

MINUTES

PLANNING AND ZONING COMMISSION MEETING

COLUMBIA CITY HALL COUNCIL CHAMBERS

701 EAST BROADWAY, COLUMBIA, MO

FEBRUARY 9, 2023

COMMISSIONERS PRESENT

**Ms. Sharon Geuea Jones
Ms. Valerie Carroll
Ms. Sara Loe
Ms. Tootie Burns
Mr. Anthony Stanton
Mr. Michael MacMann
Ms. Peggy Placier
Ms. Robbin Kimbell
Ms. Shannon Wilson**

COMMISSIONERS ABSENT

STAFF PRESENT

**Mr. Pat Zenner
Ms. Rebecca Thompson
Mr. Clint Smith
Mr. Brad Kelley**

I. CALL TO ORDER

MS. GEUEA JONES: I will call this meeting of the Planning and Zoning Commission to order.
Oh, I'm sorry, Peggy. I didn't -- I thought you were just turned around in the chair.

II. INTRODUCTIONS

MS. GEUEA JONES: All right. Now, Commissioner Carroll, may we please have a roll call.

MS. CARROLL: Commissioner Burns?

MS. BURNS: Here.

MS. CARROLL: Commissioner MacMann?

MR. MACMANN: Present.

MS. CARROLL: I am here. Commissioner Geuea Jones?

MS. GEUEA JONES: Here.

MS. CARROLL: Commissioner Placier?

MS. PLACIER: Here.

MS. CARROLL: Commissioner Kimbell?

MS. KIMBELL: Here.

MS. CARROLL: Commissioner Wilson?

MS. WILSON: Here.

MS. CARROLL: Commissioner Loe?

MS. LOE: Here.

MS. CARROLL: Commissioner Stanton?

MR. STANTON: Present.

MS. CARROLL: We have nine; we have a quorum.

MS. GEUEA JONES: Thank you.

III. APPROVAL OF AGENDA

MS. GEUEA JONES: With that, are there any changes or adjustments to the agenda tonight, Mr. Zenner?

MR. ZENNER: No, there are not, ma'am.

MS. GEUEA JONES: Thank you. Is --

MR. MACMANN: Move to approve.

MR. STANTON: Second.

MS. GEUEA JONES: Moved by Commissioner MacMann; seconded by Commissioner Stanton.

Thumbs up approval of the agenda?

(Unanimous vote for approval.)

MS. GEUEA JONES: Unanimous. Thank you.

IV. APPROVAL OF MINUTES

MS. GEUEA JONES: Next, we all received a copy of the January 19th, 2023 regular meeting minutes. Were there any adjustments or changes to the minutes? Seeing none.

MR. MACMANN: Move to approve.

MR. STANTON: Second.

MS. GEUEA JONES: Moved by Commissioner MacMann; seconded by Commissioner Stanton.

Thumbs up approval of the minutes? Unanimous with one abstention.

(Eight votes for approval; one abstention.)

MS. GEUEA JONES: Commissioner Loe was absent last time. Thank you.

V. PUBLIC HEARINGS

MS. GEUEA JONES: Very good. With that we will move on to public hearings for the night.

Case Number 66-2023

A request by Smith Lewis, LLP (agent), on behalf of Arcade District, LLC (Owner), seeking approval of a conditional use permit to allow a "bar" within an existing distillery. The 0.5-acre property is currently zoned IG (Industrial), is located approximately 400 feet south of the intersection of Wilkes Boulevard and Fay Street and is commonly addressed 700 Fay Street.

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

Staff report was given by Mr. Brad Kelley of the Planning and Development Department. Staff

recommends approval of the CUP for a "bar or nightclub" use as requested on the approximately 0.5-acres, commonly addressed as 700 Fay Street, subject to:

1. An ADA-compliant sidewalk, striped crosswalk, and appropriate signage are constructed, by the owner, at a location on Fay Street that will not require utility relocation and is acceptable to the City Traffic Engineer.

MS. GEUEA JONES: Thank you very much. Before we go to questions for staff, if any member of the Commission has received any outside communication from parties or other interested folks on this case, please disclose it now so that we all have the same information. Seeing none. Any questions for staff? Commissioner Burns?

MS. BURNS: Could you please go back to the interior configuration of the three areas? Thank you. In thinking about the parking that is, what, 12 stalls, 80 percent of the required parking, if the bar was expanded, would that trigger additional parking for this location? What I'm saying is it sounded like that they had -- their fabrication had already outgrown the use in the space, and so that possibly other uses, maybe additional bar use, could be moved into the yellow area. Is it a total square footage of the space that triggers the parking requirement, or is it -- does the bar impact?

MR. KELLEY: Yeah. So the manufacturing space here, there's 2,000 square feet. That just requires two spaces. The parking ratio for that is one parking stall is required for every 1,000 square feet of the manufacturing space, whereas for the bar, the ratio is one space per every 150 square feet. So, yes. If the bar space -- if they started to reuse the manufacturing space for a bar, they would require significantly more parking.

MS. BURNS: And how would we check on that?

MR. KELLEY: They would file a building permit and then we review that through the change of use. We would examine the parking that they're providing. So one -- and we would say, well, do they meet the 75 percent minimum and look at it that way.

MS. BURNS: The parking looks at a premium, so I was just curious if the use did change, how additional parking could be converted. Thank you.

MS. GEUEA JONES: Commissioner MacMann?

MR. MACMANN: Thank you, Madam Chair. Thank you, Commissioner Burns. It's a very interesting -- I was there today and I didn't consider that. We'll look into this possibility. I have two questions for my -- I just was on the outside. The lane/street that is in front of the property, is that owned by Mr. Campbell? Does the City own that? Does COLT own that? Is it drivable? Because it's not really marked, and I was wondering if -- I was wondering about people parking there if that's a public right-of-way or emergency exit or something like that.

MR. KELLEY: It's right-of-way for the COLT Railroad. It's not a named street. I talked to the State traffic engineer. He called it a service road for the COLT Railroad. It doesn't show up on the City map as street right-of way, per se.

MR. MACMANN: Okay. To follow up on that, COLT is not really coming down much -- downtown much anymore. That railroad is really not in use, not that it can't be used. But, to my knowledge, COLT is not really bringing things downtown. Is that -- my question is the -- this bar is right next to a functional railroad line, and I was wondering about safety issues in regard to that.

MR. KELLEY: I -- I don't know about the word functional necessarily. My last knowledge of service on this road is that there is a bridge for the COLT Railroad that was in disrepair and there was one customer affected by that. I know the City has made other decisions specifically about there's a street opened up on -- that made connection into Paris Road that was adding an at-grade crossing to the rail, and -- and I know that decision was made with the knowledge that COLT was not currently in service, and that decision would not have been made if COLT were in service.

MR. MACMANN: Well, let me -- let me pop forward. Were COLT to come -- I know of -- I know of this customer and they're not necessarily happy about not having rail service anymore. If that rail service was to come back, just as a supply service, not a dinner train or anything like that, will that change the analysis of the functional -- functionality of this property?

MR. KELLEY: It could, yeah. I mean, you're talking about --

MR. MACMANN: Because it's 15 feet away, 20 feet away? It's not far.

MR. KELLEY: Uh-huh.

MR. MACMANN: And I -- you know, I'm all for it. It's a great thing in likes of the area redone. I'm just concerned about, number one, people parking on that. I actually drove on that today, and I've driven on it before because I'm like -- because it didn't -- it has been repaved or concreted, if you will in the last few years, and before it wasn't really drivable, and now it is drivable. So I'm just worrying about vehicles coming up and down that lane and are we safe enough. Will the patrons be safe enough for the railroad if the railroad comes back in use, because right now we're on a, like, a policy moratorium. We're not using the railroad because it's not workable upstream so to speak, but that doesn't mean it's -- I mean, the railroad works, it was functional. And do we know how we would make that analysis if the railroad did again become functional?

MR. KELLEY: Yeah. I think my main concern would then be pedestrians crossing the COLT Railroad there along Fay, people walking across that if that were an active rail line; I think that would be my main concern. One other thing that I noted was the -- on the City's CIP list, it does show the COLT Railroad Trail proposed phase of this roughly 2030, I think is what I saw, so I was balancing --

MR. MACMANN: That is unfunded, though. That's a conceptual --

MR. KELLEY: Yeah.

MR. MACMANN: Yeah. Okay. I appreciate bouncing this off you because there were some unanswered questions that I have. Thank you very much. Thank you, Madam Chair.

MS. GEUEA JONES: Thank you. Anyone else, questions for staff? Sorry. Commissioner Stanton?

MR. STANTON: Madam Chair, I'll go after you.

MS. GEUEA JONES: Oh, thank you. Yeah. I -- I guess my question is similar to Commissioner Burns. If they were to start using the green space as outdoor, you know, recreation, whether it's through the tasting room or retail sampling or something of that nature, that's going to drive a lot more traffic, as well. Will that go into the calculation or I'm assuming they're not prohibited from doing that with that green space?

MR. KELLEY: Correct. I don't think that would factor in to my knowledge.

MS. GEUEA JONES: Okay.

MR. KELLEY: With just yard -- yard space.

MS. GEUEA JONES: Okay. My other question is it looks to me that the other lots that people might illegally park in are Columbia College lots around there or other business lots. There aren't any City owned lots or public parking lots around there. They're all private. Correct?

MR. KELLEY: Correct. There is on -- the only public parking that would be available or that I would be aware of is the street parking on Fay Street.

MS. GEUEA JONES: Thank you very much. Commissioner Stanton?

MR. STANTON: I don't want to beat a dead horse, but I've had recent experience with the railroad and they're tough customers. I don't -- so I guess my worry, my thing is who's going to bite the bullet and who's responsible for that railroad even being dead or alive, and if it's alive, who's responsible for the safety measures that I know all railroads have along their rails? That -- was that put into your -- was that put into your formula, or were you -- are you just that confident enough to know that COLT is dead forever and, whether they'll look around for them -- you know --

MR. KELLEY: Not necessarily. Public Works has made traffic engineering decisions based on the understanding that the COLT Railroad is not active right now, and I was largely leaning on that.

MR. STANTON: Okay.

MR. ZENNER: I think what we have to keep in mind here is if it is a COLT Railroad service road and the property line for this particular building is at that service road boundary, this, in essence, is what would normally be addressed through a right-of-use permit for them to be able to access that access road to access their rear parking. If we are required to provide safety measures and we choose to fence along our property line or where our rights of ownership end, that is our choice, and at that point, accommodation may need to be given for the existing access that is here in order to do that, or the operator is going to have to relocate how they get to the rear of their building to access their parking. Right now, the analysis has been done based upon how the operational characteristics are of the existing rail line based upon the additional support and documentation that's been provided by the City's traffic engineer. So, I mean, the -- the scenarios that are being asked here, if we included that or something that really wasn't included generally, this is an existing condition. This is how this building accesses its rear parking, and that will either have to be addressed at a later date through some other fashion that the City has, or it's going to

continue to access as it does today.

MR. STANTON: So this service road is used at the pleasure of COLT at this time, basically?

MR. ZENNER: That would probably be, and those that -- the service road is actually probably being used by the adjoining businesses at the leisure of COLT --

MR. STANTON: Yes.

MR. ZENNER: -- not COLT is using the road at their leisure. They own it, they're not enforcing limiting people from using it. It is a means of access to these existing structures.

MS. GEUEA JONES: Anyone else, questions for staff? Seeing none. We will open the floor to public comment.

PUBLIC HEARING OPENED

MS. GEUEA JONES: Are there any members -- please come forward. Speak directly into the microphone. Give us your name and address for the record. We give six minutes to groups, three minutes to individuals. Welcome.

MS. LAMAR: Good evening. My name is Phebe Lamar; I have offices at 111 South Ninth Street. I'm here this evening on behalf of the Arcade District, LLC, which owns the property at 700 Fay Street south of Wilkes, as well as Isham's Ordinary, LLC, which is the owner and operator of the Six-Mile Ordinary Distillery that is currently located in that building. As staff has mentioned, some of the distillery operations have been relocated because Six Mile Ordinary has outgrown the facility on Fay Street. As a result, the desire is to convert part of the space in this building, not the whole space, into a tasting room, and include education regarding the distillation process, as well. The property is zoned IG, which means that although the distillery functions are permitted as of right, the tasting room requires a conditional use permit. There are several criteria for determining whether a conditional use permit may be granted. I'm going to go through all of them. First, does the proposed use comply with all standards and provisions in the ordinances for the zoning district. As staff pointed out in its report, the proposed tasting room use is common in conjunction with this type of distillery. I've been to some of them myself in a number of other towns, which is appropriately located here. The building complies with all zoning requirements and the necessary amount of parking is provided. Secondly, is this use consistent with the comprehensive plan? In a word, yes. This promotes infill development and a small scale entrepreneur with retail and service components in a walkable environment. Will the use be in conformance with the character of the adjacent area in the same zoning district? Also yes. The area is in the process of transitioning to an entertainment and recreation district. The use is consistent with the recent development in the area such as the mixed-use building across the street, Logboat Brewery down the street, et cetera. Is adequate access provided and does the design prevent traffic hazards and minimize traffic congestion? The issue was the one that we addressed most in detail in regard to this plan. Staff expressed concerns with pedestrian access and a visit to the site suggests that while it's uncertain whether this would actually be an issue, the owner of this property, who also owns other properties in the areas, as well, is willing to address

it in the fashion requested by City staff. Specifically, he will construct an ADA compliant sidewalk on the portion of the property that does not require relocation of utilities and will provide a crosswalk in a location to be determined by City traffic. The Arcade District is, of course, willing to make these improvements to the public infrastructure in order to advance the safety and well-being of pedestrians and other visitors in the area. Also, given the number of vehicles that are frequently left parking on Fay Street, which includes a number that are damaged or otherwise unattended, we would like to start a conversation about how to address that issue going forward, whether that be by metered parking or in some other fashion. The next criteria is whether there's sufficient infrastructure and services to support the proposed use.

Unequivocally, yes. The site is served by all utilities with sufficient capacity for the proposed use, in addition to the current use. Finally, will there be any significant adverse impacts to surrounding properties from allowing the tasting room? The answer is no. There's sufficient parking and the requirements imposed by City staff will actually improve pedestrian access in the area, so there will be absolutely no adverse impact. Given all these considerations, as well as analysis of the surrounding uses, which includes Beat Box just south and across the railroad, Logboat Brewery, a little further south, the Mule Barn south of that, and Columbia College right across the street from the property, permitting the proposed tasting room in this location is a reasonable proposal. I'm happy to answer any questions.

MS. GEUEA JONES: Thank you very much. Are there any questions for this speaker?
Commissioner MacMann, and then Commissioner Burns.

MR. MACMANN: Thank you, Madam Chair. Good evening, Attorney Lamar. How are you?

MS. LAMAR: Good evening. Good.

MR. MACMANN: I'm -- I'm totally for this. I think it's a great idea. And I'm just -- some of the questions -- I'm sure you followed us. We were discussing this up here. That's currently City property, and there doesn't appear to be an easement right-of-way situation. And I'm sure one could be worked out. I just -- I would be -- love to have a business open and their primary access to their thing is through someone else's property, and that's not resolved. A couple of things. I would -- I don't know about the other Commissioners, but I don't view my approval to be predicated on that particular thing, but I do think it needs to be resolved. As far as your generalized request about parking on Fay, there's a concept in planning called coming to the hazard, and in that the businesses up the street who use Fay for parking of their vehicles. And I appreciate, as Mr. Campbell is developing this property, there will be greater need for public parking right now, but I think maybe that's a joint discussion to be had with those property owners first, and maybe everybody coming to the City. With that said, I think this is a great concept. I was by there today. Looks great. I've known two previous occupants of the building. It's fantastic now. You wouldn't recognize it. I thought it needed a bulldozer before, and he has done -- he really has done one thing, because it did -- it did need a bulldozer. So, like I said, I -- I take it back to Mr. Campbell, they could figure out -- I think it's in your all's interest to figure out access on that because it's -- I don't know. I'm assuming COLT paid for that alley, lane, road, service, whatever it is, because it used to be kind of a

ditch with gravel in it. But other than that, I wish you luck. Thank you, Madam Chair.

MS. LAMAR: Just to respond briefly. There is access to the property from Fay Street, also. It's not ideal necessarily, but there is access.

MR. MACMANN: I missed -- on that far side. Yeah.

MS. LAMAR: Yeah. It's -- it's going to be an issue at some point if they close that road.

MR. MACMANN: I would think an agreement could be had, but that's between you and the City --

MS. LAMAR: I suspect that there can be.

MR. MACMANN: -- the City and COLT.

MS. LAMAR: Generally, people are willing to cooperate at that point.

MS. GEUEA JONES: Thank you. Commissioner Burns?

MS. BURNS: Thank you. I'm still trying to figure out the use and capacity for the tasting room. In the application, it -- it's a conditional use permit to allow a bar within an existing --

MS. LAMAR: That's -- so the -- the way that the ordinance is -- is written, the only category, per se, that is listed in the ordinance that they can fit a tasting room into is a bar. So that's what -- that's what it got categorized as.

MS. BURNS: Will drinks be sold by the glass?

MS. LAMAR: I believe they will be. And then there will also be occasions where it'll be a tasting that you do in conjunction with a tour and that sort of thing. It'll be both ways.

MS. BURNS: I'm still just getting back to the parking and, again, the use and capacity. If you have a lot of people who are enjoying tasting or buying a drink, parking could be at a premium.

MS. LAMAR: It's possible, but we've met the requirements of the ordinance, and at the end of the day, there is also quite a bit of street parking in that area, et cetera. I mean, frankly, part of the City of Columbia's approach to things has been to say we want to minimize parking. We want people to walk. This is a perfect opportunity to implement that.

MS. BURNS: Thank you.

MS. GEUEA JONES: Any other questions for this speaker? I have some questions building on what Commissioner Burns was saying. My concern is that people will, in fact, walk, and will end up parking not in your lot, they will find other parking. People are very resourceful. And while we believe the COLT Railroad is done and shut down, someone walking from one bar, such as the Arcade, across a railroad track to another bar, could end up very seriously injured even if there are no trains because the track is not safe to walk on because it's not built to be walked on. So, I mean, I guess my -- my questions for you -- I'm just stating that's my concern. My question for you is, is this, in fact, a tasting room, or is this, in fact, an open-to-the-public bar?

MS. LAMAR: I believe it's going to be both. And at the end of the day, we've already gone down the pathway you're describing with the building directly across the street from this one, which was built based on pedestrian standards. So we've got this issue whether this particular conditional use permit is

granted or not.

MS. GEUEA JONES: No, I don't think that's true, because, right now, everything is on the same side of the railroad tracks.

MS. LAMAR: If you -- if you look at --

MS. GEUEA JONES: And you are asking -- like, you are creating an attraction on the opposite side of the railroad tracks.

MS. LAMAR: Okay. So 709 Fay Street --

MS. GEUEA JONES: Uh-huh.

MS. LAMAR: -- is on the same side of the railroad as what you're talking about, and is, in fact, built to pedestrian standards. It's an M-N use built to pedestrian standards. So what you're describing is an issue whether you grant this conditional use permit or not.

MS. GEUEA JONES: I don't think you're understanding my issue, but that's okay. So you haven't thought about the liability and where it would fall and how that would be divided between you and the COLT Railroad?

MS. LAMAR: So the COLT Railroad is going to have liability if they hit somebody in their -- in their --

MS. GEUEA JONES: I'm not talking about hitting. I think we're pretty sure that there aren't trains traveling regularly. I'm talking about your traversing a railroad that is an area of ground that is owned as a railroad track that is not being maintained.

MS. LAMAR: Okay. This question I'm completely lost by.

MS. GEUEA JONES: It's okay. Don't worry about it. My -- my concern is, yes, we like to minimize parking. Yes, you have the amount of parking for the 900 square feet. You also have a massive green space. You also have a large retail space, and you also have a large space where you'll be doing demonstrations, all of which you could have people in. So it's not so much that I'm worried about people who are coming just to the bar, I'm worried that there are a lot more people than that 900 square feet will hold. They will find parking elsewhere, and we will end up having regular injuries in that area. But if you are right, you are doing the minimum, so thank you. Any other questions for this speaker?

MS. LAMAR: Can I -- can I respond to that for just a moment?

MS. GEUEA JONES: Sure.

MS. LAMAR: So not only are we doing what is required, but we're doing everything that we can possibly do on that site. So at the end of the day, if we want to encourage infill, which is absolutely in the comprehensive plan, and is absolutely one of the things that City Council and everybody else that I've ever spoken to who is associated with the City says that we want to do, part of doing infill is using the space that's available. So I -- I see your point, although with regard to 709 Fay Street, I'm pretty sure I understood your questions, and I'm -- and I'm right. But at the end of the day, we are supposed to encourage infill and this is how you do it.

MS. GEUEA JONES: My concern isn't your proposal. My concern is you've got a lot of extra space there, and there is an incentive for you to use it, and you will need way more parking than you have, and 709 has its own lot. But, again, that's okay.

MS. LAMAR: No, it doesn't. That's a lot associated with the City. I promise you 709 Fay Street was built to pedestrian standards.

MS. GEUEA JONES: Okay. Any other questions for this speaker? No. Thank you very much.

MS. LAMAR: Sure.

MS. GEUEA JONES: Is there anyone else here to speak on this case from the public? Seeing none.

PUBLIC HEARING CLOSED

MS. GEUEA JONES: Commissioner comments? Commissioner MacMann?

MR. MACMANN: A couple of things, pro and con and informative. They do have that side yard which they convert to parking. I might be and we might all be more comfortable in the future if, you know, you are, too, for a period of time, the need for parking and safety was readdressed, because these are not resolved issues. Regarding the railroad crossing, some of you may remember -- Anthony probably does -- this -- the railroad crossing spent a lot of time under water with stormwater, sewage, a variety of things, and the City spent a significant amount of money -- I'm not sure what that was -- a significant amount of money to change the drainage there and increase that crossing -- and improve that crossing for driving and pedestrian use. While I must admit I have never walked across that railroad while intoxicated, I do not have -- have not had an issue of it because the concrete comes pretty close up to the tracks. I'm more concerned with the unknown future and nature of COLT, and the need for additional parking, et cetera, et cetera. I mean, this place -- I mean, I looked at it today. They're -- they're close to being ready. If we approve them, they're going to be open in just a couple of months. They're, you know, putting stuff in there right now. And I don't know, and that's a little -- I know we have Commissioner -- or Manager Zenner, this is a question, I think, for you. I know we have a lot of flexibility on conditional use permits, and I think what you're hearing up here is that we think this is a great idea, but we're worried about what if it gets popular. Can we make condition of revisiting some of these issues that we have by City personnel at some point in the future? Can we do that?

MS. GEUEA JONES: Is that a legal counsel question?

MR. MACMANN: It might -- and I don't -- whoever -- whomsoever has to answer that question.

MS. THOMPSON: Say that again, Mr. MacMann.

MR. MACMANN: Well, as it stands right now, the given traffic uses and pedestrian uses and their proposed uses, I think they're fine. Were it to grow, the vehicular access to the parking lots is not truly resolved, and there may be safety issues in the future, particularly if this space expands, and I can tell you they can expand into what's called the retail space very easily. Can we put a condition upon this for health and safety, or something like that, to revisit some of these pedestrian and automobile issues? I've

never done that, but you're hearing the concern up here. Right?

MS. THOMPSON: And, again, what -- what would trigger that reconsideration or what did you have in mind? Is that if the use changes?

MR. MACMANN: I was just thinking it -- off the top of my head -- a period of time to review these things again in the future?

MS. THOMPSON: I think Mr. Zenner can probably speak to this from a practical standpoint the difficulties that that could bring up. Now if there was something that were to trigger that reevaluation, like a change in use, I think that is something that can be facilitated. But just a time-based reevaluation, I think, presents some practical difficulties.

MR. MACMANN: All right. Well, I'm open to ideas here, folks. I really -- because I hear your concerns. I'm for this. I think it's great. I'd like to see the place developed, but we have our concerns.

MS. GEUEA JONES: Any other Commissioner comments? Commissioner Stanton?

MR. STANTON: I had a warm, fuzzy feeling about this project when I got here, and I do have concerns with the railroad. It has met all the requirements. I'm inclined to support it and let the chips fall where they may, because if he's willing to put the sidewalks in, that's cool. If COLT comes in and says they need access to their road, that's their problem. If someone gets hurt on that railroad, that's litigation, their problem. So let's -- let's play ball. Let's just go ahead and do what they want. I'm in full support of it. Let's the chips fall where they may. They've done everything they need to do. The City isn't making a clear definition of, you know, any safety regulations or anything with that railroad. I've been dealing with Jeff City, and I -- the railroad is serious business. It's the second government in this country. They're going to do whatever they want, and they're going to make you do it. If they would have -- if this railroad were to come back alive, no one here is going to run over the railroad, period. So, hey, let's just follow where they go and good luck.

MS. GEUEA JONES: Any other Commissioner comment? Commissioner Carroll?

MS. CARROLL: I rather like this proposal. Concerns notwithstanding, I -- I do support this. I see the issues. I -- I agree with Commissioner Stanton. You know that's going to be the responsibility of the distillery, if that comes to pass, but I think that they've done well to meet the requirements that we have, and I'm okay with this.

MS. GEUEA JONES: Anyone -- Commissioner Placier?

MS. PLACIER: Yeah. I've been puzzling over the comments. And really like the proposal, just wish they were more oriented toward the Fay Street side and not so reliant on the COLT road or whatever we're calling that. It's not even an official road. Because on the Fay Street side, there is a possibility for parking that doesn't depend on that road. I know they probably don't want to sacrifice the yard, but Fay Street is a better bet to me. Just a comment. I suppose it's too late for that.

MS. GEUEA JONES: Anyone else? So here is my thought. I think it's probably fine as described. I think the temptation to expand and serve more people at any one time is too large. So I

would propose that we make one of the conditions of the conditional use permit that they cannot use the green space as dining or bar space, no seating in the green space. I think that will do two things. One, it means that we're not going to have a second Logboat, which I think is a good model. I just feel like this isn't the right spot for that kind of model. We know at Logboat, we have massive problems with parking and people parking all over the place and walking in. We'll have that here, as well, which, again, that's not what they're asking for, but that's what it is. I also think that we should say -- or maybe the way to say it is there will be no seating for the bar outside of that 900 square feet, or something to that effect, to try to keep them from expanding and getting away with the 12 parking spaces when what they've actually got is 2,700 square feet of interior bar space if you include the retail and the bar, plus everything on the outside. Commissioner Burns?

MS. BURNS: I appreciate your thought there, Commissioner Geuea Jones. I -- I'm -- I wouldn't want to restrict them in that way. I do believe what Commissioner Stanton said is the best way to go. Let the chips fall where they may. If we're having occupancy problems, if we're having parking problems, I don't want anyone to get hurt, but I think we're trying to create solutions for problems that haven't occurred just yet. So I'm inclined to support this, and I just hope that the applicant will take back what we said and -- and consider some of the concerns and, if possible, address them.

MS. GEUEA JONES: Anyone else before we go back to Commissioner -- Commissioner Carroll for a second bite?

MR. STANTON: My fellow Commissioner has something else to say.

MS. GEUEA JONES: Go ahead, Commissioner Carroll.

MS. CARROLL: I would just say that I don't -- I do consider this to be far enough away from Logboat to not exacerbate the issue of parking too much. I agree with chips fall where they may. I notice that this yard gets used quite a bit during other City events. I hate to limit that. I think it's a community amenity and I'm personally glad that they're not putting parking there. Part of pedestrian oriented is keeping community amenities like that available. That's my second bite.

MS. GEUEA JONES: Anyone else? Commissioner Zenner -- or Commissioner Zenner. I keep doing that. I am tired today.

MR. ZENNER: It's all right.

MS. GEUEA JONES: Mr. Zenner?

MR. ZENNER: At some point, I may reach that stature. I think as -- as it's been discussed, the parking is the principal concern here, and I think what you -- the way that parking is addressed and the increase in the total need of parking is based upon the physical improvement of that space. Green space does not equate to parking. And if there was a modification to put in patio space, similar to what we have done at Logboat, all of that starts to get calculated into required parking demand, and that is a reasonable trigger at that point by which that's when we start making additional assessments. Parking impact along Fay, as well as in this particular neighborhood, is going to be driven more so through complaints to the City

of Columbia and potential inspection by emergency response service to ensure that the pathways are clear for those types of needs. And so if, as Logboat has become extremely popular during the summer months, it creates significant impacts in particular area, there are safety concerns that arise that are addressed, and I think that that's the way to potentially look at this as this may become a popular location in combination with the other elements in this particular area, the City is going to have to take steps by which to ensure that those that are partaking of the businesses here are safe. The sidewalk crossing over the COLT Railroad may be one of those issues. We have to be cognizant of the potential liability that crossing over our property creates with patrons to this area. And so I think time will tell how we make those improvements, how we address the -- the unknowns at this point with this business expansion and its inclusion. Last point, the total parking on this particular proposal is based on all spaces added together. So those 12 parking spaces is based on not only the two spaces required for the manufacturing, the 100 -- the one space per 150 in the bar, and then one per 300 in the retail. Any adjustments with that, when you start to move walls and start to move how those areas are used, all generally are processed through a building permitting process. It's not ideal, it's not exact, but what I can tell you is, as well, the fire marshal will establish occupancy limits associated with what's inside the building. And so based on what's shown here, there is an occupancy limitation that's going to be established. The bar --you may take drinks out of the bar, and out of the tasting room, while you're waiting for a tour, into the retail space. Again, that all I think is just part of the ebb and the flow of this particular location. I think we will have to be monitoring it in a tangential way, and to try to apply conditions potentially here that are more vague that we have to then take some effective action, such as not utilizing more space for bar purposes, that's almost impossible for us, from an administrative perspective, to enforce. And I would strongly caution possibly not going down that path creating a standard or a condition such as that. Thank you.

MS. GEUEA JONES: Thank you. If no one else has anything, Commissioner Stanton?

MR. STANTON: Let the chips fall. As it relates to Case 66-2023, 700 Fay Street, Six Mile Ordinary conditional use permit, I move to approve for the CUP for a bar and nightclub use as required on the approximately 0.5 acre lot commonly addressed as 700 Fay Street subject to ADA compliant sidewalk, striped crosswalk, appropriate signage are constructed by the owner at the location on Fay Street that will not require utility relocation and accessible to City -- acceptable to City traffic engineer.

MR. MACMANN: Second.

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

Roll Call Vote (Voting "yes" is to recommend approval.) Voting Yes: Ms. Burns, Mr. MacMann, Ms. Carroll, Ms. Placier, Ms. Kimbell, Ms. Wilson, Ms. Loe, Mr. Stanton. Voting No: Ms. Geuea Jones. Motion carries 8-0.

MS. CARROLL: We have eight yes, and one no. The motion carries.

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

Case Number 69-2023

A request by Crockett Engineering Consultants (agent), on behalf of P1316, LLC (owner), for approval of a major amendment to the existing *Discovery Professional Offices PD Plan* to permit a four-story hotel and subdivision of the property into two lots. The new PD Plan would be known as the *Discovery Hotel PD Plan*. The site is currently split-zoned between PD (Planned Development) and M-C (Mixed Use-Corridor) zoning. This request includes rezoning the M-C portion (2.79 acres) to PD so that the whole site will be zoned PD. The approximately 4.09-acre property is located on the east side of Nocona Parkway, west of Ponderosa Street, approximately 500 feet south of the intersection of Ponderosa and Nocona, and includes the address 4510 Nocona Parkway.

MS. GEUEA JONES: Before we hear a staff report, are there any members of the Commission that wish to recuse themselves on this case? Commissioner Stanton?

MR. STANTON: May I be recused, Madam Chair?

MS. GEUEA JONES: You are excused.

MR. STANTON: All righty.

MS. GEUEA JONES: And may we please have a staff report when you are ready?

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

1. Approval of the rezoning of property from M-C to PD.
2. Approval of the major amendment in the PD Plan for Discovery Hotel PD Plan.

MS. GEUEA JONES: Thank you. Before we go to questions for Staff, if any of my fellow Commissioners have had any outside contact with parties or other interested groups, please disclose that now so that we can all benefit from the same information. Seeing none. Questions for staff? Commissioner Placier?

MS. PLACIER: Yeah. I -- my question actually is about what is possible now on Lot 2. I assume that the 65-foot height is going to apply there, but are there any other limitations?

MR. SMITH: Currently, or if they got the rezoning?

MS. PLACIER: If they got the rezoning.

MR. SMITH: If they got the rezoning So it would be subject to the same statement of intent here, so they would have the same use restrictions there, and they would be restricted to 65 as opposed to the 100-foot height limit that they have now. They would be still subject to all the same overall green space and impervious surface conditions that are throughout the entire Discovery Park Subdivision -- or development, excuse me.

MS. GEUEA JONES: Any other -- Commissioner MacMann?

MR. MACMANN: Thank you, Madam Chair. Just a -- I guess a comment for Manager Zenner.

This doesn't affect this property. The 45 percent EIFS, I've been doing construction since EIFS came in, the current form of EIFS and the others. I would really go for a lower percentage because they -- their maintenance costs would be less over time, even though they might have to spend more up front on the materials. An EIFS really breaks down, and if we're going for any kind of architectural feature at all, it doesn't present well, so just for future reference. Thank you.

MS. GEUEA JONES: Any other questions for staff? I -- I do have a question, I suppose. The way that this statement of intent is done where they basically said we want every use except the ones we struck through in the permitted use table, that seems odd to me, or is that just my -- I haven't been here for 15 years bit?

MR. SMITH: Well, I mean, we do get a variety of -- of proposals. And so this -- in this case, it is very similar to the way the rest of the Discovery Park was done originally. And so if you look at the Discovery Park, the current statement of intent for all the zoning, most of those are all commercial uses except for a few ones they've eliminated. So this is very consistent with that, and that's generally how we like to try to approach this as if they are amending something within a district, we're going to generally be acceptable if they say we're changing some parameters, but the uses we really want to keep the same as what was there before. And so these uses are generally what was there currently in the PD section.

MS. GEUEA JONES: It's also the first time I've seen a PD plan without a plan.

MR. SMITH: We have -- it is -- it's not unheard of to have one empty lot, so this does allow them to have some development on that site while still having some potential area there, that they would come back and do a major amendment at that point, too, so it would still come back before this Board. The alternative there would have been a technicality kept -- could have kept it as one lot and then it's a one-lot development, they're just not building on all of it. But in this case, it didn't seem necessarily the best route to do that, so we just had them -- they proposed that the two lots set up with the hotel on one and one vacant one that would come back again. And that's -- we've done that in a few locations, I think, but, generally, with the new provisions, you are required to have a development plan come forward. And this does constitute a development plan, so there is a plan on the site, it's just not fully developed at this point.

MS. GEUEA JONES: Fair enough. Any -- oh, sorry.

MR. ZENNER: And just -- just so you're fully informed, what you will see in the future, when we have planned district projects come forward, undeveloped and unfoot-printed of properties are going to become the norm. Developed site plans that put fictitious buildings on them that may or may not be built serves this Commission nor the public any value. It is the design parameters that are far more essential to determine the bulk and mass. And so we are gravitating toward, with a couple of projects we currently have the pipeline, to those models, to where we are not having footprints shown because the developer doesn't know what they want. And the real name of the game here when you do planned development is if you want to inform the public of what the maximum opportunity is on that property -- setbacks, percentage landscaping, impervious cover, all of which are covered within the original 2004 ordinance

which those provisions are coming forward. As Mr. Smith pointed out, the undeveloped piece is going to be subject to that. Now the benefit we have here, you have a plan, a two-lot plan with a lot not even being developed, not shown with anything. That automatically sets the tone that it constitutes a major revision because the plan is a two-lot plan, but you don't have development shown on the second lot. In instances where we will come forward, the entitlement side, which is typically what we take through when we define with the -- with the former process where you have fictitious building footprints, it is going to -- you will identify a lot layout, which is what's more important. People want to know how many lots, and how then are those lots physically going to be controlled -- setbacks, screening, and all the like. Plans that we will see in the future will probably have no building footprints on them, and each individual lot shown in that entitled area will have to come back through each one by themselves when sold. So this is a -- this is a pattern and a shift that we're moving toward. Based on what we have heard over the years that changing footprints really causes a lot of angst in the public and really doesn't serve a whole lot of value up front. So, hence, we'll be back with -- we'll be back with a plan on Lot 2, and it will probably be somewhat similar to what you see on Lot 1.

MS. GEUEA JONES: Well, I will wait until we get to Commissioner comment to say what I think about all that. Any other questions for staff? Seeing none.

PUBLIC HEARING OPENED

MS. GEUEA JONES: Are there any members of the public who would like to come forward and speak, please do. Get as close to the microphone as you feel comfortable. Name, address, you know the drill.

MR. STEPHENS: Yeah. I'm Jesse Stephens; Crockett Engineer, 1000 West Nifong. And I do have a PowerPoint here. I don't know --

MR. ZENNER: They'll turn it on the back.

MR. STEPHENS: Okay.

MR. ZENNER: Unless you -- did you preload it?

MR. STEPHENS: It's pulled up here on the -- on the laptop.

MR. ZENNER: There it goes.

MR. STEPHENS: Okay. All right. Thank you all for letting me come up and speak. So I'm with Crockett Engineering. We're representing P1316, LLC, which is the applicant, and we're calling this Discovery Hotel. So -- so I think Clint did a pretty good job of kind of explaining all this. But just so you know, the site is located adjacent to Park Restaurant and the Townplace Suite Marriott. Our site is basically south -- to the southeast of that fronting Highway 63. The desire for the location is kind of a synergy between the two hotels and Park Restaurant, and that's basically the decision-making factor on why we wanted here. So two tracts, they're both approximately two acres in size. The Lot 1 request is for a four-story hotel, which is the model that the franchise would be is a true hotel, which is a Hilton brand. Lot 2, you -- as Clint pointed out, there will be a future PD plan that will address that. There's been a lot of

discussion about what that might be but hoping to be something that synergistic with this hotel-restaurant concept. So here's the overview of it. As Clint said, we're dealing with some pretty -- the thought process on the tract and zoning split lines didn't really hold out true with the road pattern, so we just deal with that as we come into it. We -- we thought it was more appropriate to go all PD than try to stick with the M-C due to the -- due to the height restrictions. The pattern will flow all the way around the parking on all sides of the building. And this connector thread, it will be a private connector thread that connects between the round-about and Ponderosa. So the elevation, just one thing I'll point out. The actual picture that you see up there is the St. Charles Tru Hotel. Caveat, that is actually a five-story hotel. We are not -- what we're proposing is not five-story, but four-story. But that's the closest thing to this area that's been built. That's -- that's the look in the -- of what you're -- what we're proposing so -- there's a little bit bigger picture of it, so something that looks nice and attractive. The developer has been committed to brick stone materials out in that area, just due to the simple fact that not -- these are not final designs, and there is some franchise agreements that there needs to be a little bit of flexibility for building materials, although I highly suspect you're going to see a lot more brick and stone and durable materials than the minimum, so -- and with that, I'll be happy to answer any questions.

MS. GEUEA JONES: Thank you. Are there any questions for this speaker? Commissioner Carroll?

MS. CARROLL: Will this hotel have conference rooms?

MR. STEPHENS: Interesting -- there will be probably a small -- I guess, part of the franchise agreement, it was required to have some meeting space in there. But actually part of the concepts that have been floating around for this Lot 2 is something of that nature, more of a something that would pull from both hotels, more of a conference-type area. So that -- nothing is final there, but that's been discussed.

MS. GEUEA JONES: Anyone else? Seeing none. Thank you very much. Anyone else wish to speak on this case tonight? Seeing none.

PUBLIC HEARING CLOSED

MS. GEUEA JONES: Commissioner comments? Seeing none. Commissioner MacMann?

MR. MACMANN: Quick question for legal. Ms. Thompson, we want two motions here?

MS. THOMPSON: That's correct.

MR. MACMANN: And do you want the zoning first and then the amendment?

MS. THOMPSON: I think that would be most appropriate, yes.

MR. MACMANN: Thank you. In the matter -- oops. In the matter of Case 69-2023, approval of the rezoning of the property from M-C to PD, I move to approve.

MS. KIMBELL: Second it.

MS. GEUEA JONES: Seconded -- or moved by Commissioner MacMann; seconded by Commissioner Kimbell. Any discussion on the motion? Seeing none. Commissioner Carroll, may we

have a roll call.

Roll Call Vote (Voting "yes" is to recommend approval.) Voting Yes: Ms. Burns, Mr. MacMann, Ms. Carroll, Ms. Geuea Jones, Ms. Placier, Ms. Kimbell, Ms. Wilson, Ms. Loe. Motion carries 8-0.

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

MS. GEUEA JONES: Thank you, that recommendation will be forwarded to City Council. Are there any other motions on this case? Commissioner MacMann?

MR. MACMANN: Thank you, Madam Chair. In the matter of 69-2023, approval of the major amendment to the PD Plan for Discovery Hotel as laid out in the staff notes, the Discovery Hotel PD Plan, I move to approve.

MS. KIMBELL: I'll second it.

MS. GEUEA JONES: Moved by Commissioner MacMann; seconded by Commissioner Kimbell. Is there any Commission discussion on the motion? Seeing -- sorry. Commissioner Carroll, go ahead.

MS. CARROLL: I'll make a brief comment on this one.

MS. GEUEA JONES: Love to.

MS. CARROLL: I've been critical of these in the past with PD Plan amendments and contribution to urban sprawl. I do see that we have quite a bit out there now. I do see that this appears to support the neighboring uses, and the neighbor -- the surrounding uses across 63. I think that may work out to benefit what is currently there.

MS. GEUEA JONES: Anyone else? Seeing none. Commissioner Carroll, may we have a roll call.

Roll Call Vote (Voting "yes" is to recommend approval.) Voting Yes: Ms. Burns, Mr. MacMann, Ms. Carroll, Ms. Geuea Jones, Ms. Placier, Ms. Kimbell, Ms. Wilson, Ms. Loe. Motion carries 8-0.

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

MS. GEUEA JONES: Thank you. That recommendation will be forwarded to City Council. That ends our scheduled cases for the night.

VI. PUBLIC COMMENTS

MS. GEUEA JONES: Are there any public comments of a general nature for the Planning and Zoning Commission? Seeing none.

VII. STAFF COMMENTS

MS. GEUEA JONES: Mr. Zenner, may we please have your staff comments?

MR. ZENNER: You said staff comments. I'm sorry; I'm behind. I'm sorry about that.

MS. GEUEA JONES: Sure. That's you.

MR. ZENNER: It's me. To heads up. Yes. You have a meeting on February 23rd. I'm getting ready and girded for your -- your assault on me later.

MS. GEUEA JONES: I won't assault you.

MR. ZENNER: We have a meeting on the 23rd. It will be a work session at 5:30 in our 1A-1B conference room. Again, I don't know what we'll be discussing, but I'll think up of something. And then we have a couple of items on the agenda at 7:00 p.m. here in this chamber, and it will actually only be one real item, and then we will be having, as we were informed earlier today, that cases 49-23 and 50-23 will be seeing an additional extended tabling due to issues that have arisen with MoDOT and plan redesign considerations at the interchange of New Haven and 63, which are facilitating or necessitating the delay. We don't know the time frame on that yet, but we will have that for you for the 23rd's meeting. So the principal topic on the 23rd will be the drive-through facility remand that came back from Council. As we have previously discussed, staff has sent out a survey to a whole gaggle of individuals, approximately 400-plus comments have been received to date. They are being -- or will be being evaluated. Those comments in whole will be provided to you at the Commission hearing. We will have them downloaded. The actual comment period will end on February 23rd to ensure people have the maximum amount of time to solicit or to provide their comments. We, however, for purposes of preparing our staff report, will actually poll the commentary starting Wednesday of next week, so if there are folks listening that would like to comment and have those comments considered as part of the staff analysis of public comment, please have them to us by Wednesday, the 15th. But once they are all produced, we will also be providing a full transcript of those comments to Council for their consideration with whatever action the Commission takes. And at this point, as I previously indicated, there are possibly two routes; a recommendation reconfirmation from the Commission's original recommendation on this amendment, or a potential request for additional time to evaluate the amendment based on public comments and our summary of them to you. As we have indicated also previously, Council is expecting a response from the Commission for their March 6th meeting. The deadline for that meeting's reports are actually the 23rd of February, your meeting date. We will be submitting the report late and have already made arrangements for that. So the report may be one of two reports. It may be a report of recommendation or a report requesting additional time. We will deal with that on the fly based on your conclusion at the end of the public hearing. But it will be a brand-new public hearing that has been advertised, so I guess be prepared possibly for comments if we've got 400 people comment on it. These are the projects at the New Haven-63 interchange. We've seen these previously, and as I indicated, it is likely that these will get a request for an extended tabling. The request for tabling will be their second and therefore, it will be probably longer than what we normally are accustomed to. There will be required readvertising specifically for the rezoning request because it will be more than two months from the date of original public hearing, and we will deal with that from an administrative perspective. Those are your cases for the 23rd of February's meeting. What I can tell you is the volume is going to start to increase. I have about seven items that sat on my -- that have come in over the last couple of applications, and I believe our meeting -- our first meeting in -- or second meeting in March will be a relatively large meeting, about six, seven items, so be prepared. With that, that is all I

have to offer for this evening, and I will turn it over to the Commission comments.

MS. GEUEA JONES: Coffee, sir. Coffee.

MR. ZENNER: Yes. Coffee.

MS. GEUEA JONES: Real coffee.

MR. ZENNER: The high-octane stuff; is that what you want?

MS. GEUEA JONES: Yes. Commissioner MacMann?

VIII. COMMISSIONER COMMENTS

MR. MACMANN: Thank you, before you took a bite out of Mr. Zenner. No. I would like -- I just wanted to comment that I thought the philosophical big nature of the discussion that we had in the work session was very helpful. It set the groundwork, and I wanted to thank Commissioner Loe for all the legwork that she's done for quite some time, because I've -- I've actually helped her on this, and that was two houses ago for me. I now remember that, and that was really good. And thank you for still taking that conversation, Manager Zenner.

MS. GEUEA JONES: You're here. Anyone else? Okay. So here's what I will say. I am often frustrated that we have green fill, green land, green whatever plan development where the only reason for a plan development is they don't like the straight zoning options. It's not to fix a specific problem, it's not to have mixed zoning, it's not to, you know, create something creative. It's just 80 acres of we want to do it our way and we don't like your zoning options. The stuff out at Discovery is legacy, I guess we can say. It's been here forever. We're going to have to finish dealing that. But if planned development starts coming to us with just a we're using plan development instead of straight zoning. We have no plan. We have no idea. We're doing this and we're selling it as planned development, I'm not going to be particularly in favor of doing that unless it's to fix a problem. We worked very -- well, I didn't because I wasn't here, but some of these folks worked very hard to adopt a UDC that gives people options. We worked very hard to change that over the years to give people more options. Doing planned development because you don't want to follow the rules is not what planned development is for. That is all I will say. Thank you. Commissioner MacMann?

MR. MACMANN: To rejoin what you just said, a couple of things. One of the things and the other of us old-timers here will remember this. One of the things we did discuss was speculative zoning, zoning that sat and we knew it was going to sit for more than a few years. I would appreciate the development community going in a certain direction with the PD because if they have, theoretically, something open, that property is worth a lot more rather than it's just M-C or it's M-N, or it's R1. I get it, but it is an issue and I will support you in that. And to -- and to Manager Zenner's point, and it's hard for me to remember this because I get bought into it, too. We see speculative plans on these PDs or something of that nature. They're not obligated to tell us the truth. They're not obligated to follow that plan, and we get attached to it in some way, and then when it changes, everyone gets upset. So with that, I'm done with my running commentary. Thank you, Madam Chair.

MS. GEUEA JONES: Commissioner Stanton, and then Commissioner Loe.

MR. STANTON: In celebration of Black History Month, we sit on the ground that used to be the classic African-American neighborhood here in Columbia, Missouri. We are a block away from the sharp end, which was the Columbia's Black Wall Street. We're also surrounded by Blind Boone's House, which is the father of Jazz, nation and globally, and is part of the Jazz Highway that stretches across New York all the way to LA. We have it right here in Columbia, so celebrate Black History Month, know your history, and keep you real all the time. Thank you.

MS. GEUEA JONES: Commissioner Loe?

MS. LOE: Commissioner MacMann said what I was going to, which is the speculative zoning. And as a body, we had moved away from that and attempted to really support our new UDC and ask for planned zoning.

MS. GEUEA JONES: Oh, sorry. Commissioner Placier?

MS. PLACIER: Well, we've put people in the position of using contradictory language of saying this is planned, but it's not planned. I mean, that is a sort of Alice in Wonderland kind of situation that I think needs to be remedied if -- if it's not planned, it's not planned.

MS. GEUEA JONES: Commissioner Stanton?

MR. STANTON: Fellow colleagues, all you've got to do is get your eyes sharp and your nose open, and when you smell or see BS, call it out, and we can stop all of that. That -- you know, and that's you're right. You know, all this is marketing, people use key words, affordable, planned, all those little key words. Whenever you hear those things, we need to open our eyes and make sure you're standing on what you're talking about, and if you're not, we'll hold you accountable.

MR. ZENNER: I'll just have the last word because it relates --

MS. GEUEA JONES: I'm just making sure. Do any of the other Commissioners have thoughts? All right. Manager Zenner?

MR. ZENNER: Again, exploring the educational opportunity of what the Code contains and how we approach planned district, when the Code was adopted in 2017, with the standards that are now in place, it specifically indicated that in order to request a planned zone, you had to have a plan, and generally when you have to have a plan, you have to have a user. And so when a plan comes to us with no user, that should be a clear indication that it is speculative. So what we are suggesting that we are proposing to gravitate toward is basically taking projects that are suggesting a planned user on one or multiple lots with any development that has acreage, and identifying those based on what that plan of attack or development is for that specific parcel. But when you have multiple lots, and I will speak to a project that we are processing, Copperstone Commercial, corner of Vawter School Road and Scott Boulevard, seven-lot development, it has a single lot in it that has an end user on it today. Typically, the former process would be show me six other fictitious buildings. We don't want that. We want you to specify the scope of intent of development on each of those six lots and let those users be identified. The

one lot, however, that is what's driving that planned district revision is what is opening up the door for us to consider that it is worthy of planned district designation. If it isn't -- if there is not a user, our staff will not generally support any requests to a planned district. That's why we have our Code the way we have it. It is flexible, and that is -- that is an administrative process. We can't stop an applicant from making an application with no user. It is then left to the Commission and the Council to say this seems wrong. And I would strongly suggest and recommend, as some of you have said this evening, that is the process that you follow when those requests come to you. We can lead a horse to water, but we can't force it to drink, and we have also expressed to those individuals before they reach your dais that planned districts are not generally well supported by staff because of their administrative burden. So we try to avoid them like the plague, but when they are needed because of resolutions of neighborhood concerns, that is the default process that has always been utilized. We had hoped that we can identify where those shortfalls are, develop other standards that can counter that, such as increase landscape protections, lighting restrictions, or other things of that nature so we don't have to default to planned district, but in certain instances, we don't have a choice politically. What we want to try to do, though, is further reduce the unintended consequences of people latching onto a plan that really isn't real. With that, that's all I have to say.

MS. GEUEA JONES: I would say I have always taken a dim view of planned districts that are not solving a real problem, and the more straight zoning, the better.

IX. ADJOURNMENT

MS. GEUEA JONES: With that, would anyone like to make a fun motion that we all leave?

MR. STANTON: Move to adjourn.

MR. MACMANN: Second.

MS. GEUEA JONES: Moved by Commissioner Stanton; seconded by Commissioner MacMann.

Without objection, we are adjourned.

(The meeting adjourned at 8:34 p.m.)

(Off the record.)