

**EXCERPTS**  
**PLANNING AND ZONING COMMISSION MEETING**  
**COLUMBIA CITY HALL COUNCIL CHAMBER**  
**701 EAST BROADWAY, COLUMBIA, MO**  
**JANUARY 7, 2021**

**Case Number 37-2021**

**A request by A Civil Group (agent), on behalf of McNary Properties, LLC (owner), to rezone 5.92 acres from PD (Planned District) to R-1 (One-family Residential). The subject property is located at the southeast terminus of Scarborough Drive and is presently undeveloped. The applicant is seeking to develop the subject acreage into seven single-family lots.**

MS. LOE: May we have a staff report, please?

Staff report was given by Mr. Rusty Palmer of the Planning and Development Department. Staff recommends approval of the requested rezoning from PD to R-1.

MS. LOE: Thank you, Mr. Palmer. Before we move to Commissioner questions, I would like to ask any Commissioner who has had any ex parte prior to this meeting to please share that with the Commission now so all Commissioners have the benefit of the same information related to the case in front of us. Seeing none. Are there any questions for Mr. Palmer? Mr. MacMann?

MR. MACMANN: Thank you, Madam Chair. Mr. Palmer, what's the slope on this property?

MR. PALMER: Obviously, that depends on where you're talking about, but generally, it slopes down towards the center of the site going west -- or east to west and down towards the -- the more wooded area on the west end, but it's -- it's fairly steep.

MR. MACMANN: Do you know the pitch on that?

MR. PALMER: No, I don't. It obviously varies across the site, but --

MR. MACMANN: We have a pitch standard, don't we, for steep slopes here in the city?

MR. PALMER: Yeah.

MR. MACMANN: That's -- Mr. Zenner, you may know. We changed that. Is it 15 or 20? We wanted 15, and I lost that vote. It's 20 now. Right?

MR. ZENNER: Twenty or twenty-five.

MR. MACMANN: With caveats. Correct?

MR. ZENNER: I believe that is correct.

MR. MACMANN: All right. And we don't know what this slope is?

MR. ZENNER: I mean, from a steep slopes perspective, that would be handled more at the aspect of the subdivision infrastructure design perspective to ensure it would be preserved.

MR. MACMANN: I appreciate it's a building-site issue rather than a land-use issue necessarily, but I want to bring that up here because it -- we're dropping, what, 20-plus feet over that, something like that? Let me just -- I will move on and won't belabor this point. I'm concerned about the slope. Thank you, Mr. Palmer.

MS. LOE: Any additional questions for staff? Ms. Rushing?

MS. RUSHING: If you go to the -- the old plat on the -- where, approximately, are these seven lots going

to be?

MR. PALMER: We'll get into that in the next case.

MS. RUSHING: Okay.

MR. PALMER: But, generally, where the loop street is, in place of this and probably more towards this intersection here is the -- the design we have at this point shows a turn-around at that location, and all of those lots are centered off of that turn-around.

MS. RUSHING: Okay.

MS. LOE: Any additional questions for staff? Mr. Palmer, this is perhaps more of a comment than a question, but I found the logic used in this report interesting in conjunction with a case we had the end of last year, which was Case 201-2020 for Northridge PD Plan. And the staff recommended approving that proposal, and the arguments for supporting it included promoting mixed housing options and encouraging integrated residential densification. Tonight we're having a proposal brought before us and staff is encouraging us to support it for reasons including that the plan previously included housing types not permitted in R-1, so we're being encouraged to go away from mixed housing options and go more toward a straight single-family, and that it will decrease density. So I just wanted to point out that I'm finding staff's logic a bit circular, if not inconsistent, and a bit hard to follow, so --

MR. PALMER: I mean, that could be just the difference in staff that prepared the two reports.

MS. LOE: I -- I agree, but if -- pretty diametric, so I think we might need to have further conversations if that's going to be the case.

MR. ZENNER: What I would suggest to you, Ms. Loe, is if you look at the development pattern that is outside of the Cambridge Place PD --

MS. LOE: Yes.

MR. ZENNER: -- to the west of this particular -- or to the east of this particular project, which is shown on the map, Hilda, as well as Meadowview Drive, those are standard single-family detached homes in straight-zoned property.

MS. LOE: Correct.

MR. ZENNER: The objective of the developer as a part of the Cambridge Place PUD was to have individual postage stamp sized lots that were more in a condo-style regime with common area that surrounded them. Market conditions have changed over time as this development has built out. This particular property, and the applicant's representative is here to explain maybe more about how this property has not -- has been released, in essence, from the original covenant that was associated with this development parcel, and they are looking to move toward a more consistent form of development. Now while it may seem to be contrary to what we have done with the Northridge project, which was 201, we have mixed-use project in this area. We have an opportunity for that, and it was a combination of duplexes and single-family attached -- or single-family detached homes in this -- in the Cambridge Place. This particular development is just eliminating the -- the duplex, which is not possibly being seen as viable in this particular location, whereas creating density within the particular area of the prior case and utilizing the planned district approach to do that versus going into an R-2 zoning classification to yield cottage-style sized lots, there is a difference here in that respect. I mean, we had R-1 lots surrounding the -- the prior case, as well, and we could have utilized that as a justification for it to remain R-1. We chose not to,

looking at what the other infrastructure aspects were -- public infrastructure aspects -- schools, parks, and the like. This is far more remotely located in an area at the back of an existing development. And the conversion to single-family -- solely single-family lots that are going to be relatively large single-family lots, significantly less dense, to some extent addresses the comment that Mr. MacMann is making as it relates to the topographical issues here. It is a more responsible approach to deal with what, from what I am looking at here now, Mr. MacMann is a topo map that we had within the packet, approximately a 40 to -- 30 to -- 30-foot fall on this property from east to west, coming down to the creek, which, basically, is in the back of two proposed lots, which Mr. Palmer will get to here with the subdivision plan, probably a much more responsible approach to development than enhancing the development intensity. The packaging of how we may have described this and our logic could have been better. However, we don't believe that the reduction in the density in this particular instance is inappropriate. It actually may be more appropriate given the environmental impacts.

MS. LOE: I -- and I would encourage you to use the site-specific instances to support the arguments or the report in the future. Again, as I read it, for me, anyway, as one of the Commissioners, it weakens both arguments when I don't get that information and I'm simply being told in one case, we're encouraging densification, and I'm being told in another case we're supporting downzoning. So fully understand. I would say, though, in this case, given that there are duplexes immediately to the north in the PUD, and that there's R-2 zoned immediately on the north border of the PD, that if the developer has some information telling us that those duplexes aren't successful and this is the reason why they no longer -- this is the market reason why they no longer want to move forward with more of those, that would mean more to me than saying they want to now be more analogous to the properties to the south of them because, again, we just looked at a project where it was completely surrounded by R-1, and we approved upzoning with a reduced area for print, so completely no adjacencies. I would just -- we do read the reports, and I would appreciate more specific information. Any additional comments or questions? Ms. Rushing?

MS. RUSHING: I had the same question you did. As a matter of fact, I wrote densification with a question mark. But when I went out and drove through that area, it's pretty -- even though it's single-family and duplexes, it's pretty densely developed. And this area where these units are proposed is wooded and I just think that reducing the number of units that go down there takes some of the stress off of that area environmentally, and given the overall densification in that area -- in the rest of the area, I think that this is probably appropriate, particularly given the topographical issues that they're going to have to deal with on the property. But I agree that just reading the staff report, that's -- was not obvious. And I think that it would be helpful when they say -- make one recommendation here and another there, that they do a little bit more to explain the difference between the properties.

MS. LOE: Any additional comments? Ms. Geuea Jones?

MS. GEUEA JONES: This is maybe more appropriate for the owners/developer, but my -- my concern is maybe somewhere to something you touched on, which is we've got really dense duplexes, condos, whatever you want to call them, with a community center. And I think -- I know at least part of Juniper is more of a senior community kind of area. I don't know if this is near that part of Juniper or not, but -- but we've got all this density and community style living, and then we're going to have these huge lots with single-family homes on it, and that seems out of character for the rest of the neighborhood. And I'm just wondering, am I understanding what they're

trying to do correctly. Like, is -- is this going to be -- because even though there's R-1 that back to this, those R-1 lots are teeny tiny, you know. They're -- they're not big R-1 lots; they're very small. So I'm just wondering if this is going to be way out of character with everything else. And are you -- Rusty, you could tell me that's the developer's question and you don't know.

MR. PALMER: Oh. I mean, like I said in the report, you're basically just -- you are getting larger lots. You're still single-family in nature, you're just removing the attached option, basically. But probably the larger lots is the biggest impact as far as, you know, what you're going to see on the site when you drive in there. It'll be an obvious character difference, but also from a planning perspective, as Mr. Zenner noted, this is where you would see those larger lots, at the rear of development, at the end of that cul-de-sac road. So, you know, my opinion is that it's -- it's appropriate to lessen the density in this location, at least.

MS. GEUEA JONES: Thank you.

MS. LOE: Any additional questions? Ms. Carroll?

MS. CARROLL: I was considering saving this for Commissioner discussion, but since we're on the topic now. I'm thankful that you brought up this comment, Sara. I noticed the same thing when I was driving it, and I also noted several duplexes in the same development. My concern was to the message that we're sending when we tell the community that we support just densification in one area and then send a contradictory message in the other area. Our concerns for social mobility are just as relevant in one neighborhood as they are in another neighborhood. That said, I don't have a problem with this particular project. I -- I just want us to give some thought to this.

MS. LOE: All right. If we don't have any additional questions for staff, we will move on to public comment.

#### **PUBLIC HEARING OPENED**

MS. LOE: And, again, if you come up to the podium, if you can give your name and address for the record.

MR. MURPHY: Madam Chairman, Commissioners, my name is Kevin Murphy. I'm with A Civil Group, offices at 3401 Broadway Business Park Court. I'll just freshen your minds and what the discussion we're just having, I would agree with staff and also Commissioner Rushing. Density has its appropriate place. There's plenty of times where I have brought projects to here and we get shot down, pushed away, told to come back with another plan that's not as dense. I don't know, if you're down Rock Quarry Road or here, it's a narrow, two-lane road that has quite a bit of traffic on it. So infrastructure is -- is lacking for full densification in this area. Also the environmental concerns, the slopes you were considering, I believe, are just -- are small maps, and I can't see so well anymore, but it looks like it's 10 to 15 percent slope on there. That's not -- that's not horribly steep. But more of that ground and more of those trees are going to be able to be preserved. Again, it's less traffic going through those folks that have lived out there for 20 years. We're -- densitywise, we're a fifth of the density to that. I would also say that this is a different mix of housing out here, whether it be a single-family, and again pointing out the smaller single-family lots to the south and to the east, the mixed neighborhood within Cambridge Place that, instead of having not only the use and single-family or two-family, we have big lots, which is different than the surrounding area. So -- so in my mind, that's a variety of housing and property types that are allowed. There's additionally to the north, there's plenty of duplexes to the north of Cambridge Place and up to -- to Nifong there.

Again, yes, we're going -- we're going from 29 units to seven units, 19 buildings to seven buildings. We're retaining a tree preservation area and -- and, actually, the contract purchaser for this property plans to build their own residence on the large lot to -- to the south and west, and potentially a house for his mother in the neighborhood, as well. Oh, well, I guess that's just a zoning point, so I can't talk about some -- the preliminary plat a bit later, but I think that's all I have for now. If you have any questions --

MS. LOE: Thank you, Mr. Murphy. Are there any questions for this speaker? Ms. Geuea Jones?

MS. GEUEA JONES: Hi. Thank you. I -- I think I see better what you're trying to do, but are these going to be extremely out of character, very large lots next to tiny houses and attached single family? Like, that -- that would be my only concern, that this turns into a neighborhood I lived in for a while here in Columbia, had one remaining corner lot that had, I think, a 6,000-square-foot home on it, and everything else was 1,500 square feet. Like, that -- that's -- I don't think that works well for any of the neighbors. That's what I'm trying to figure out.

MR. MURPHY: Well, I don't -- I'm not understanding, I guess, why you wouldn't think that's well -- works out well or not. Does somebody feel inadequate because their house is smaller?

MS. GEUEA JONES: Yes. Yeah. That was it. No. It's that you have -- when you have -- it starts messing with home values and eventually, like, the person who owned that corner lot confided in me that he ended up very upside down in that house because as the rest of everything was developed, his house -- he could never get that money back because the neighborhood was -- all of the comps were so much lower than his house.

MR. MURPHY: I can see that. Again, this property is not part -- the Cambridge Place has other things to offer that people would have. They have a large --

MS. GEUEA JONES: Oh, so this would be completely out of this then?

MR. MURPHY: Yes.

MS. GEUEA JONES: Okay.

MR. MURPHY: They have a large club house and -- you know, many amenities and whatnot that people buy in there for that reason, but -- yeah.

MS. GEUEA JONES: Thank you. I wasn't understanding that. For some reason, it wasn't clicking in my head. I appreciate that.

MS. LOE: Any additional questions for this speaker?

MR. MURPHY: I'm sorry. I would -- I do think you would hear -- you may hear from some of the neighbors possibly in that neighborhood that they've enjoyed this ground big and open and empty. And -- and I -- you know, I would hope they would like that it is being down, so less -- less development than what could be done currently and more impactful on the -- on the property.

MS. GEUEA JONES: Well, and if I'm looking -- I peeked. But if I'm looking right, a good portion of it is tree preservation lot?

MR. MURPHY: Yes. On the -- on the very west end, yes. There's a good portion there. And, again, on the large lot, the contract purchaser is going to build on that, and he intends to -- to save -- he currently has a house out west of town that looks out onto six acres of, you know, unimproved ground, and that's what he would -- intends to enjoy here.

MS. GEUEA JONES: Thank you.

MS. LOE: Any more questions for this speaker? Seeing none, thank you, Mr. Murphy.

MR. MURPHY: Sure. Thank you, folks.

MS. LOE: Any additional speakers on this case? If there's none, we'll close public hearing.

#### **PUBLIC HEARING CLOSED**

MS. LOE: Commission discussion? Mr. Stanton?

MR. STANTON: You brought up some good points, and I want to advise my colleagues that one size doesn't fit all all the time, and that's basically why we're here as a Commission to make those 50-50 calls and make those space and time and neighborhood appropriate decisions. As you well know, I'm involved in a lot of affordable housing and we deal with density in inner cities and all that kind of stuff. And we -- what was brought up was mobility and house mobility and availability. This project fits all that. Not only does it have the diverse housing stock, but the developer did decrease the footprint. It did preserve more green space, and it diversified the housing stock because now not only do you have short, smaller lots, you've got bigger lots and -- you know, if we want to talk about the social impact that is, hey, there's different types of houses and there will be different types of families and some people have got big yards that we can go play in, and then people have got smaller yards. And all of that is good in the -- in the neighborhood. So even though those arguments were very, you know, very poignant, diversity in housing stock and density works both ways. It can be less dense, it could be more dense. And I'm always in support of the downsizing because in our past we've dealt with, you know, places where they downsized to protect the neighborhood, and this is definitely could be a way to protect and preserve a particular part of this neighborhood by making it less dense and making in R-1 and not a PUD where he had a lot more latitude to do a lot more stuff that we probably would complain about later. So as we have these discussions, you know, those -- those things work both ways. And I plan to support this, if you didn't know.

MS. LOE: Mr. MacMann? Sorry.

MR. MACMANN: Although I do believe I was up before Valerie does --

MS. LOE: Ms. Carroll?

MR. MACMANN: -- I was going to make a motion. I think she has a comment.

MS. CARROLL: I also plan on supporting this. I think the project is a good project. I think it fits the neighborhood, but I do think it -- I agree, one size does not fit all. One statement doesn't fit all, and it's the statements that I'm concerned with. It's the message that we're sending. Supporting this project is easy to do. Support downzoning, support densification, that's a little heavier of a statement. And like Sara mentioned, I think that warrants some discussion and some consideration because it communicates a desire of the City that relates to a number of other projects.

MS. LOE: Ms. Russell?

MS. RUSSELL: For the most part, Cambridge Place is a senior community, so it offers things for seniors there, so I don't think there's -- they're going to have a problem with the sizes of -- of lots there. They might miss being able to walk out in the woods, but -- but they have a lot of other things going on there, so I plan to support it.

MS. LOE: Ms. Geuea Jones?

MS. GEUEA JONES: Well, and I think, for some reason during the staff report, when they said taking it out of the Cambridge Place, I thought they meant the PD plan, not that it's not part of the Cambridge Place what's -- HOA, or whatever their agreement is for the community center and the senior living. And part of my concern

was just a giant lot is not necessarily desirable or good for a senior -- someone who wants to move to a senior living community anyway, but I -- I think I understand this better now and I think I'll probably support it.

MS. LOE: Mr. MacMann?

MR. MACMANN: If no one else -- in the matter of Case 37-2021, McNary Properties, LLC, rezoning from PD to R-1, I move to approve.

MS. RUSHING: Second.

MS. LOE: Second by Ms. Rushing. We have a motion on the floor. Any discussion on that motion? I see none. Ms. Carroll, may we have roll call, please.

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

MS. CARROLL: We have nine votes to approve. The motion is carried.

MS. LOE: Recommendation for rezoning will be forwarded to City Council.