design adjustment from Appendix A.6(b) of the UDC pertaining to lot corner radii. The subject 0.52 acre site is located at the northwest corner of 9th Street and Walnut Street.

MR. STRODTMAN: Moving on to Case 17-216 in the subdivisions. At this time, I would ask any Commissioner who has had any ex parte communications prior to this meeting related to Case 17-216, please disclose that now so all Commissioners have the same information to consider on behalf of this case in front of us.

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

Staff report was given by Mr. Rusty Palmer of the Planning and Development Department. Staff recommends approval of "Athens Subdivision Plat 1" and the associated design modification.

MR. STRODTMAN: Thank you, Mr. Palmer. Commissioners, is there any questions of staff? Yes, ma'am.

MS. RUSHING: Okay. I have several questions with regard to the truncation, the rounding of that corner. Is the City changing its position that that is -- rounding those corners is the best pedestrian-friendly way to develop downtown? Are we changing that? Because it seems that we keep being asked to allow people to deviate from that requirement. And if that's going to be a standard request, shouldn't we just not have that requirement?

MR. PALMER: Well, I think in this location, due to its built-out nature. I know one of the previous cases --

MS. RUSHING: But they're all down -- all of our buildings are built out. And it was my understanding that as buildings were torn down and new buildings were put in, that's when we needed to have that design. So -- and previously we've discussed this, and my understanding was that this existing building is not going to be required to change.

MR. PALMER: Right.

MS. RUSHING: It's only if something is built to take the place of this building that they would need to have that design. And if we say now that in the future, no building that replaces this building is going to be required to have that design and repeatedly being requested to do that, then aren't we really giving up that requirement? Because

that requirement is not going to require this property owner to make any changes in their building.

MR. STRODTMAN: Ms. Loe?

MS. LOE: Just to follow up. My question was going to be, is that exception being required for the current existing building only, or would that carry forward to any future development, because if it does carry forward, I share some of -- concerns.

MR. ZENNER: Ms. Rushing's concerns. And I would -- I would explain that once a plat is recorded to define the boundaries of the built environment, since this is currently not a consolidated lot to create one individual parcel which was a change in our code. We used to allow buildings to be built over property lines and that was taken out with the adoption of the UDC in March. So any redevelopment of this site with a full tear-down rebuild, because this plat is being approved with the potential of this design adjustment being approved, no. They would not be required to come back and put the corner truncation in at the future redevelopment because the lot has been legally established with the design adjustment. Not unlike variances that are granted to zoning standards, design adjustments run with the property until such time as the property is subsequently altered through another platting action. So if, in fact, that is a concern that is shared by certain Commissioners, the request for the design adjustment may be inappropriate and the radii should be put in. While it will not affect immediately this building, it does create again the issue that should an expansion of this road right-of-way be desired, which in this particular location is unlikely, that building may need to be altered in the future as a result of that because it becomes public right-of-way then that is being platted through the corner of the existing building that is there. We did discuss this at length when we approved the UDC. Now there is no question that I do recall the idea of corner truncations within the downtown district not being a requirement of the Code given the nature of the design modifications and adjustments that we have received in the past. Unfortunately, for some unknown reason to myself, that particular exception was not placed within the M-DT district. It may be one that should be revisited and rediscussed with our traffic engineering department. But each development proposal that comes in, be it for platting, is unique in that you may have a plat that's being proposed as a redevelopment plan for full tear-down. The Rise apartment building is prime example of that. That whole half block, three-quarter block was torn down, and the ability to put in a corner truncation there existed at that time. You know, we always are capable of acquiring additional road right-of-way should we need it at a future date and being able to secure that through other means to get a radiused corner is possible. So the approval of a plat that conforms to the existing built condition with no indication of a tear-down as is

in this instance and the request for the design adjustment wasn't viewed by our traffic engineering department as being problematic. It was practical in its -- in its belief to waive. If we come back and we believe that we have a design need to expand this right-of-way to put in the corner truncation, we would work with the applicant to potentially purchase a corner of the building, if necessary. Unlikely that we would do that. We would likely redesign the street improvement to put a radiused intersection here where we have a bulb out. We may lose parking on street in order to accomplish that, neck the intersection down to create a more safe pedestrian crossing. There are a variety of different options that could be accommodated in the future should the road need to be rebuilt, radiused appropriately. Long answer -- long answer to a relatively easy question. And I think really the bigger issue is, as we move forward with the UDC and we prepare our first batch of amendments, it may be one of the amendments that we need to revisit, should we remove the radii requirement within the M-DT district entirely so we do not have these requests being brought forward. I would tell you that may in not all instances be appropriate, especially based on the potential scale of projects that may come in with a redevelopment plan in tow.

MS. RUSHING: But we don't know that if this property were redeveloped, that that requirement might not be -- might be appropriate --

MR. STRODTMAN: Right.

MR. ZENNER: At this juncture, we --

MS. RUSHING: That we will have waived it.

MR. ZENNER: At this juncture, we do not know because we're being -- we are being asked to replat this property with no desire to tear this building down. It's likely, I think if Mr. Palmer did the historical research on it, probably has some significant historical references to this building, and it may be one of those parcels and structures that would be probably viewed as a loss to the community's history if it were removed. That doesn't mean that it can't be, but, yes, you are waiving, if you do approve the overall design adjustment, the ability to require through development in the future redevelopment of this site that the corner be radiused because the plat will not have it and it is a legal lot once the plat is approved.

MR. STRODTMAN: Mr. MacMann?

MR. MACMANN: I'm going to speak in support of Mr. Zenner; how about that? And just that I know that HPC and those individuals in Columbia who love historical buildings love this building, and they wouldn't see it torn down. It has no protections currently. It's just on a list of we think these buildings are cool. On a more practical matter, we have the option to approve this as it's presented to us. If we were to table it to some other

thing till this is fixed, perhaps Mr. Caldera can answer this question, but we would have to change the UDC to fix this, wouldn't we -- one way or another or potentially -- the problem that Commissioner Rushing has raised, because this is an ongoing issue that we're not likely to resolve from the dais at this time?

MS. LOE: Well, can we approve this without the design adjustment?

MR. MACMANN: And require that it would have a radius? And we -- so you would be moving to tear a portion of the building down; is that what you're --

MS. LOE: No. There's no requirement to change the building at this time. It's for future development. It's for recording the plat.

MS. RUSHING: And if they want to sell that smaller property, they would be able to do that.

MR. STRODTMAN: Mr. Zenner?

MR. ZENNER: It is -- it is possible for you to -- these are two separate items, so you have a final plat. The final plat is predicated on a design modification being granted or a design adjustment being granted. If you deny the design adjustment -- so the order of operation would be, you would have to separate the motion, one for the design adjustment, deny the design adjustment. You could, at that point, place a reasonable condition on the approval of the plat, and that would be that it must comply with the design -- the design standards of Appendix 6(b), which the corner truncation requirement, prior to processing to Council. That would be your motion if that is what you are desirous of. You are correct,

Ms. Rushing, Lot 2, which would be the rear parcel that has frontage on North Ninth, would be able to be created. It is not the subject of the radius. Therefore, you would only be requiring the radius for the purposes of future redevelopment. Again, this becomes an issue of we get these odd radiuses and this would be one of these situations, in where none of the other three corners have a corner truncation radius associated with them. And I will point out to you that when the parking lot, which is where the former park was at the corner, the northeast corner of North Ninth and Walnut, when that parking lot was constructed, I do not believe that it was replatted nor as a corner truncation. So there is no corner truncation on that parking area either, so --

MS. RUSHING: But if -- if that's your commitment to the downtown area, you have to start somewhere. It's like sidewalks. If every time someone says they don't want to put in a sidewalk, you say, okay, you don't have to put in a sidewalk. Then why require them in the first place?

MR. ZENNER: Ms. Rushing, I understand your point, and I think the practice that we have had here within the downtown has been historically our traffic engineering

department has waived corner truncation requirements in most instances that have come before you. We self-imposed a corner truncation requirement on our Fifth and -- or is that -- the parking -- the Fifth and Cherry parking structure; however, we waived it on the opposite side of the property that was being platted for the University. So -- and that was based upon the belief that there were other plans associated with improving the pedestrian network that would be facilitated by that corner truncation at that location. Again, this particular instance, our engineering department evaluated what their needs were and they didn't believe it appropriate. I completely agree with your position, though. If we want to take a standard position that we don't want corner truncations downtown, we need to amend the regulations, but that goes to Mr. MacMann's point. To amend the regulations requires direction first from Council and then the Commission's action of holding a public hearing to do so. In this instance, if you are uncomfortable approving the design modification, deny the design modification or adjustment, require the plat to be produced with a required corner truncation prior to presentation to Council.

MS. RUSHING: And then wouldn't that bring the issue to Council's attention, and if they -

MR. ZENNER: It would, and I think what we will do in summary of the Commission's discussion this evening, we will identify this as part of what the Commission's discussion was as it rendered its decision on this. The Commission -- the Commission's recommendation is just that, as you are aware, as we have previously discussed, it's a recommendation. Council may say, well, the Commission has raised a very good point, but the applicant and our own engineering staff don't want that corner truncation. We're going to approve the plat with no corner truncation and we're going to direct the Planning Commission to correct the UDC. If that's the outcome that you're comfortable with, that's fine. Those are the options that exist in front of you.

MR. STRODTMAN: Ms. Loe?

MS. LOE: Could -- I mean, part of the issue right now, or for me the struggle is we don't -- nothing is being proposed at the site or on the other corners. Should at some time a project -- should something happen to this building and a new project come forward, could, at that time, they ask for a variance or conditional use on the corner in question again?

MR. ZENNER: As part of a development plan approval, which doesn't require a rezoning -- well, it doesn't require a rezoning action. This is M-DT zoned property. It is part of the regulating plan, so any construction that would occur here would be required to meet the RBL, the required building line location. The building plans would not necessarily come back before the Planning Commission. It would be a legal lot at that

point.

MS. LOE: Uh-huh.

MR. ZENER: As part of our building permitting process, part of the evaluation of that permit, traffic engineering may be involved into that. And if we have identified a project at that point, if this is a full tear-down/rebuild, it is possible that if we did need to expand the intersection, we were doing a summary design of the intersection, we could acquire as a part of that tear-down/rebuild permit, possibly a right-of-way easement that would radius this corner, and we would have it transferred to us as possibly an easement that would allow us the ability to expand at the time of redevelopment as part of a building-permit process.

MS. LOE: But could it work the other way? I mean, if we don't approve the design modification now, and in 50 years it looks like we still -- there is no need for that truncation -

MR. ZENNER: They could come back and ask for that --

MS. LOE: -- could they come back at that time and ask?

MR. ZENNER: They could come back. They could request that the plat be reapproved without the radius and ask, basically, if in 50 years, we have the same regulations, to have a waiver.

MS. LOE: Okay.

MR. ZENNER: That would be appropriate as well at that point. So I think it gets to your point that, at this juncture, the building is not going anywhere. It is a platted line that has a defined encroachment into the right-of-way, typically something we don't like to do. But, again, it does nothing -- and it doesn't make any greater impact than exists there today with the building being built to the corner because the building is there. And the platting it -- replatting it to make it one lot with a radius doesn't change the fact that the building is there.

MR. STRODTMAN: Any additional questions, Commissioners, of staff? I see none. I'll open -- this is a subdivision and not a public hearing, but as is in past practice, if there is anyone in the audience that has relevant information in this case, please come forward and give it to us.

MR. ROGERS: John Rogers on behalf of Wabash Arms of Columbia, the owners of the property. Everything was pretty well stated, but a couple of things. First, I feel like a little bit of a victim of the new zoning regulations because I'm -- all we're trying to do is to split this into lots. And the -- the main building was a hotel that was built in 1900, and that's the Athens, and the smaller building behind it is a -- was the original jail and city hall here in Columbia. And we don't have plans to wreck or sell either of the properties.

What we're trying to do is do a historic rehab development of the jail/city hall. We can't do that unless it's a separate lot, you know. So this -- we've -- we've got the tenant out of there. We're ready to do this redevelopment when we can, but we can't apply, we can't get the tax credits, and we can't do the project until we split it up to another lot. And to get the property subdivided in downtown, I have to file a plat -- I have to file this replat. And then we have these truncation requirements that have to be done. And if -- I'm here to get this design modification, but I don't know how I can get a plat that will have two lots that I can do it without the design modification under the current zoning ordinances. And I -- and I understand that this is a problem that would exist for most of the buildings in the -- in the downtown area, but I'm not sure how anybody can ever redraw the property line in downtown if this is going to be the procedure because you -- we aren't going to wreck the building and we aren't going to be -- he said submitting a project for a building application. All we're trying to do is redraw the lot line. If there's any other questions, I'd --

MS. RUSHING: I have a question.

MR. STRODTMAN: Ms. Rushing?

MS. RUSHING: Do you -- I mean, you understand that if your request is not granted, you're not going to have to change your building?

MR. ROGERS: I -- but I don't -- I don't understand how the plat can be approved by the City Council if it doesn't meet what the zoning requirements are. And so I'm in a -- I'm in a situation where I have to ask for the --

MS. RUSHING: No. You're -- you would be a legal nonconforming use, so you can continue your building in -- in its current place.

MR. ROGERS: Well, okay. Well, I guess if that's the situation and the plat would be approved, I would have never been here asking for a design modification. I was told that I had to do this to get the plat approved.

MR. STRODTMAN: Mr. MacMann?

MR. MACMANN: If I may, just a -- the UDC is new. We spent forever on it, and we're running into these things as we come forward. So we're sorry we're taking your time, but some of this is an object lesson so the entire community could learn from it because we have this problem and we keep giving modifications and we're trying to fix it.

MR. ROGERS: Right.

MR. MACMANN: Apologies.

MR. ROGERS: No. No. I totally understand. I'm -

MR. STRODTMAN: Commissioners, any additional questions? Thank you, Mr. Rogers.

MR. ROGERS: Right. Thank you.

MR. STRODTMAN: Any additional speakers like to come forward? Commissioners?
Ms. Russell?

MS. RUSSELL: I have a question for staff again. If we approve this with the design modification, how do we get the Council to ask us to relook at the UDC to change the M-DT so that we don't have the truncation requirement?

MR. ZENNER: As with many of the amendments that we are going to be proposing, there will be a batch of proposals that are brought forward. We just include this in that. I don't think necessarily it specifically has to be addressed at this -- it will not be addressed at this point immediately. We do have a sequence of amendments that we're going to be proposing forward as corrective observations to the Code. I think, as Mr. MacMann pointed out, we're all learning this together. Our staff for BSD is identifying things that we have to resolve. They're all going into a kitty. That -- that kitty is going to be slowly emptied because we can't unload 50, 60 text amendments possibly at once. This is one that may float to the top because it does impact platting actions that are not uncommon in downtown, and because of the changes to the UDC that you cannot build over a property line, you cannot get building permits without having a consolidated lot, it is likely to come up more frequently, so this is one that we can expedite. But I would tell you that it will expedited probably sometime between the end of this year and first -- the end of first quarter of 2018. We can operate -- until then, we either -- we either need to administratively operate with the Director's decision, and that would be with concurrence of the Public Works Director, that we no longer apply this particular provision within only the M-DT zone, and that's something that we can examine at this point following this meeting to try to get that administrative decision made and then follow that up with a formal text amendment to address it permanently. Again, part of what the discussion here this evening is doing is raising this issue once again and providing its clarity. There's two options here. You either require it as a mandate in all instances, and there is no design modification, so we set one standard and everybody is following the same standard, and we don't make recommendations of waiving it, so you have corner truncations at all of the intersections that are being redeveloped or being replatted, not necessarily redeveloped, so in the future we have those corner truncations even if the existing building is there at the time of replatting. Or we decide we no longer require it, period, and we go with 90-degree intersections at every one of our intersections downtown. Those are the two options. The second option requires at least an interim authorization by the Director of Community Development and the Director of Public Works to follow that procedure administratively, and you will never see another design adjustment for this request -- this type of request, or we will be continuing to have folks

submit design adjustments because they don't want to provide a corner truncation and our staff is consistently making a recommendation of denial -- not approval, it'll be a recommendation of denial because we are trying to establish consistency throughout downtown at all of our intersections regardless of what the condition is. Those are the two options as I see them, as you are all concerned -- what I'm -- what I'm understanding to be the concern. And I think what we do here, what we're proposing here is we have evaluated this intersection, what our belief is for future road improvements, and we have said in this instance at this intersection, we don't have any proposed road improvements, we will not be making any proposed road improvements, and therefore there is no need for a corner truncation. That's why the design adjustment process functions the way it does. It requires that we evaluate each instance separately and uniquely based upon the characteristics of that instance. I don't like often making blanket regulatory standards that waive either requirements that may be beneficial for us in the future, or apply them in all instances where they may not be beneficial for us in the future. That's part of what I think the struggle is here. In this instance, we say we don't need it. Somebody may plat two, three blocks down from here and we say that's part of the major roadway plan and we don't have enough right-of-way, we want it. Or we have City property and therefore we're going to impose it upon our own property because we know we can do that, and it doesn't create an issue. And that was what happened at the Cherry Street Garage. We imposed that on our ourselves. But I -- so I can address the issue. I don't think Council has to specifically direct you to do it. We will bring back you a report or a determination as to how we'll handle it in the future if that's what you would like to do. If you deny it again, if you deny the design adjustment, as Mr. Rogers understands correctly, your recommendation of denial would mean that the plat would need to reference the radius. He can still appeal your recommendation to City Council to not have the radius shown on the recorded document. He would have had to have replatted this property, period, and it would have had to have gone through this process because it did not have a previously approved plat on it that met the definition of a legal lot. So he is here because of our replatting requirements, not because of the design modification. The design modification is part of his request. Platting was required regardless and it had to come through your body to City Council.

MR. STRODTMAN: Ms. Loe?

MS. LOE: Mr. Zenner, is the design modification necessary for the replatting action?

MR. ZENNER: Yes, it is, because it does not comply with the regulatory standards.

All -

MS. RUSHING: But we could approve it without?

MR. STANTON: But he's not compliant.

MR. ZENNER: Yes.

MR. STRODTMAN: Yes. That would be --

MR. ZENNER: Yes, you could. And you're -- again, your denial of the design modification means that Mr. Rogers and ES&S, which is the surveying company that prepared this plat, has to prepare the plat in compliance with all aspects of our Unified Development Code, which Appendix A.6(b) requires a 30-foot corner truncation at this southeast intersection -- the southeast corner of the property. That is what a denial means. Denying the modification requires that they meet all regulatory standards.

MS. LOE: Right.

MR. ZENNER: Approval --

MS. LOE: But couldn't it be platted and meet the new UDC --

MR. ZENNER: If Council approves it. If Council approves -- if Council approves your denial, he would have to have a plat that shows a radius. If Council does not approve your denial, if that is what you would like to do, the plat that we have here in this -- this plat would be approved. This plat is compliant with the design modification being granted. So the two plats that would potentially be presented to City Council would be this plat, which is what the applicant would like to have approved, and the other plat would show in that southeast corner a 30-foot corner truncation, which is what your denial of the design adjustment would require. Council can choose one or the other.

MS. LOE: Okay.

MR. STRODTMAN: Mr. MacMann, did you have a question still?

MR. MACMANN: Just a real quick statement. Just if we do kick it back to you all and you have administrative procedure that you will want to follow through, I just wanted to express that I would like truncated corners on redevelopment, so however we can work that out.

MR. ZENNER: And that I can -- that we could probably --

MR. MACMANN: Because I'm imagining this is fine now. Say someone buys it and we're ten-story right here, aren't we? We're in the ten-story area right there?

MR. ZENNER: No. I believe the --

MR. MACMANN: Well, just -- just -- okay.

MR. ZENNER: Just out of it --

MR. MACMANN: Well, I just -- a corner like this where suddenly it's ten stories, you just can't have. That's too much building to have on a corner.

MR. ZENNER: And we may be able to -- and again those are the issues that we will bring up with our Public Works Director and deal with trying to create an --

MR. MACMANN: Your --

MR. ZENNER: -- administrative provision.

MR. MACMANN: Your thought, regardless of what we do, is that you guys go back and ponder that and then come back to us with something more workable so we can address this continually so -- so people like Mr. Rogers don't have this until we have a firm decision from Council.

MR. ZENNER: Exactly correct.

MR. MACMANN: All right. That's where I was going. That's where I was --

MR. STRODTMAN: Ms. Loe?

MS. LOE: I would like to make a motion to approve the Athens Subdivision Plat 1 without the design adjustment. Do I need to do that in two motions or can I do that as one?

MR. ZENNER: Separate. It needs to be two separate, if you would please.

MS. LOE: So, not approve --

MR. ZENNER: I think you need to take the --

MS. LOE: -- move to not approve the design adjustment first?

MR. ZENNER: To deny the design adjustment as requested.

MS. RUSHING: Second.

MS. LOE: Well, wait. Wait. Wait. So I move in Case 17-216, Athens Subdivision Plat 1, move to not approve the design adjustment.

MS. RUSHING: Second.

MR. STRODTMAN: Okay. Ms. Loe has made a motion to deny the -- I lost my words -- the design criteria, and has been seconded by Ms. Rushing. Is there any additional discussion needed on this motion? I see none. Roll call, please, Ms. Burns.

Roll Call Vote (Voting "yes" is to deny approval.) Voting Yes: Ms. Rushing, Ms. Russell, Mr. Toohey, Ms. Burns, Ms. Loe, Mr. MacMann. Voting No: Mr. Stanton, Mr. Strodtman. Motion carries 6-2.

MS. BURNS: Six to two, motion carries.

MR. STRODTMAN: Thank you. Planning and Zoning's recommendation for denial of a design adjustment will be forwarded to City Council for their consideration. Do we have a motion or discussion on the plat? Ms. Loe?

MS. LOE: In the case of 17-216, Athens Subdivision Plat 1, move to approve the Athens Subdivision Plat 1 without -- with -- provided it includes a truncated corner per UDC requirements. Is that sufficient?

MR. ZENNER: Prior to forwarding --

MS. LOE: Prior to --

MR. ZENNER: Prior to forwarding to City Council.

MS. LOE: Prior to forwarding to City Council.

MS. RUSHING: Second.

MR. STRODTMAN: Thank you. We have a motion on the table made by Ms. Loe on approval of the Plat 1, and we have a second by Ms. Rushing. Is there additional discussion needed on this motion? I see none. Ms. Burns, when you're ready.

MS. BURNS: Yes.

Roll Call Vote (Voting "yes" is to recommend approval.) Voting Yes: Ms.

Rushing,

Ms. Russell, Mr. Toohey, Ms. Burns, Ms. Loe, Mr. MacMann, Mr. Stanton, Mr.

Strodtman. Motion carries 8-0.

MS. BURNS: Eight to zero, motion carries.

MR. STRODTMAN: Thank you. The Planning and Zoning recommendation for approval of the Plat 1 will be forwarded to City Council for their consideration.

In the case of 17-216, Athens Subdivision Plat 1, move to approve the Athens Subdivision Plat 1 provided it includes a truncated corner per UDC requirements, prior to forwarding to City Council.

Yes: 8 - Burns, Loe, Rushing, Russell, Stanton, Strodtman, Toohey and MacMann

Excused: 1 - Harder

VII. PUBLIC HEARINGS

Case # 17-211

A request by Crockett Engineering (agent), on behalf of Stacey Smarr, etal (owners), for approval of a PD plan to be known as "Schilb Antiquarian". The 1.97 acres subject site is located at 2625 S. Providence Road and part of the "Stoney Creek C-P Development Plan." The proposed PD plan includes an office building for Century 21 Advantage Real Estate and a commercial building for use by Schilb Antiquarian.

Mr. Strodtman: Moving now to our first and only public hearing, Case 17-211. At this time, I would any Commissioners who have had any ex parte communications prior to this meeting related to Case 17-211, please disclose that now so that all Commissioners have the same information to consider on behalf of this case in front of us.

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

Staff report was given by Mr. Rusty Palmer of the Planning and Development Department. Staff recommends approval of "Schilb Antiquarian" PD Plan.

MR. STRODTMAN: Thank you, Mr. Palmer. Commissioners, do we have any questions for staff? Mr. Palmer, I've got a question. So the land -- can we go back to that landscaping picture? So the reason for it being on the north building is there's too

much concrete on the south building to accommodate the landscaping; is that --

MR. PALMER: The -- the access drive, I believe, is adjacent to or very close to the right-of-way, and also there are a number of utilities that go through that area. Mr. Crockett is here for the applicant and I believe he could explain that a little better than I can, but I believe that's the reason.

MR. STRODTMAN: Any additional questions, Commissioners? I see none. This is a public hearing, so I'd like to go ahead and open it to anyone that's in the audience to come forward. Please give us your name and address.

PUBLIC HEARING OPENED

MR. CROCKETT: Members of the Commission, Tim Crockett, Crockett Engineering, 1000 West Nifong. There we go. I'm here tonight representing the two property owners -- or, excuse me -- the prospective buyers, Scott and Jill Schilb, who own Schilb Antiquarian -- and Mr. Strodtman, I struggle with that word, too, so I apologize. But they currently own a shop here in downtown. It's a growing business. They sell rare books, manuscripts, maps, antique historical weapons of a distinct nature, and so, they are -- their business is growing and they're looking for a new -- a new location. So they are a business here in town, so they are locally owned, as well as Century 21, Freddy Spencer and his group of realtors are growing quite rapidly as well, and looking for an office location that they can purchase. This property, if you recall, started out -- it came to you and we've tabled it a couple of times. And the reason for the tablings was the owner decided that they would indeed subdivide the property in two tracts, one for -- one for the Schilbs and then one as a piece that they would retain ownership of. Once they subdivided it, it became more attractive to another buyer, in this case, Mr. Spencer and his group for Century 21. So when they came in and they asked to do a C-P plan or a PD plan on their piece, it made sense that we delay the first one so that we can put them both together so we can see one combined plan as opposed to trying to come in and trying to explain why we're doing two of them back to back that may, you know, coincide with each other. So again, as Mr. Palmer indicated, it is a two-acre tract and we are looking for two owners, but roughly one-acre tracts in each one of them. The -- the Schilb property will be about 98, 100 square foot building. It will be a single-story on a walkout basement. The basement will be where they store their -- have storage for their -- for their product. And then Century 21 will be a slightly larger building. It'll be about 12,500 square feet. Again, it will be a single-story and a walkout, and it will be office uses. Plan highlights is we are able to use a shared common internal driveway, you know. Instead of bringing both of them down and on each individual lot, they work together, so we have a shared, common internal driveway. We're also sharing the existing access point out to

Old Route K as indicated. So at that point, if you go to Waffle House, you'll go down a little private drive that gets to it and that's the access that we're going to use. It was intended to serve this piece of property as well as the Waffle House, and so we're going to utilize that existing point. We're not going to have additional points of access out onto Old Route K. Again, of course, common waste facilities, solid waste facilities, which is a positive. And then also the majority of the parking is in the rear. This is something that - - that both properties feel like they can do. The Schilb property, a lot of their buyers come from out of town, out of state, and even out of the country. And so they don't need a lot of parking. It's not a -- it's not a destination situation where the people are driving by and going in there, high volumes on a daily basis, so they don't need much parking up front. They need the parking in the rear in case they have an event. Likewise, the real estate business, their real estate agents can park in the rear as well. To answer your question, Mr. Strodtman, with regard to the landscaping, that is an existing drive that leaves no room for landscaping out front, and so that was the reason for that. Again, it's an infill development. Here it is, the PD plan we've talked about. Both sites will have storm water on their property and accommodate all the regulations. So again we can go through the conclusion, but it is consistent with the comprehensive plan as well as it coincides with Columbia Imagined. Staff recommends approval. I'd be happy to answer any questions.

MR. STRODTMAN: Thank you, Mr. Crockett. Commissioners, any questions for this speaker? I see none. Thank you, sir. Any additional speakers like to come forward?

PUBLIC HEARING CLOSED

MR. STRODTMAN: Commissioners, discussion? Mr. MacMann?

MR. MACMANN: Motion? If my fellow Commissioners, they have no -

MR. STRODTMAN: We'll take a motion.

MR. MACMANN: Okay.

MR. STRODTMAN: I think we're ready.

MR. MACMANN: In the matter of 17-211, a request by Crockett Engineering on behalf of Stacey Smarr, et al. for the approval of a PD plan known as Schilb Antiquarian, I move that we do.

MR. STRODTMAN: Thank you, Mr. MacMann. Do we have a second?

MR. STANTON: Second.

MR. STRODTMAN: Mr. Stanton. We have a motion in front of us, Commissioners, made by Mr. MacMann for approval of Case 17-211, and seconded by Mr. Stanton. Is there any discussion needed on this motion? I see none. Ms. Burns, when you're ready.

MS. BURNS: Yes.

Roll Call Vote (Voting "yes" is to recommend approval.) Voting Yes: Ms.

Rushing,

Ms. Russell, Mr. Toohey, Ms. Burns, Ms. Loe, Mr. MacMann, Mr. Stanton, Mr.

Strodtman. Motion carries 8-0.

MS. BURNS: Eight to zero, motion carries.

MR. STRODTMAN: Thank you, Ms. Burns. Planning and Zoning's recommendation for approval of Case 17-211 will be forwarded to City Council for their consideration.

In the matter of 17-211, a request by Crockett Engineering on behalf of Stacey Smarr, et al. for the approval of a PD plan known as Schilb Antiquarian, I move that we do.

Yes: 8 - Burns, Loe, Rushing, Russell, Stanton, Strodtman, Toohey and MacMann

Excused: 1 - Harder

VI. SUBDIVISIONS & PUBLIC HEARINGS

Case # 17-172

A request by Crockett Engineering Consultants (agent) on behalf of Fred Overton Development, Inc. & Andrews ET AL (owners) to annex 54 acres into the City of Columbia and apply R-1 (One-family Dwelling District) as permanent zoning. The subject site is located on the north side of Gillespie Bridge Road, approximately 1,500 feet west of Louisville Drive. **(This item was previously tabled at the August 24 and September 7 Planning Commission meetings)**

MR. STRODTMAN: We're going to jump back now to Case 17-172.

MS. RUSSELL: Mr. Commissioner?

MR. STRODTMAN: Oh. Yes, Ms. Russell?

MS. RUSSELL: Could I make a recommendation that we take, like, a five-minute break before we get into these last two.

MR. STRODTMAN: Commissioners, is everybody okay with that? Yes. We'll make a five-minute recess and we'll be back in five minutes.

(Off the record)

MR. STRODTMAN: We're going to go ahead and get started, so if everybody would like to grab their seats. And we'll reconvene, and thank you for the break.

For Case No. 17-172. At this time, I'd ask any Commissioner who has had any ex parte communications related to -- prior to this meeting related to Case 17-172, please disclose that now so all Commissioners have the same information to consider on behalf of this case in front of us.

Mr. MacMann?

MR. MACMANN: I received a communication, I believe, from the neighbors in a letter, a group of communications, texts, and a photograph of a City letter, which I forwarded to you and to Mr. Zenner. Hopefully, they forwarded it along. Has everyone seen these things?

MR. STRODTMAN: Yes. Any concerns? I see none. Anybody else.

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

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

- Denial of R-1 permanent zoning for Andrews' parcel; alternatively, A zoning could be recommended.
- Approval of R-1 permanent zoning for Overton parcel.

MR. ZENNER: In order to ensure that the minutes are accurately captured and we have those public comments dealing with the annexation request in one easily discernible set of minutes, I think we need to go ahead and, Commission, ask questions of Mr. Smith, if you have any. If there are none, let's conduct the public hearing as required, close the public hearing. And if you would like, we can take the subdivision action up without you taking action on this request, and then we'll allow you to come back and take action on both the zoning and the subdivision after you've had both reports. But the public hearing for this should be conducted at this point in order ensure that the minutes are accurately pulled together.

MR. STRODTMAN: Thank you, Mr. Zenner. Commissioners, are there any questions for staff? Ms. Russell?

MS. RUSSELL: Oh, I just want to confirm some things and make sure it gets in the minutes. This Case 17-172 was -- has been tabled twice; is that correct? August 24th and September 7th?

MR. SMITH: That is correct.

MR. STRODTMAN: Correct.

MS. RUSSELL: And for both of those, they were posted in the Tribune and -- and noted for the public to know that this was happening?

MR. SMITH: No, they were not. It was posted for the first public hearing as required. We did send out supplemental letters for the tablings, but letters to property owners are not specifically required by the Code, but they are something that we do.

MS. RUSSELL: But there -- there was some notice for the 24th and the 7th tablings?

MR. STRODTMAN: Twenty-fourth was the only one that was advertised.

MS. RUSSELL: Okay.

MR. SMITH: There was a -- there was a notice put in the paper for the original public hearing. And there was a letter to the property owners stating that there was a public hearing set, but immediately after that, the decision was made that it needed to be tabled, so that letter actually included the original date of the public hearing and then also that it was going to be tabled to the second meeting.

MS. RUSSELL: So there's been a lot of notice about subsequent issue --

MS. SMITH: There was -- and there's a letter that just went out this last week or early this week reminding them that the meeting was tabled to this date.

MS. RUSSELL: Okay. Okay. I just wanted to make sure that that got in the minutes. Thank you.

MR. STRODTMAN: Mr. MacMann?

MR. MACMANN: Thank you, Mr. Chairman. Planner Smith, the Andrews parcel floods, does it not?

MR. SMITH: That is correct.

MR. MACMANN: Okay.

MR. SMITH: But not -- from the information I have, yes. There is some -- noted that it has flooded. I haven't seen it personally, though.

MR. MACMANN: I've been standing in it when it's flooding, so sorry, Mr. Andrews, if you were the owner at that time. Okay. And just -- and I don't really know the answer to that question -- this question I'm about to ask. In order to be R-1, there would have to be sufficient amount of dirt work done to ensure that it doesn't flood; yes -- to be developed?

MR. SMITH: That would be correct. Yes. The majority of the site is -- actually, the entirety of this site, the Andrews site, is in the floodplain with portions of it in the floodway, as well.

MR. MACMANN: Do we know where the 100-year line is?

MR. SMITH: It is west of this property, so this entire site is within the 100-year floodplain.

MR. MACMANN: Thank you.

MR. STRODTMAN: Any additional questions, Commissioners?

MS. BURNS: I do.

MR. STRODTMAN: Ms. Burns.

MS. BURNS: Mr. Smith, when you're talking about an area plan, in general, how long does it take to come up with an area plan?

MR. SMITH: Good question. It can vary. I think anywhere from 12 to 18 months. I'd defer to Mr. Zenner if he had a different perspective on the time, but they do take a fair

amount of time to -- to get the parties involved, to get the necessary information to them, and to evaluate it and make decisions and put together a report, so it's -- it's a comprehensive operation.

MS. BURNS: I just noted in your report that you had said there was no area plan.

MR. SMITH: No specific area plan for this one, yes.

MS. BURNS: A specific area plan for this.

MR. SMITH: Other than the Columbia Imagined plan.

MS. BURNS: Okay. Thank you.

MR. STRODTMAN: Ms. Rushing?

MS. RUSHING: I understood from the report that the recommendation for the agricultural zoning on the Andrews parcel was due to the fact that it's in the floodplain; is that correct?

MR. SMITH: That's part of the recommendation. It's in the floodplain and, therefore, is limited in its developable areas.

MS. RUSHING: And the other portion, the Overton parcel, did you just say it's also in a floodplain?

MR. SMITH: Partially in the floodplain. The eastern part of the property is within the floodplain. I'm not sure if I had a graphic that showed that or not, to be honest. No. So it's reflected on the preliminary plat. I could jump --

MS. RUSHING: And so, they would not be able to get building permits for lots in that area?

MR. SMITH: Well, that is a topic that we'll discuss during the preliminary plat. They do show lots currently within the floodplain, and they are requesting an interpretation on that. Staff's -- basically their interpretation right now is that lots created through the -- part of the UDC requirements cannot have floodplain on them under -- except under very certain circumstances and with special exceptions.

MS. RUSHING: Okay. And if it's zoned agricultural, would they be able to develop that property with two-and-a-half acre lots?

MR. SMITH: On the agricultural piece?

MS. RUSHING: Uh-huh.

MR. SMITH: They would be limited to the -- the maximum amount, which is two, I think.

MS. RUSHING: Okay.

MR. SMITH: And that's if they could get building permits to build in that area.

MR. ZENNER: If I may, Mr. Chairman. Just to follow up on Ms. Rushing's question about development within the floodplain. The floodplain overlay ordinance that the City of

Columbia has adopted permits development within the floodplain provided the base -- provided the finished floor elevation of a structure is two feet above the base flood elevation for that area. State statute also permits development within the floodplain provided it is a foot above the base flood elevation. So we have adopted a set of regulatory standards for floodplain development that would permit development one foot higher. We require one foot higher in construction. So as Mr. Mr. Smith pointed out, when we get to the subdivision request, which has the design modification to waive or to have you consider the sensitive land analysis mapping requirement that no portion of a lot be located within a floodplain area or the FPO overlay, that is where we'll get into a little bit greater depth as to what the applicant has submitted in justification for that. But there is a conflict between the adopted FPO standards of the City's general requirements and our floodplain administration components and the land sensitivity analysis mapping restriction as it relates to development within that same regulated environment. So we will let Mr. Crockett speak to that because it is his client's request that you consider an alternative determination as to how that standard should be applied. Staff's report has applied it in its strictest interpretation, that there is no portion of a developable lot that shall be in the floodplain. However, as we are just discussing, the FPO overlay and our regulatory standards do allow such development to occur provided it is one foot above the BFE. So that -- we'll come to that point and you'll be able to see the delineation of that I believe either on Mr. Crockett's presentation that he may have or we may be able to define it for you on the actual subdivision plat when we get to Case 171.

MR. STRODTMAN: Ms. Loe?

MS. LOE: Mr. Smith, your recommendation here identifies denying the request for one or perhaps recommending a different zoning and approving the request for another. Since this was brought forward as a single request, can we split it up?

MR. SMITH: Yes. It -- it's technically two separate petitions --

MS. LOE: Okay.

MR. SMITH: -- since there's two separate property owners. So they could be considered separately.

MS. LOE: But separate petitions with one case number?

MR. SMITH: Correct.

MS. LOE: Okay.

MR. SMITH: They -- they applied jointly, but they are two separate requests. Each owner has to sign and notarize a document stating that they are petitioning the City to annex, and what the zoning that they are requesting. So there's a different one for the Overtone property and there's a different one for the Andrews property. So if they choose

to amend that, they can. Otherwise, if Council approves something that is inconsistent with what they have stated on their petition, they have the option then to withdraw the annexation.

MR. ZENNER: The role of an annexation, either prior to processing to City Council or at City Council, would result in the recommendation on the Overton parcel converting from a standard annexation petition, which is only used in the instances where there is connectivity to the City's corporate boundary, to an annexation agreement which would then subject Mr. Overton's property to future annexation when it becomes contiguous. There is a significant difference then in how the subdivision action is handled if we go from a standard annexation, which is what is being proposed here with permanent zoning, to an annexation petition with a future City designation. Now, all subdivision development and regulatory requirements would be administered by the County. The City would have no involvement in the property until such time as it became contiguous with the City's corporate limits if the Andrews parcel were removed.

MR. STRODTMAN: Mr. Smith, I have a question.

MR. SMITH: Uh-huh?

MR. STRODTMAN: We can also not -- if we allow the Andrews to be R-1, it would not be eligible to be farmed; is that correct -- because agricultural -- the farming use is not allowed in R-1. Correct?

MR. SMITH: If it was annexed as R-1, we would be annexing it knowing that it has a nonconforming use on it, and they would be continued to be -- to allow to be used in a nonconforming manner. However, if that use was terminated for a period of time -- I think it's six months -- then, technically, they would need to comply with the underlining zoning. Or maybe it's one year.

MR. ZENNER: Twelve months.

MR. SMITH: Twelve months. Twelve months.

MR. ZENNER: With an option for Board of Adjustment approval for continuation.

MR. SMITH: Yes.

MR. STRODTMAN: Thank you. Mr. Toohey?

MR. TOOHEY: Going back to the floodplain issue. So with the -- with some of those lots that you said are on the floodplain, is the entire lot in the floodplain or is there just a few lot ends that are sitting in the floodplain?

MR. SMITH: As far as the preliminary plat goes, it'll reflect that -- about portions of the lot. I don't think any -- any lot is entirely within the floodplain.

MR. TOOHEY: Though -- essentially, though, after -- potentially, if when the -- the grading is all done, you could potentially get a new LOMAR where those lots -- and it

wouldn't sit in the floodplain anymore?

MR. SMITH: That's probably discussion we could have at the preliminary plat stage, I think, once we get to that case. But I wouldn't -- wouldn't disagree with that.

MR. TOOHEY: Well, I'm just saying you -- you do have that potential ability.

MR. STRODTMAN: Ms. Loe?

MS. LOE: I would disagree with that because I believe a portion of the Andrews lot is actually in the floodway.

MR. ZENNER: I believe that's true as it concerns the overlay.

MS. LOE: And I believe insurance program does not allow development in the floodway. So, no. There's no getting a LOMAR. There's no development.

MR. TOOHEY: Right. I'm talking about the -- I asked about floodplain. I didn't ask about --

MS. LOE: All the diagonal on the print you just have, which is a huge percentage of the Andrews lot is floodway. There's no development in that area.

MR. TOOHEY: Right. You're -- you're misinterpreting my question.

MR. SMITH: You're referring to the Overton parcel, I believe.

MS. LOE: Talking about that 100 --

MR. STRODTMAN: Overton.

MR. TOOHEY: Right.

MS. LOE: -- year floodplain on the Overton. Correct.

MR. TOOHEY: Correct. I'm just saying there is that option.

MS. LOE: Right. They've been -- I apologize if I misinterpreted. We've been referring to everything so far tonight as floodplain, but there is a distinction.

MR. TOOHEY: Uh-huh. Right. And I understand that. But there's also the ability to get a new LOMAR for a property if it's possible. It's not always possible, but sometimes it is.

MR. SMITH: Yes. If the grade is changed, then I think there's ability to -- to get the additional LOMAR.

MR. TOOHEY: There is.

MR. SMITH: Within the floodplain area, the Overton property has floodplain on it. The Andrews piece has floodplain on it, as well, and also floodway, which is the more severe of the areas. That's actually the drainage area for the river. The floodplain again is the 100-year floodplain where --

MS. LOE: Or flood fringe.

MR. SMITH: -- or flood fringe, yes. It's referred to as a flood fringe, as well.

MS. LOE: I think you're really asking about the flood fringe.

MR. SMITH: Yeah.

MR. ZENNER: And our -- our FPO overlay and our federally approved floodplain ordinance specifically precludes the ability to develop within the floodway, just like the federal government does. We also have a floodplain permitting process that has some very significant requirements associated with it that the applicant would have to meet as it relates to the creation of any additional increases and based in flood elevations. There's a whole series and slew of issues that would have to be addressed for development within the floodway, not necessarily the floodplain because that is an off-limits -- or floodway, which is an off-limits area, period. There's no question about that. So we're not -- we're not suggesting that any development in the floodway would be permitted under any condition. Floodway development, however -- flood fringe is a possibility subject to a permitting process that the City has and construction at least a minimum of two feet above BFE. Are there any additional questions as it relates to the zoning action here for the proposed zoning and the recommendations that staff has offered as A on the Andrews tract and then R-1 on the Overton tract?

MR. STRODTMAN: I just have one last questions. What -- the yellow hash line that's on the right side that's pretty much the entire length, what does -- what does that represent?

MR. SMITH: On the image on the screen now?

MR. STRODTMAN: Yes. A little bit further left.

MR. SMITH: This?

MR. STRODTMAN: Right there. Yeah.

MR. SMITH: Ah, yes. I believe that's -- that's a section line, I think.

MR. STRODTMAN: So can you show me where the sewer line is, approximately?

MR. SMITH: It's close. That is just west of the actual creek bed. It's in this general vicinity.

MR. STRODTMAN: Okay.

MR. SMITH: I think it's on one of the locator maps that were included in the packet, too, if you can pick it out on the utility one.

MR. STRODTMAN: Okay. Commissioners, is there any additional questions for staff? I see none. Before I open it to -- to -- it is a subdivision, but as in past practices, we will open it to --

MR. ZENNER: Zoning. Zoning.

MR. STRODTMAN: This is zoning. So we will open it up, but I would like to pick -- there's several of you in the audience tonight that we want to hear from, so I will lay out a couple of ground rules before we get started. So how we're going to do it, since there is going to be several folks wanting to speak, we'll -- the first speaker will have six minutes. So if there is an organized representative for the applicant or the other side, we would ask

that individual to come first and then that person would get six minutes. Any additional speaker thereafter for the same side would get three minutes. And we would ask that you try not to repetitively say the same items, so, you know, if there's ten points that you wanted to get across, and the speaker before you covered four or five of them, maybe skip over those four and five and cover the items that have not been discussed so that we can get everyone in and we can hear everyone tonight and give everyone a fair chance, but, at the same time, not be here into the wee hours. So with that, I'll open it up, and like I said, I would ask for -- and tell me if you're the organized speaker and we'll give you six minutes. If not, we'll give you three. And please give us your name and address.

PUBLIC HEARING OPENED

MR. CROCKETT: Mr. Chairman, members of the Commission, Tim Crockett, Crockett Engineering, 1000 West Nifong. I am the organized speaker, Mr. Chairman, but I don't believe I'll be using the six minutes. I want to reserve the bulk of my time for the presentation for the preliminary plat. I would like to start off by saying Mr. Toohey and Ms. Loe, you both are exactly right. Ms. Loe, we cannot develop, we cannot ask for a LOMAR in the floodway. You are -- you are exactly right. Mr. Toohey, you are correct. We can ask for a LOMAR in the floodplain. There is floodway on the Andrews property. The piece that we -- and we'll go into this in the preliminary plat. There is a small, very small sliver of land that we would ask for a LOMAR that's only in the floodplain, and not in the floodway, but -- so both of you are correct. I would like to start off by saying that with regards to the Andrews property, we -- you know, we -- you know, we support the amendment to zone that as agricultural property, and I take responsibility for that. I apologize. It was my understanding that when property came in, the City really didn't -- really -- they didn't necessarily like ag zoned property, so I take responsibility for that. We're happy to amend that and change the Andrews annexation to agricultural purposes. We don't intend to develop that piece of property. Again I think a few things that Mr. -- Mr. Smith commented on. It is outside the urban service area, but it is certainly developable. We do have access to -- to utilities that are out there. We have -- I talked to the water district, talked to Boone Electric. They are -- there are utilities out there in the area. The reason for annexation is this property started -- the process started actually in the County as a County development. They inquired, they said either do -- go to the Boone County Regional Sewer District and provide on-site sewer, a treatment plant of some nature, which is still a very -- which is very much an option, or inquire to the City about extending City sewer to this development. And we did that. We inquired with the City, and we've done this so many times where's we've -- or several times where we've reached into the City, extended a public sewer, signed a pre-annexation agreement, and then the City provides sewer in this location. We were informed, not by the Planning Department, but we were informed by others that if you want City sewer, you need to annex. So if you want our sewer, you need to come annex. And again, I want to stress

that was not the Planning Department. I'm not sure what their view is. I haven't asked them on that, but that comment came from other departments in the City. And so that's the reason why we're here. We think it's the right thing to do is to tie it to the City sewer and not put in a small treatment facility out here. We have talked to the County and, again, they are, you know, favorable for our request. They've given us that -- that indication. So that's the reason for the annexation is that we would like to have the City sewer and we were specifically told to do the annexation. So again, it is -- it is served by the sewer -- excuse me -- it's served by the utilities. I would like to talk a little bit about the -- the area planning -- timing of an area plan. I talked to Mr. Zenner, and not specific to this case by any means, but just within this general area. It's been a couple of years ago. And this is certainly something that I believe that Mr. Zenner sees that could potentially be done, but he has to have a directive -- the Planning Department has to have the directive from Council and, of course, when will that take place? We don't know. And so with that regard, you know, the processes. I mean, we've got projects in the -- in the till that are coming through. And so we didn't feel like that was something that we could sit back and necessarily wait because we didn't know how long that would take if it ever comes. So again, I would like to reserve -- the majority of my conversation pertains to the preliminary plat. I'd like to go into that in relatively detail, but, again, we think that it's an appropriate zoning for the piece of property with the amended application for the ag zoning for the Andrews property. So with that, I'm happy to answer any questions the Commission may have.

MR. STRODTMAN: Commissioners, any questions for this speaker related to zoning? I see none. Thank you. I also will point out just -- on the -- on the podium, you'll see this little red light. I'll blink that light if you're getting close to your time just in case for those that might need that. Please come forward if anybody else would like to come forward and speak to us regarding the zoning request. Are you going to be the organized?

MS. STONECIPHER-FISHER: I am. I'm with Westcliff Homeowners Association. My name is Kim Stonecipher-Fisher; I reside at 1900 Surrey Court, and we are directly to the east side of the property. We are inside the City limits. I have quite different pictures and I might be able to help on a little bit of the topo information you guys were talking about. This is a picture just recently from April 30, 2017 from our backyard. As you can see in the picture, the flood water is just right underneath the trees there. That is the Andrews property that we are looking over. We are also looking up onto the other property owned by Mr. Overton at that point in time. Sorry. It's through screen import. So when we look at it, this is our lot specifically. We look at the flood-water level. You'll

see that it is approaching where we were just doing our picture somewhere around 590 feet. Yes, we're in the 100-year floodplain, but we've got a 90-foot drop. Part of our concern with this whole project is the effect on the Westcliff Association because if they do the zoning and they actually do a high-density residential development, it could actually force the waterways in our area higher than they are currently, and we're concerned about that. In addition, looking at the Andrews property, the maximum elevation here is 576. Well, we easily pull into 590 for our regular flooding that happens two, three, four times a year. So this is the elevation that is in the second piece of the property that might not be under water. So it's a fairly small parcel out of that entire plat that we're talking about as the two pieces are looked at together. When we're looking at that, we're also looking at the additional cost to all of us as City citizens, so -- there's a news story. I'm going to bore you with it for just a second because I think you need to see the property, if it'll connect. You're probably going to have to put up with about a 30-second commercial. That's what usually happens here. Somebody gets some pretty good time. So this is a news story and it was about part of Gillespie Bridge flooding. The Columbia Imagined group did this a green belt, and I can consider this as a green belt for us, too. Like I said, they get a great 30-second commercial out of us here.

(News story is played.)

MS. STONECIPHER-FISHER: I'm not going to continue it, but just to give you some idea. Think about it. If we put a small subdivision out there, the distance that they have travel to get into work versus trying to go down Gillespie Bridge Road and how many rescues do you think we're looking at during that.

MR. TUTT: That road doesn't flood but maybe two days out of the year.

MR. STRODTMAN: Sorry, sir. We can't -- not have any speakers from the crowd.

MS. STONECIPHER-FISHER: So in addition to that, one of the things that is in the report that says it is clearly required the developable lots not included in the floodplain overlay area which corresponds with the -- the floodplain, so there's all sorts of different requirements that are coming forth in this proposal saying that, you know, we want this to be different and that. At this point in time, the Walnut Woods area subdivision has four -- ranges between four acres to twenty acres for their homes out there. The other thing that we're looking at is the planned permanent restrictions on the property. If it is done well, there is not many problems, but if we put a 30-person housing out there, the amount of impervious structure that it will add as far as roadways, rooftops, and things for potential flooding increases also. The other thing is the additional fiscal impacts as stated by Mr. Smith's information associated with infrastructure, such as roads on the Gillespie Bridge Road is a major concern. So as a neighborhood association, when we first came here,

just in regard to the notification, when we were notified of the informational hearing, there were about 30 of us here. And my understanding is and I'm sorry I didn't know State statute, is that we did not have to be notified beyond that. And so, consequently, we have a fairly small showing tonight. We did just get our notification yesterday evening, which doesn't allow us much time to come together. Thank you.

MR. STRODTMAN: Thank you, ma'am. Commissioners, is there any questions for this speaker? I see none. Thank you, ma'am. Do we have any additional speakers that would like to come forward and take your three minutes? Please give us your name and number.

MR. TUTT: I don't need three minutes, but -

MR. HAYDEN: You're a little bit late. My name is Richard Hayden; I live at 2612 Gabrianna Court, and I have a letter inviting me to be here. Good evening. I had to come down here and see what this was all about. I've looked at the map. I worked at the water treatment plant through the '93 flood. We were above the 100-year floodplain. We almost lost our Columbia water treatment plant. And if we look at Houston, we look to Florida, we can see that our planning, and that's what we're doing today, can cost us a lot of money. I've driven through this when the water is over the road. I don't know about two times a year. I know there's a permanent block bridge set going down Gillespie Bridge Road in case it floods, so it's there on site all the time. I also would wonder if -- if the sewer lines over on the east side and has to go match to the -- I really don't think I mind so much the sewer part, but having the County develop another sewer in that area might not be something I would favor because we already have the sewer treatment plant right to my south, which I smell fairly frequently. And I just would ask how would we get fire and service to that when it's flooded. And two times a year, I don't know how many people are going to die on that lack of service in that area. If the City goes and takes the -- the steps to annex it, it sets the responsibilities for those kinds of things to be included, and I would ask you to search your souls and I would just conclude -- well, I would say one other thing, and that is the people I've talked to in my subdivision, which is south of Chapel Hill/Gillespie Bridge Road, I hadn't talked to anybody that received this, and my letter says that the notice is being mailed to all owners of property within 200 feet. I haven't talked to anybody that's gotten one of these. But be that as it may, I would recommend open for discussion. I thought maybe the City should maybe see about a gambling boat and build a moat because that would be -- just let it flood. Put the -- put the gates in and let it be a moat for a gambling casino. Thank you.

MR. STRODTMAN: Commissioners, are there any questions for this speaker? I see none. Thank you, sir.

MR. TUTT: My name is Kevin Tutt; I live at 7000 West Gillespie Bridge Road. And we've lived on -- or my family has lived on our family farm since 1949. I drive that road every single day and I haven't seen water over it more than two days a year for the last ten years. We'll grant in 1993, it was closed for a period of time, but everywhere, that was an unusual flood. As far as Mr. Overton's property being in the floodplain, if that piece of property ever flooded, the whole City of Columbia would be flooded because that's up on the hill. This lady's house over here in Westcliff sits on a bluff. So she took a picture of flood water, but it was down in the bottoms and the bottoms flood, so that's all I have to say.

MR. STRODTMAN: Thank you, sir. Commissioners, is there any questions for this speaker? Thank you, sir. Additional speakers, please come forward.

MS. ARAFE: My name is Penny Arafe; I've lived out off -- off of Gillespie Bridge Road. I live at 3001 Celtic Drive in Columbia. I've lived out there for 31 years and I've seen it flood more than two times a year certainly. I'm here to represent the Homeowners Association of Perche Hills Estates. After talking with many of my neighbors, no one thought the idea of another subdivision off of Gillespie Bridge Road was a good idea. We already have traffic problems on Gillespie Bridge Road. The Rapp's and the Wolff's, who are long-term farm owners out there, have both sold their farms to developers, which means we are going to have two additional subdivisions out there. I don't know the exact date of when they'll be starting to build, but there will be two other subdivisions out in the area. We are going to have additional traffic problems there, and I can't imagine if we have another subdivision that's going to be right there at that intersection of Gillespie Bridge and Coats Lane, and we have an additional 30 houses on this tract -- and usually there's two homes -- for one home, there's two cars. That will be another additional 60 cars per day trying to go through that intersection. You know, we're going to have additional traffic problems. There's also another subdivision that's new on UU. We're just going to have additional noise, congestion. It just reduces the wildlife, the quality of our life out there. And, you know, personally, I know I can't have the society that never changes, but I just can't imagine that we just keep building, you know, additional subdivisions and ruin the quality of life, you know, everywhere in our society. You know, I think we do need to consider, you know, this is a flood area. It makes absolutely no sense to me that we would build a subdivision there and, you know, invite problems where we're going to have accidents and in a flood area. It just doesn't make any sense. That's all I have to say.

MR. STRODTMAN: Thank you. Commissioners, are there any questions. Ma'am? Ma'am?

Ms. Arafe? We have a question for you, if you don't mind returning.

MS. LOE: Excuse me. I had a question.

MR. STRODTMAN: Ms. Loe?

MS. LOE: Ms. Arafe, you said that you already have traffic problems along Gillespie Road?

MS. ARAFE: Yes.

MS. LOE: Gillespie Bridge Road. Can you just describe what some of those problems are?

MS. ARAFE: Well, just -- first of all, before they redid that road, they did a traffic survey and they said at that time -- and that was many years ago. I'm trying to think what year they redid the road. You know, I can't remember the exact year, but it was, you know, ten, fifteen years ago, at least, they redid that road. And at that time, there was at least 750 cars per day that traveled that road. Just to pull out there at Coats Lane, you know, from Coats Lane onto to Gillespie Bridge Road, you have to be real careful because cars zoom down from the hill. You know, you could look to the left to pull out towards town, you know, and think you're in the clear, and then, all of a sudden, a car will come down because the speed is 50 miles per hour on that road. And all of a sudden, a car will come zooming down the road and, you know, it's real easy. You could be hit there. So if we have additional cars coming there, you know, it's -- it's a busy road is what I'm trying to say. So if we have subdivision across the street there with additional cars coming and going, it's going to create a traffic problem.

MS. LOE: Thank you.

MS. ARAFE: You're welcome.

MR. STRODTMAN: Any additional questions? Thank you, ma'am. Anyone else like to come forward to speak on the zoning -- specific zoning annexation request?

MR. PLANK: My name is Adrian Plank; I'm at 6258 West Druid Lane, Perche Creek Subdivision. I just wanted to acknowledge her traffic issues. Gillespie Bridge falls into UU which goes to the highway. So whenever there's an accident on the highway, traffic gets redirected that way. So -- and even if it doesn't get redirected that way, it comes that way, so there -- there is issues there. And the fire issue, well, that's got to be huge. I don't -- I don't know how you could ignore that kind of safety issue. So that's all I wanted to add to that.

MR. STRODTMAN: Thank you, Mr. Plank. Is there any questions for this speaker? Thank you, sir. Anyone else like to come forward to speak on the zoning annexation request? You get to speak again later too in the other motion in a second, but you're welcome to come forward.

MR. TUTT: Well, I'm part of a family farm down the road.

MR. STRODTMAN: Name and address?

MR. TUTT: I'm sorry?

MR. STRODTMAN: Name and address?

MR. TUTT: Oh. Charles Tutt, 2500 South Nebo Cemetery Road.

MR. STRODTMAN: Thank you.

MR. TUTT: But our property starts at about where the water -- county water is on Gillespie Bridge Road, goes south to Black Branch Creek and west to Nebo Cemetery Road and north to Route UU. We've been on that farm since about 1949, '50. It's agriculture right now, but the agriculture produces enough income to just about pay the taxes. I'm 76 years old. I'd like to sell my property, but I'd like a fair price for it. And there's going to be development coming whether we like it or not. We could either built out or up. The country is growing, the City is growing, the County is growing. So I favor this subdivision, particularly the Overton property on the hill. There is no problem with that. There's a couple hundred acres a little further west and to the south of that that's going to be developed sooner or later, come hell or high water, so I see no problem with the Overton property. I do agree we shouldn't be building in the floodplain where the water comes across the road, but that's it.

MR. STRODTMAN: Thank you. Commissioners, is there any questions for this speaker? Thank you, sir. Anyone else like to come forward on the zoning annexation request specifically? Speak into the microphone -- that microphone please, so she can hear.

MR. KOSSINA: I'm Jay Kossina, and I live at 3001 Celtic Drive, and I also -- having a subdivision out there, if it was like the subdivision that I currently live in would be a great - - would be a fair idea. But to have a high-impact area with concentrated would totally change the whole environment there. Most of the acres that you said are about two and a half to three acre lots now, I can't see my neighbors, and I live there. It makes a big different. So that's all I need to say. Thank you.

MR. STRODTMAN: Thank you, sir. Are there any questions for this speaker? Thank you again, sir. Anyone else like to come forward on the zoning annexation, specifically? I see no one. We'll go ahead and close this portion. Well, sir. Come forward, sir. You were -- as I was dropping it, you were standing forward.

MR. OVERTON: Thank you. Fred Overton, 2712 Chapel Wood View. And as Mr. Crockett said, we've -- the only reason that we're here is because of our wanting to hook up to the City sewer. A treatment plant, the area does flood sometimes, and we're going to take care of that on our lots, but the idea of having a treatment plant didn't seem

environmentally sound, and with a sewer just 600 feet away. Everyone -- builder customers that I've talked to all know the road floods two or three days in the spring and two or three days in the fall, and they're all prepared to use UU to get out to I-70, so there is another way out, but thanks for your consideration.

MR. STRODTMAN: Thank you. Commissioners, are there any questions for this speaker? Thank you, Mr. Overton.

MR. OVERTON: But if I might add, the neighbor to the northwest, Mr. Barnes, has 200 and something acres there, I believe. He has embraced this. In fact, he's even offered me access to his private drive on the west side if need be. Neighbor to the northwest, Robert Akin, has expressed interest in some of the lots if I get this done. And then the neighbor directly to the west, Mr. Kado (ph), he has expressed that he doesn't want the neighbors out there in very profane terms, but again, the neighbors that we adjoin immediately have embraced it and offered to even, you know, work with us.

MR. STRODTMAN: Thank you, sir. Any questions, Commissioners? Thank you, Mr. Overton. Anyone else? Last call for the zoning annexation request. I'll go ahead and close the meeting.

PUBLIC HEARING CLOSED

MR. STRODTMAN: I'd like to make a couple comments and then I'll it up to -- for Commissioners if we have additional discussion. A couple thoughts. One -- one of the -- one of our guests made reference to -- that there's a lot of folks not here tonight. When it gets to City Council, you -- you will have the opportunity to speak. So if -- if your neighbors or you were not able to make it this evening, you will have an opportunity to speak to City Council, so make sure you tell your neighbors and yourselves if that's something of interest that you will have a chance to speak again and/or speak to City Council even if you were not able to make it this evening. Secondly, the County and the City fire departments have a relationship throughout our City of Columbia and the County in some cases where they have agreements to take care of each other's property, if you want to call it that. So, for example, there might be an arrangement worked here where the Boone County Fire District would still maintain the fire control portion of it with the, you know, Columbia Fire Department's assistance or in conjunction to, so there's pockets throughout our City that the County provides some of the emergency services in those specific areas, even if they are within the City limits. It's not always the case, but there are occasions where that is the case. I have a question for staff. Was there a traffic study? That's not relevant to the zoning as much; right -- anymore for the next case?

MR. SMITH: Right. We can -- we have the authority to require one. However, the

expected traffic generated from 30 lots --

MR. STRODTMAN: Was not enough, no.

MR. SMITH: -- was not nearly enough to usually warrant one being required.

MR. STRODTMAN: Right. And that was my assumption that this wasn't dense enough of a project on this type of infrastructure to warrant a traffic study.

Commissioners, discussion, questions?

Mr. MacMann?

MR. MACMANN: FYI, I used to take this very road into the City for 15 years when I lived in Cooper County every day. I believe that two days in the spring and two days in the fall, that's a low flood year. This road -- this road gets closed. That said -- I say that because we truly, particularly on the Andrews property, that will take some serious dirt work to make that buildable. Mr. Overton's property, I've seen it really high. I don't remember, Mr. Overton, if it got there in '97 or whatever or '95. I cannot myself support this for the Andrews property. I really, really have problems. It's undermined, it's soaking wet. To your point of services, that's true. I believe Midway fire is the one who addresses this. The problem being when it floods, you see how it chokes -- the road chokes as you -- right as you cross the bridge. You have to go -- it's not -- you can get a fire department there quick, but if you need to get an ambulance there, you've got to around and it's a long way. It's a long way. It gives me this -- the Andrews property in particular gives me great pause. And as far as the traffic goes, typically, that's why I take it in -- would take it in. Seventy was a nightmare. This way is normally fine. Some of the homeowners made the thing if there was a wreck on the highway or people take -- then this gets really, really, really busy. That's an impulse thing or a pulse thing, a situational issue from my experience. I just -- I just wanted to get that out there that this is -- there's a really serious water issue here, in my view.

MR. STRODTMAN: Commissioners, any additional discussion? Mr. Smith?

MR. SMITH: Mr. Chairman, if you don't mind, I just wanted to clarify one thing about the notice, because I know that did come up a little bit tonight, and just so the residents and people here in the audience know who was notified. If you look at the map, you can tell that the way this lot is arranged, there aren't that many lots that are adjacent to it. I think the people -- the number of people that were notified was probably less than 15. So if you're wondering why there weren't more people notified, that would be the reason. It's within 200 feet. Technically, it's 180 feet, but we go a little above and beyond that, and then adjacent homeowners associations, too. We go a little farther out for that, so they are notified.

MR. STRODTMAN: And I assume the traditional yard sign posting was done and --

MR. ZENNER: It's not a traditional yard sign anymore, sir. It's a three-by-four sized pennant --

MR. STRODTMAN: I haven't seen the new one.

MR. ZENNER: -- that is out there which does catch the attention of those travelers on Gillespie. I'd like to further add to the comments that you made, Mr. Chairman, as the ability for the public to speak, and we need to let the public know that the process that this will follow is there is an annexation component to this, which has a public hearing. That public hearing is tentatively scheduled for October 16th before City Council. That will be part of the front end of the Council agenda. Their meetings do start at 7:00 p.m. in this exact same room. At that same meeting at which that public hearing on the annexation, and many of the comments that were made this evening dealt with the concerns of annexing this property, not necessarily the land use. Council will consider those during their annexation public hearing. But on that same agenda will be a first reading introduction of the proposed zoning. There is no public comment on the zoning on the 16th of October. That public comment potentially will be permitted on the November 6th Council meeting, which is where the second reading of the zoning action is had, and that -- that public comment would be either permitted as part of a Council withdrawal of an item off of the consent agenda, and consent agenda placement is based upon your voting this evening. If there is a majority vote to approve the zoning or more than 75 percent, the zoning item will be placed on the consent agenda. An item can be pulled off of the consent agenda at the request of a citizen or at the request of a Council member. So if the public wants to have an opportunity to speak on this item on November 6th, they will need to contact the City Clerk. Now, that is the zoning item. That is not the same restriction for the annexation public hearing, which is proposed for October 16th. That will be a public hearing under the public hearing section of the Council agenda. Furthermore, any resident desiring to speak on the annexation should not sign up for general public input on that agenda. They will not be able to speak on a topic under general public comment that is on the agenda. So if they have another item they want to talk about under general public comment, they can sign up for that five-minute slot at the very beginning of the meeting, but if they only want to speak on the annexation aspect of this proposal, they need to just wait till the public hearing is called. The subdivision action which was the subject of Case 172 which -- or 171, which we will get to next, will also be introduced on -- introduced and disposed of, because it is a resolution only, on the November 6th agenda. There is generally no public comment associated with a subdivision action at the City Council unless otherwise directed so by Council or is pulled off the agenda and requested to have additional information provided

by the Director. Just so the public understands, that's how this process will follow after the Commission makes its recommendation. Again, the key dates that the public needs to understand is the annexation public hearing where they will have an opportunity to address Council is on October 16th. The zoning hearing would be on November 6th.

MR. STRODTMAN: Thank you, Mr. Zenner, for that clarification.

MR. ZENNER: And for further clarification to assure that you are not misunderstanding what Mr. Crockett stated during his public comment, the Andrews are willing to amend to their application to A, which would further restrict that property that is located within both the floodway and the floodplain from intense residential development. So that would be part of what the amended application or your recommendation would be, and I imagine we will assure that the petition has been amended prior to forwarding a request for Council to take final action.

MR. STRODTMAN: Thank you, Mr. Zenner. Commissioners, discussion? Ms. Loe?

MS. LOE: I had another question for staff. This discussion of connectivity and access, right now Gillespie Bridge Road is one of the few connectors over to UU. When - - I know we've been discussing the Broadway connection over because it's come up with some of the other cases. Is that one in the CIP yet and any projections on when that -- it's not?

MR. ZENNER: It's not in the CIP at this point, Ms. Loe --

MS. LOES: Okay. All right.

MR. ZENNER: -- and may --

MS. LOE: At least that's on CATSO, though.

MR. ZENNER: It is. However, a completely unfunded roadway segment with significant infrastructure expenditures associated with it.

MR. MACMANN: I call that the 25-year CATSO. It's just not in that -- it's -- it wasn't at the top.

MR. ZENNER: And to that point, Ms. Loe, that further reinforces the concern that there is not a comprehensive area plan to address broader north-south connectivity between, in essence, Gillespie and then what would be Van Horn Tavern, which is on the very north end of this general area. There is no east-west connectivity really within the middle of this total zone. So when we start to look collectively at an issue of is this to develop and is the request R-1 zoning on the Overton parcel appropriate given what's there. We have to acknowledge the fact that if Council decides to come this way, we have to at that point assume that if that is Council's decision on the annexation, we will have additional -- likely additional urban style improvements which then will exacerbate or speed the need for a study to be conducted in order to lay out a more appropriate

infrastructure connectivity plan to ensure that what we are building out here is going to have accessibility. East Area Plan and the Northeast Area Plan, which both Planning Commission and the County's Planning Commission participated in, defined those infrastructure necessities. The East Area Plan was an 18, almost 24 month process, covered about 21 square miles. We took about nine to twelve months on a five-square-mile area for the Northeast Area Plan, which the center of that is the new Battle High School, and that was what precipitated the Northeast major annexation of roughly -- just a little bit under 200 acres stimulated the need for the East Area Plan, but both provide guidance for future land-use development decisions. That is at this point, which is what we lack, which as Mr. Smith said, in light of that, the recommendation of R-1, given the desire at this point to continue to comply with our Code and the comp plan, urban-style development would be appropriate in an R-1 zoning district. Council will need to make the decision, though, based on the comments that you've heard this evening, is annexation appropriate. And that really is the policy decision of Council. What you all need to wrestle with this evening is -- are the zoning designations that permit the development densities appropriate, given a Council decision of policy. And that's -- that's where this is a little bit odd. Maybe you've got the chicken or the horse -- the cart before the horse. Maybe the decision of annexation may have been required

In the Case of 17-172, I'd like to move for a denial of the requested R-1 permanent zoning for the Andrews parcel, and recommend the parcel be zoned A, agriculture and move for approval of the requested R-1 permanent zoning for the Overton parcel pending annexation.

Yes: 5 - Rushing, Russell, Stanton, Strodtman and Toohey

No: 3 - Burns, Loe and MacMann

Excused: 1 - Harder

Case # 17-171

A request by Crockett Engineering Consultants (agent) on behalf of Fred Overton Development, Inc. (owner) for approval of a 38-lot preliminary plat on R-1 (One-family Dwelling) zoned land, to be known as "Perche Ridge", pending the annexation and permanent zoning of the property, with an associated design adjustment to Section 29-5.1(c.3.i.F) regarding loop street length. The 17-acre subject site is generally located on the north side of Gillespie Bridge Road, approximately 3,500 feet west of Louisville Drive.

MR. STRODTMAN: At this time, I would ask any Commissioner who has had any ex parte communications prior to this meeting related to this Case 17-171, please disclose

that now so all Commissioners have the same information to consider on behalf of this case in front of us. I see none.

MR. STRODTMAN: May we have a staff report when you're available.

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

- Denial of the preliminary plan; or
- If the Commission concurs with the applicant's interpretation of 29-5.1(b), staff recommends approval of the preliminary plat and design adjustment, with the condition that the location of significant trees be included on the preliminary plat prior to Council consideration.

MR. STRODTMAN: Thank you, Mr. Smith. Commissioners, questions for staff? Ms. Loe?

MS. LOE: Mr. Smith, you conveniently included the subdivision standards in your report with an avoidance of sensitive areas. That identifies that the land analysis map avoids certain areas including lands designated as floodway or lands contained within the FPO floodplain overlay district. In looking at -- this area is now outside of City limits, so it hasn't been -- doesn't have an overlay. But in looking at the land to the east of Perche Creek, it appears that the FPO floodplain overlay typically goes up to the 100-year flood line; is that correct?

MR. SMITH: That's correct.

MS. LOE: So when and should this land be annexed, the overlay would be extended and we would see the FPO go up to that 100-year flood line that's in here?

MR. SMITH: Yeah. That would be my presumption.

MS. LOE: All right. Thank you.

MR. SMITH: Yeah. That it would be zoned that.

MS. LOE: Wanted to clarify where we would see the overlay.

MR. STRODTMAN: Ms. Rushing?

MS. RUSHING: I don't know if staff's better able to comment on this or the engineer, but there is -- appears to be a pond on the property, so I'm assuming that would be filled?

MR. SMITH: That's my understanding.

MS. RUSHING: And then there appears to be an area that is a creek perhaps that's running almost through the middle of the property, maybe closer two-fifths of the way from the east to the -- from that little kind of horseshoe what I'm assuming used to be part of Perche Creek at some point in time. If you go about two-fifths of the way west, there appears to be maybe some sort of small waterway there; do you know?

MR. SMITH: Not the -- one was identified on the preliminary plat, but I would defer to the applicant to respond to that.

MR. STRODTMAN: Additional questions of staff, Commissioners? Yes, Ms. Loe?

MS. LOE: Mr. Smith, a follow-up question. There's another provision in the UDC subdivision standards that allows for adjustment of minimum lot sizes. If the avoidance of sensitive lands designated other than floodways and flood fringe areas results in the subdivision containing fewer buildable parcels than it would have if sensitive lands were not avoided, the applicant may adjust the minimum lot size or lot width in the subdivision up to 15 percent. Was that request made by this applicant?

MR. SMITH: It was not. They would not qualify for that because all sensitive land on this property is flood fringe or floodplain and, therefore, that allowance does not apply. Only if --

MS. LOE: Well, it appears that lots Number 26, 27, 28, 29, and 30 would all encroach into the flood fringe.

MR. SMITH: I think the provision states that by avoiding those areas --

MS. LOE: Correct.

MR. SMITH: -- if they lose, basically, lots, then they can reduce the size of the lots.

MS. LOE: All right. My question should have been, did they inquire about pursuing that?

MR. SMITH: No. Because by avoiding the floodplain, they wouldn't have been granted that -- that allowance, because the floodplain is the exception to that rule. If you're avoiding other sensitive areas, you can apply that.

MS. LOE: Oh, okay.

MR. SMITH: The way it's worded is that the floodplain and the intent that -- my understanding would be that we will not grant you extra credit for avoiding --

MS. LOE: For just avoiding. No.

MR. SMITH: -- something within a floodway.

MS. LOE: You're right. No adjustment of minimum lots shall be a need for avoid floodway or flood fringe.

MR. SMITH: It has to be a different sensitive area.

MS. LOE: Well, one thing that does clarify is that floodway and flood fringe are considered sensitive areas. Thank you.

MR. STRODTMAN: Additional questions for staff? I see none. If we have no further discussion, I'll go ahead and open it.

PUBLIC HEARING OPENED

MR. STRODTMAN: And the same rules stipulated from earlier, and this is regarding

Case 17-171, which is the request for the preliminary plat on this property.

MR. CROCKETT: Okay. Mr. Chairman, members of the Commission, Tim Crockett, Crockett Engineering, 1000 West Nifong. With me tonight again is Mr. Fred Overton. Quick little overview. You've heard it before. Thirty-three lots on 17 acres, currently zoned A-2. We're asking for R-1 for this -- for the residential portion. About five acres in common lots with direct access off Gillespie Bridge. And I'm going to go through here relatively quick because I have several comments that are -- several points I really want to talk on in depth. Again, we talked about the process on the annexation side. Started in the County as a -- as a County reviewed development, or not reviewed, but inquired about development, and then the City option with regards to the sewer. I'd like to address several items here. First of all, I'd like to address the loop street issue of being 300 foot in length, the fire department approval of 33 lots, the significant tree survey, and then, of course, I really want talk on the sensitive area and the floodplain. Loop street over 300 feet. In the UDC, it states that no cul-de-sac can be over -- no cul-de-sac or loop street can be over 300 feet. I think the loop -- the 300-foot portion for the loop street, I think it's - - it's really -- really a useless provision, in my opinion. I think a loop street needs to be longer or we eliminate a loop street. I understand the staff's, you know, intent for that, but I think that 300 foot, and I'll show you an exhibit here why 300 feet, I think, is really very prohibitive. We had a couple provision, as Mr. Smith indicated, we could stub to the north, we could stub to the west. We inquired about that. The property to the north, that property owner indicated he -- he didn't mind us having one property or one street stubbed to his property, but he really wasn't interested in having a second street, nor was he having the one further to the west that was closer to his residence stubbed to his property. The next item is stubbing to the west. If you look at the contours going to the west, it goes up a three-to-one incline. By City regulation, when we build a street to the property line, we build it within one foot of existing grade. That individual who basically only lives on a five-acre piece of property anyway, roughly a five-acre tract of land that's all being -- all -- he said it's already developed -- would have then extend. If he wanted to do anything with his piece of property, he would have to extend that public street up a three-to-one slope which is, by the UDC regulations, is a sensitive area. And so we don't think that that's a prudent extension on that side. So we feel that two stub streets are not necessarily adequate at this location, and so we -- we asked for the loop street as is. You can see here's our preliminary plat. What's shown in red is a loop street that contains -- that is 300 feet long. Actually, it's slightly longer than 300 feet long, so you can see it's really more of an eyebrow. If we took that to Joint Communications, what Joint Communications would indicate is that's not a street name, that is a spur off of the

main apparent line that runs to there, so it's not going to be a separate street at all. It would actually be addressed off of the main one. So it gives you just a reference on what a 300-foot loop street would really look like and how impractical I think that it really is. So that's the reason why we -- we respectfully asked for the design modification for the loop street in this instance. We've seen loop streets like this before in the past, and, honestly, I know of no -- no issues with them. Significant tree survey. Mr. Smith indicated that the City is asking for a significant tree survey. We agree to do that. No problem at all. The reason why that wasn't done is, if you look at the regulations, it says a tree survey must be done prior to platting. These are all new regs for all of us, the City staff as well as us, and when it says platting, we indicated it was, well, the tree preservation plans are a separate document. Sometimes they're done before the final plat or with the construction plans. They came back and said we want it with the preliminary plat, and, okay, we just haven't had time to do that. We're in full conformance; we're happy to do that. Fire department approval, you know, obviously, we have a 30-lot maximum, but we're okay with a 30-lot maximum, but we've talked to the fire department and we think we can gain their approval if we provide some alternative access to the site, which we're working through that. We had a conversation with them just yesterday. So, you know, we understand that comment. Now, the sensitive flood -- sensitive areas in the floodplain. Staff's interpretation of the UDC is that no development can occur in a floodplain. Very specific. No development can occur on the floodplain. But if you look at the definition of development, that would preclude anything from a parks and recreation. No trails, no shelter houses, no roads, no bridges, no development in the floodplain. That's how -- if you look at the definition. Our definition is or our interpretation of the UDC is slightly different. UDC states avoidance of sensitive areas except under approved special safeguards, and I think that's -- I think that's the key part right there -- except under approved special safeguards. Okay? So avoidance of the -- you shall avoid sensitive areas except under special safeguards, and that's what we're doing in this case here. Those special safeguards are FEMA allows for filling in floodplains. Now, of course, Ms. Loe, you're right, they do not allow filling in the floodway. We are not proposing that whatsoever. One item you have to perform to do any work in the floodway is perform a no-rise certificate. I stand by my engineering firm, while you can get away with some of it, we don't sign no-rise certificates. We don't do work in the floodway if at all possible. So FEMA doesn't allow filling in the floodway -- or, excuse me -- floodplain. The City has policies about filling in the floodplain. Okay? So when we fill in the floodplain, you determine what the base flood elevation is. FEMA has done that. There is a detailed study out there that determines what that base flood elevation is. We

-- when we do our work out there, we must complete an elevation certificate. Basically, what that is is we go out there and we tell them this is the elevation that FEMA has determined what the elevation of the base flood is, and this is the elevation at which we're going to build our structure. Now, FEMA says we have to be at that base flood elevation. The City is -- the City of Columbia has elevated it two feet. City of Columbia has some of most stringent regulations that I've worked with with regards to a two-foot elevation above the base flood elevation. These are the safeguards that I'm talking about and these are the safeguards that I believe are mentioned except under special approved safeguards in the sensitive area definition. Furthermore, we have to do a floodplain development permit. Again, the City administers all of this as being the administrator for the floodplain in this area, but it's all according to FEMA regulation, so it's very tight. One we do the filling, once we fill our elevation, we file for a letter of map revision through LOMAR. Now, if you're familiar with Columbia, we -- Mr. Strodtman, if I can have a few -- if I could have Mr. Overton's minutes.

MR. STRODTMAN: Sorry.

MR. CROCKETT: Okay. Let me wrap up.

MR. STRODTMAN: Thank you.

MR. CROCKETT: Okay. Thank you. Letter map revision. We can do a letter map revision. FEMA allows for that. Development will provide detention on the property, so we're not going to exasperate any other issue. Naturally, very so slightly, we're going to take away from it a little bit. Here's the floodplain. You can see the dash lines and know that's floodway. No floodway is on our property, only floodplain. The little bit of blue on the corner is the only portion of the floodplain that we're doing any work in. Now, that's the -- that's the lots. That's not even how much filling we're going to do. We're going to do even less than that, probably half of that even. So the amount of floodplain is very, very minimal in this area. Part of the issue is, and this is not necessarily a part of this application, but we're working with the Parks Department to acquire parkland up here, as well. You know, due to finances, how it all works, it kind of gets tied to this, but we are working with the Parks Department to acquire 22 acres. Again, we go back to the flood -- to the floodplain issue. They want to build a creek -- or, excuse me -- build a trail up Perche Creek. They're looking for an access point for this subdivision, all those subdivisions to the east to have access down to that. They're working with my client to acquire that. So I apologize for going over my time. I'm happy to answer any questions that you may have.

MR. STRODTMAN: Commissioners, any questions for this speaker? Mr. Stanton?

MR. STANTON: Mr. Crockett, it seems a simple solution. Why even develop near

the floodplain, the floodway, anything? Why can't you just move everything up? I mean, it's going to shrink eight, nine, ten. I mean, we're --

MR. CROCKETT: Wait a second, Mr. Stanton. I apologize.

MR. STANTON: Okay.

MR. CROCKETT: It comes down to a financial situation. When we extend the sewer as far as it does and not do a treatment plant, that comes down with a financial issue. There is entire subdivisions in this town that have been developed in the floodplain. Floodplain can be a bad, nasty word. People get nervous and people get scared about it, but if done properly and under FEMA's direct supervision, and go with their regulations, we can -- this is certainly developable property. And so we're not asking to fill in, we're not -- I mean, there's subdivisions in town that the entire streets and the entire subdivisions, I mean, we're talking about filling it up eight, ten, twelve feet. We're not talking anywhere near that in this instance. Okay? We're just barely getting into it just a little bit. If the floodplain was just shifted over just a little bit, we wouldn't be asking for that at all. But we feel that with the minimal amount of impact to the floodplain, we can provide for a better development, so that's the reason why we're asking for it. If we slide it over, it's a bigger -- bigger impact to this development.

MR. STANTON: Financially?

MR. CROCKETT: Yes. That's correct.

MR. STRODTMAN: Any additional questions, Commissioners, of this speaker? Ms. Rushing?

MS. RUSHING: Well, I did have a question, and there just seems to be from the aerial picture I'm looking at a number of areas where water flows across this land, and it doesn't seem that your plat has really taken that into consideration in configuring your lots or your streets.

MR. CROCKETT: Let me --

MS. RUSHING: Am I misreading this plat -- this aerial?

MR. CROCKETT: Ms. Rushing, you really have -- you have one point of, well, I'll say, concentrated flow. It's minimal concentrated flow, but it's one point out along the roadway, all along Gillespie Bridge. That's one point.

MS. RUSHING: Uh-huh.

MR. CROCKETT: From there up to about to the pond area, that's pretty much sheet flow across the ground, so we don't have a point -- I don't have a concentrated location of a large amount of water by any means of the imagination. We don't have a large volume water. We don't have large creeks. We don't have large drainage ditches crossing the property. Now, you get to the pond to the north, that is correct, that is an old farm, old

stock pond up there that has collected water. There is an inflow into there, but really there is no -- there is no large water body that collects water through here, so we don't have an issue with that. You know, that is something the Public Works is -- the Public Works looks at very closely when we do design plans. Quite honestly, this -- this development really fits a little better than most with that regard.

MR. STRODTMAN: Mr. Crockett, are you retention basins, are they in the floodplain?

MR. CROCKETT: They are shown there now. They may or may not be located there. They may be up a little bit, but, you know, they are actually in the floodplain as shown by that -- by the preliminary plat.

MR. STRODTMAN: Would that be acceptable to be in the floodplain?

MR. CROCKETT: Yes. Under certain pretenses. We've done them on recent developments here just recently, we put some down in that same kind of a location, so --

MR. STRODTMAN: So that is something that can be done?

MR. CROCKETT: Can be done. We did -- it's done on a, you know, I don't want to say regular basis, but, you know -

MR. STRODTMAN: It's by case -- case-by-case with FEMA?

MR. CROCKETT: Right. I mean, it's -- it's -- we have to look at it and see if it fits the site, but it is something that -- that is done on a regular basis.

MR. STRODTMAN: Thank you. Mr. Toohey?

MR. TOOHEY: Once -- once the development is -- is ready to be sold to a builder or a homeowner wants to build a house on those lots, are you guys going to get those new LOMARs or are you going to put that on the responsibility of the -- of the builder?

MR. CROCKETT: We have to put it on the responsibility of the builder over the -- for the elevation certificate. What would be the responsibility of the -- of the developer will be the floodplain development permit. We will do the filling, and then we can do the LOMARs ahead of time. If we fill it up and get it to the elevation, we can do the LOMARs ahead of time and sell it without. If not, and which is typically the case, the builder will come in and buy it, construct the house, we do the elevation -- verify, certify that the elevation was built accordingly, and then we file for the LOMAR. So, there's two different ways we can do about it, and they're both pretty -- you know, pretty common either way.

MR. STRODTMAN: Mr. Stanton?

MR. STANTON: I've done developing in New Orleans. Are you open to -- how much wiggle room do you have? I'm -- you know what I'm getting ready to say. I want a win-win. I see -- you know, I'm looking at the developer wants to make money.

(Multiple people talking simultaneously.)

MR. STANTON: But it's plain -- it's plain crazy -- maybe I'm using the wrong -- maybe I should be more professional. I'll just say I've developed -- I've built in New Orleans, so I'll just leave it at that. I think there's a way to make this happen. I don't think this is it. I understand the financial burden. I kind of look at it like we've given -- we voted on the option of allowing residential development here. Against my instinct -- I've built in New Orleans.

MR. CROCKETT: Mr. Stanton, if I may? Would you have a different opinion if we were to go out and do the filling in the -- as it's in the County today, file for the LOMAR and have it -- have it elevated outside the floodplain and then come into the City with it already being outside of the floodplain. Would that be different?

MR. STANTON: I would like it -- I would like to see it go further west.

MR. CROCKETT: I guess -- I guess -- I guess my question is there, if we do the filling and get the LOMAR, we're outside of the floodplain, we're outside of the sensitive areas as we come into the City, personally, I see no difference in that and actually coming in and doing it with -- you know, in conjunction with the design plans for the development. It's -- I think it's the same -- it's the same exact outcome, in my opinion.

MR. STANTON: I -- from my experience, we could fill it in and in New Orleans they filled it with seashells and oyster shells and it didn't help. It didn't help. And I'm saying that naturally you could -- I understand the money. But if you moved it further west on what God has already provided a higher elevation, I think it would be a better situation. I don't think filling it in is going to help. I've built in New Orleans.

MS. RUSHING: It's temporary.

MR. STANTON: Right. It's temporary.

MR. CROCKETT: With all due respect, New Orleans is built below the floodplain.

MR. TOOHEY: This isn't New Orleans.

(Multiple people talking simultaneously.)

MR. CROCKETT: New Orleans is built well below the floodplain, and it's -- it's going to flood. We're certainly not -- and we're not, you know, requesting asking for that. You know, we're -- there are provisions. We -- I believe in what FEMA has done and we've never had a flooding situation anytime that we've butted up to floodplain properties. You know, furthermore, I mean, there's -- there's instances here where flood -- FEMA looks at it at a 10,000 -- you know, 10,000-foot elevation. It's a broad stroke. I mean, they're doing, you know, thousands and thousands of acres a day when they do -- you know, when they establish a floodplain. I mean, their contours aren't exact. They do it the best that they can. I've had instances where the floodplain isn't even centered on the creek. The creek is not even in the floodplain. So, they do the best that they can. You know, it

could be a situation where the lots that are located in the floodplain are already at -- above the base flood elevation, you know. So -- so -- and there could be a situation where lots adjacent to it are below the base flood elevations. So -- and when we engineer it, we look at that and take that into -- into consideration. So, I mean, it could be a situation the floodplain is even less than that. It's just hard to say. But the fact of the matter is is that we look at that base flood because that is what's accurate because that comes off of the detailed study that FEMA provides, and that's what we go with. We take that elevation, we elevate it two feet, and that's where we go.

MR. STRODTMAN: And just real quick, Commissioners, I just want to remind everybody to make sure we don't cut each other off and give me a chance to recognize you so that our recorder has a chance to put it on the record. Any additional questions for this speaker? I see none. Thank you, Mr. Crockett.

MR. CROCKETT: Thank you.

MR. STRODTMAN: As soon as he gets his presentation off, we'll take the next person who wants to come forward and speak to us on the preliminary plat request. And please give us your name and address.

MR. STONECIPHER-FISHER: Steve Stonecipher-Fisher, 1900 Surrey Court. Is there -- a question. Is there a requirement to build even if this is approved?

MR. STRODTMAN: Say that again.

MR. STONECIPHER-FISHER: Is there a requirement to build if this project is approved?

MR. STRODTMAN: The only requirement would be is that at some point, and I'll have to think back to the UDC discussion, does a project expire?

MR. SMITH: A project -- a preliminary plat will expire. That grants them no specific rights to build. You have to final plat before you can -- well, I shouldn't -- I misspeak. You -- you can't sell lots until you final plat. You can begin some construction before you final plat.

MR. STRODTMAN: The developer could, but not --

MR. SMITH: Yeah. There's no requirement to build anything.

MR. STONECIPHER-FISHER: So that time frame is what again?

MR. STRODTMAN: Five years from preliminary plat.

MR. SMITH: That's right. And --

MR. STONECIPHER-FISHER: So do City utilities get run to the site before building begins?

MR. STRODTMAN: They would not be able to get a building permit, a permit of occupancy without the sewer extension connection.

MR. STONECIPHER-FISHER: So is the reason for this to get those things run so development can occur on out further?

MR. STRODTMAN: I don't know. I've have to speak to the engineering side to see if that line that they're extending to the Overton specifically can handle additional development. But that 60-inch main that's running along Perche Creek, yes, will accommodate future additional growth, but I can't say that the line that Mr. Overton or the applicant is going to install will support more. I don't know that answer.

MR. STONECIPHER-FISHER: So I'll state I'm not antidevelopment, but I think this area we're in generally, two to three acre per house lots are where we should draw that line if -- if this gets approved.

MR. STRODTMAN: You know, the City -- you would have to be -- the City does not have -- our R-1 does not require the lots to be two to -- you know, two acres or up. That's -- that's a Boone -- that's a County --

MR. STONECIPHER-FISHER: I just -- it looks to me like there are a fair number of problems with this property, and it's not going to fit in with everything else, and that's my comment.

MR. STRODTMAN: Thank you. Commissioners, questions or comments for this speaker? I see none. Thank you for coming this evening, sir.

MR. STONECIPHER-FISHER: Thank you.

MR. STRODTMAN: Additional folks like to come forward? We welcome anyone and everyone.

MS. ARAFE: I have a question. If homeowners get to the point where these homes are to be built, could they --

MR. STRODTMAN: Ma'am, can you speak your name and address, and speak into the microphone so she can hear you. Sorry. It's a technicality.

MS. ARAFE: Yeah. My name is Penny Arafe. I have a question.

MR. STRODTMAN: Address?

MS. ARAFE: 3001 Celtic Drive.

MR. STRODTMAN: Thank you.

MS. ARAFE: If we get to the point where there's homes built in this floodplain, can people actually get flood insurance in this area?

MR. STRODTMAN: I'll let an expert -- I don't know -- have that knowledge, ma'am. I'm not an engineer.

MR. TOOHEY: They did a new LOMAR. They're technically not in the floodplain anymore, so they wouldn't have to worry about flood insurance.

MS. ARAFE: Are you serious? I mean, it's still a floodplain.

MR. TOOHEY: I'm serious. I can show you numerous divisions in this town where that has happened.

MS. ARAFE: But yet, there'll be flooding occurring all around.

MR. TOOHEY: There's not flooding. They're not in the floodplain anymore once they get that LOMAR.

MR. STRODTMAN: They would be above that level?

MR. STANTON: They would be up above that.

MS. ARAFE: Well, what happens then if they do have flooding? Then how -- how do they deal with that? You know, in Houston, they had flooding and out of 1,000 houses that had flooding, FEMA replaced or bought out 109 homes out of 1,000. So that means the other homeowners that did not have insurance, they just took a loss.

MR. TOOHEY: I mean, I don't want to argue with you. I'm just telling you, I know -- but if --

MS. ARAFE: No. I'm just -- I'm just letting you know. My brother-in-law lives in Houston.

MR. TOOHEY: I understand. But if we got 50 inches of rain where you live, you'd be under water, too.

MR. STRODTMAN: I can't -- I'm not aware of all the details.

MS. ARAFE: I guess I don't understand what the LOMAR is then. Is that some kind of insurance to --

MR. TOOHEY: They basically -- they redraw the map based upon a closer look at the land instead of what Mr. Crockett talked about. They look at it from a much higher elevation and they go in and they actually physically measure compared to where the floodplain is, and they readjust their line based upon the elevation.

MS. ARAFE: Okay. But does that prevent the houses then from being flooded?

MR. TOOHEY: Nothing is going to prevent a house from being flooded if you have enough -- enough rain --

MS. ARAFE: Okay. Okay.

MR. TOOHEY: -- just like your house would be flooded too over there if there was enough rain to cause that. But they will not be in the floodplain anymore. Just like your home isn't in the floodplain.

MS. ARAFE: Okay. Well, luckily, my house hasn't been flooded, but there have been houses, you know, close to the area we're talking about, I think, that have been flooded. If you build them -- if you build them in the flood -- where it floods, you know, it's possible you're going to have flooding.

MR. STRODTMAN: Without specific examples of exact, you know, topography,

those -- we can't compare other places that have flooded because we don't know their -- you know, where they sit in the floodplain versus this.

MS. ARAFE: Right. Right. Right. The flood --

MR. STRODTMAN: So Mr. Toohey's comment is that they would have this out of the floodplain so that the homeowners are able to get their occupancy permit and -- and occupy that home and not be in the floodplain. Those few lots --

MS. ARAFE: We're going to -- we're going to, you know, change the paperwork and, you know, and say it's not in the floodplain, but, you know, these people that are going to -- they're going to move in thinking they're not in an area that's going to flood because, you know, you -- you know, you tell them that, but then what's going to happen when Gillespie Bridge Road looks like you saw it on the -- the screen here, you know. And then if their homes are flooded and they don't have flood insurance because they, you know, bought a brand-new home thinking it was going to be safe, you know. So we're going to sell them something, you know. I hope you all sleep well tonight.

MR. STRODTMAN: Well, the point, ma'am, is that FEMA does this. This is their job. None of us --

MS. ARAFE: Right.

MR. STRODTMAN: None of us are engineers.

MS. ARAFE: But the FEMA doesn't cover everybody.

MR. STRODTMAN: And so, FEMA would be the one that would drive what the applicant or the developer have to do to meet their requirements, and we would leave it up to FEMA and the engineers who do this --

MS.ARAFE: And enough money to cover everybody, so, you know, we could head this off at the pass, though. We really could.

MR. STRODTMAN: Thank you, ma'am.

MS. ARAFE: You know, this gentleman right here wants to make some money at his farm, so maybe we could just move this whole operation up the road and he wants to sell some lots at his farm, you know. I mean, there's safer places to build, you know. Yeah. He's got lots for sale. I mean --

MR. STRODTMAN: Any questions for this speaker, Commissioners?

MS. ARAFE: I mean, yeah. He's got a question right here.

MR. STRODTMAN: Mr. MacMann?

MR. MACMANN: Just if I may speak to a point. I mentioned the '93 and '95 and 2006 floods, and I speak from experience there because I work with SENA and FEMA in abatement. If you bought one of these homes, there is a federal registry in Texas. Mr. Crockett can remind of that. You buy one of these homes. It'll automatically trigger with

the bank, and they will say what's going on, and they will refer it to this letter of map revision. What Mr. Toohey was saying, they do do a better survey, but you mentioned -- you heard Mr. Crockett mention filling. Physically, you guys are physically talking about filling it in, what was here, was here. If you are a home buyer here, you will not -- the bank is not going to loan you money if it's in a floodplain, and they are going to see that trigger. They really run that by when you do your 30-day thing. What all this, the LOMAR stuff they're talking about, what this does, it says process of review to actually find out if they are above or below the floodplain.

MS. ARAFE: I hope so.

MR. MACMANN: You are -- you are correct that not everyone is covered. I work with -- I worked in Cooper and Moniteau and Cole. Nobody is covered, and I appreciate that. We're here trying to do our due diligence to make sure the process is done completely and fairly. And Mr. Crockett is referencing that he's going to do what he's required to do by law, and so are we. I would encourage you guys to pay attention and keep following this through.

MS. ARAFE: Okay. I just hope it doesn't backfire on other homeowners, you know. That's what I hope.

MR. MACMANN: I -- I appreciate your concern. I do.

MR. STRODTMAN: Any additional questions, Commissioners? Thank you, ma'am. Any additional speakers like to come forward?

MR. OVERTON: Fred Overton, 2712 Chapel Wood View. In reference to the floodplain, we will be two feet above the 100-year floodplain, and we will have certification to verify that. And I would think if Mr. Crockett verifies that we're two foot above the 100-year floodplain, he's kind of putting his head on the chopping block if it's not. And I think he would be opening his firm up for massive lawsuits if it were not accurate.

MR. STRODTMAN: Thank you, Mr. Overton. Is there any questions for this speaker? I see none. Thank you, sir. Any additional --

MR. TUTT: I would like to say -

MR. STRODTMAN: Please come forward. We can't take any -- we can't have any voices from the audience because it's not recorded, so please come and give us your name and address and speak into the microphone, and you have three minutes.

MR. TUTT: I'm Kevin Tutt, and I live at 7000 West Gillespie Bridge Road. And we lived out there in the '93, '95, and I don't remember a 2006 flood, but the '93 and '95 flood, my dad and I went and marked the water on Gillespie Bridge Road or on the bridge itself. It was two-thirds over the bridge in '93. And where Mr. Overton is putting that property,

the water was nowhere near there. That was a 500-year flood. That's all I have to say.

MR. STRODTMAN: Questions for this speaker, Commissioners? Thank you, sir.
Anyone else like to come forward? I see none.

PUBLIC HEARING CLOSED.

MR. STRODTMAN: Commissioners, discussion, questions, additional information needed? Mr. Stanton?

MR. STANTON: I try to make the win-win situation wherever I can. I try to take into account the property rights and the ownership rights and the ability to live the capitalist way of the United States. But on the other side, I also have to look at Mother Nature and what she has designed. I think that it is doable. I don't think this plat is what will make it happen. I've developed in New Orleans. The Indians said don't build there. They did it anyway. You can -- man can make anything happen. I -- I just want this to work safely and sometimes when you -- when you -- when do -- when you make business decisions, you've got to kind of look at your margins different, you know. We gave the access to build, so your margins may be a little smaller than you thought because there's a floodplain in the backyard. I mean, I don't care how much you put in there, how much dirt, whatever, you put in there, I mean, you're still touching the floodplain. I really, really think that if it moves further west, I think it would be a better project. It would make me sleep better at night if it was further west, and maybe lots were a little small on the west side. That's just my opinion. I don't have money on the table, but that's just how I look at it.

MR. STRODTMAN: Commissioners? Mr. Toohey?

MR. TOOHEY: I'll support this plan. If you look at Vanderveen, in the very back of Vanderveen there are numerous houses on those cul-de-sacs that were in the exact same situation. Those have all been built upon. There hasn't been any flooding, nothing has affected those. Once the LOMARs were done and they were resurveyed to find out that indeed, yes, they were above the floodplain, just like these will be two feet above the floodplain, there is no reason not to allow this development. You know, I think they are doing the proper thing by going ahead and tying into City sewer as opposed to having its own sewer system out there. I think that makes a much better development. So I'm in full support of this.

MR. STRODTMAN: Commissioners, additional comments, a motion? Ms. Loe?

MS. LOE: I think Mr. Crockett has identified the FEMA standards correctly and I agree that development is allowed in the flood fringe, filling and building, but I'm also aware that FEMA is developing a standard for the nation and it's a minimal standard. And they look to local municipalities to add to that as needed for their communities. So I

-- I fully agree that the FEMA standards are being met, but in looking at the UDC subdivision standards, I do believe Columbia is asking that the flood fringe and the FPO floodplain overlay district, which would include the 100-year flood line, be protected from development, which would -- I would characterize as fill or creating a building site or paving. So for that reason, I don't believe this plat meets the requirements of the UDC, and I would not be able to support it.

MR. STRODTMAN: Thank you, Ms. Loe. Additional -- Ms. Rushing?

MS. RUSHING: Well, I believe that I pretty closely follow Mr. Stanton's comments. I -- I see they are not major waterways, but I see waterways crossing this property and when I look south of Gillespie Bridge Road, I'm even more concerned that that's a small creek that's not identified. There -- the environmental degradation that's going to occur by building this as proposed concerns me, and you are adding a lot of impermeable surface to an area that's already prone to flooding, so that's not going to help either. So I cannot support this particular plat.

MR. STRODTMAN: Ms. Burns?

MS. BURNS: Thank you. I don't want to belabor this. I agree with Ms. Loe and Ms. Rushing, and I don't plan to support this.

MR. STRODTMAN: Additional Commissioners or a motion? Mr. MacMann?

MR. MACMANN: I have a motion.

MR. STRODTMAN: Thank you, sir.

MR. MACMANN: In the matter of Case 17-171, Perche Ridge preliminary plat design and design adjustment, I move to deny same.

MR. STRODTMAN: Thank you. We have a motion. Is there a second?

MS. RUSHING: Second.

MR. STRODTMAN: Thank you, Ms. Rushing. We have a motion for denial of Case 17-171 by Mr. MacMann and we have a proper second by Ms. Rushing. Commissioners, discussion on this motion? Questions, clarification? Ms. Burns, when you're ready.

Roll Call Vote (Voting "yes" is to deny approval.) Voting Yes: Ms. Rushing, Ms. Burns, Ms. Loe, Mr. MacMann, Mr. Stanton. Voting No: Ms. Russell, Mr. Toohey, Mr. Strodtman. Motion carries 5-3.

MS. BURNS: Five to three, motion carries.

MR. STRODTMAN: So the motion was for denial of Case 17-171, and that passed for denial, so our recommendation -- our recommendation for denial will be forwarded to City Council for their consideration.

In the matter of Case 17-171, Perche Ridge preliminary plat design and design adjustment, I move to deny same.

Yes: 5 - Burns, Loe, Rushing, Stanton and MacMann

No: 3 - Russell, Strodtman and Toohey

Excused: 1 - Harder

VIII. PUBLIC COMMENTS

MR. STRODTMAN: Would anybody from the public like to come forward and speak on something that we have not covered already?

IX. STAFF COMMENTS

MR. STRODTMAN: We're always good for some staff comments.

MR. ZENNER: It's late and we're all probably overheated.

MR. STRODTMAN: Oh, it's only 10:00. We're used to 2:00 a.m.'s. Right?

MR. ZENNER: All right. Well, I can extend my comments if you would like.

September 21st will be your next meeting, same time. I'm sorry. Your next meeting will be October 5th, not September 21st. That's where we were, and we're not going to repeat this. So you've got a couple of items on your agenda. We do have the subdivision plat for McGary. That is a final plat and design adjustment. We do have the new middle school plat, which is for the south middle school off of Sinclair. And then you have two public hearings, an annexation request, as well as the Gadbois professional office PD plan, which is adjacent to the First State Community Bank on Nifong Boulevard. Just so we have context of the actual locations, the McGary Subdivision plat is up on St. Charles Road. This is a parcel that was actually the subject of a Board of Adjustment approval at its last Board of Adjustment meeting authorizing the reduction of minimum lot areas in the A zoning district. This property is zoned A and prior to the UDC's change, there was the ability to develop residential lots at 7,000 square feet. With the adopting of the UDC, the minimum lot area required for a single-family structure was increased to two and a half acres. The Board of Adjustment did approve a variance in the lot area size for the lots that are proposed within this area to a minimum of one-half acre. The proposed plat in question, I believe, has just a little bit over an acre and a half in this lot, and was awaiting the Board of Adjustment action to be able to be presented. So it's been around awhile and we are hopefully going to be able to move forward with that. It also has a design modification associated with it as it relates to sidewalk construction along St. Charles Road, and I believe potentially an issue as it relates to the right-of-way expansion. CPS middle school site here, this is a portion of the former South Farm for the University of Missouri. They're on Sinclair. Not South Farm -- I apologize. This is their agricultural testing facility that they had down here off of Sinclair Road. To the

northwest of this particular site is where Mill Creek Elementary is located just for context. And the road that you can see on the very northern portion of that map is actually the extension of Southampton. And then your remaining two, the George R. Lewis Annexation parcel, this is off of Old Plank Road just at the back entrance to The Highlands off of Glasgow. The property immediately to the northeast of this property is The Highlands tract of land which we took care of several months ago that had the trail connection and the waiver of the sidewalk along Old Plank Road that we had, at that point, indicated that if this property were to have annexed and potentially redeveloped, you would have been to have gotten sidewalk all the way to Glasgow to the back entrance to The Highlands. And then the parcel immediately adjacent to it is the Gadbois profession office. The Gadbois are, as you probably are away, Cherry Hill Dental. They are looking to relocate their professional dental facility to this particular location in order to permit them a more spacious building, as I understand, as well as one designed to help them accommodate their client expansion as well as some other technology changes that they have made in the dental practice. We have one item that I did not get to mention while we were at the work session this evening, and Ms. Loe brought this to my attention. If you recall during our last work session, there was a request for comments as it related to potential changes to your rules of procedure as had been presented by Ms. Rushing. If you do have questions or potential changes or modifications to the text that was in that sample document being used as the discussion document, please provide those to me at your earliest convenience individually by e-mail, and we will compile them and provide them to the Commission as a whole. It would be best if you can do that, please, by the end of next week so I can have an opportunity to pull all of that together for your next Planning Commission meeting on October 5. With that, that's all we have to offer tonight in the way of staff comments.

MR. STRODTMAN: Thank you, Mr. Zenner.

X. COMMISSIONER COMMENTS

MR. STRODTMAN: Commissioners, comments?

(There were no comments from Commissioners.)

XI. NEXT MEETING DATE - October 5, 2017 @ 7 pm

XII. ADJOURNMENT

MS. RUSSELL: Move to adjourn.

MS. LOE: Second.

MR. STRODTMAN: We have a motion for adjournment and a second. All in favor.

(Unanimous voice vote.)

(The meeting adjourned at 10:20 p.m.)

(Off the record)

Move to adjourn.

Members of the public may attend any open meeting. For requests for accommodations related to disability, please call 573-874-7214. In order to assist staff in making the appropriate arrangements for your accommodation, please make your request as far in advance of the posted meeting date as possible.