

EXCERPTS

PLANNING AND ZONING COMMISSION MEETING

COLUMBIA CITY HALL COUNCIL CHAMBER

701 EAST BROADWAY, COLUMBIA, MO

September 21, 2017

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.

Case No. 17-172

A request by Crockett Engineer Consultants (agent) on behalf of Fred Overton Development, Inc. and 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: 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 get 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 first and then permanent zoning, but that's not how our process operates. You're asked to render a decision and then Council will take your decision or your recommendation and consider it with the other piece.

MR. STRODTMAN: Thank you, Mr. Zenner. Commissioners, some additional discussion?
Ms. Russell?

MS. RUSSELL: Well, I'd like to make a motion.

MR. STRODTMAN: We're open for that, too.

MS. RUSSELL: 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 for the application to the City.

MR. TOOHEY: I'll second that.

MR. ZENNER: And do you want to add the Overton parcel into that same motion?

MS. RUSSELL: I was -- I was going to make a second motion for that.

MR. STRODTMAN: The annexation is one and then we'll do the -- the second one on a separate motion, so these two will be together.

MS. LOE: Subdivision.

MR. STRODTMAN: The subdivision will be on a separate motion. Sorry.

MS. RUSSELL: The subdivision second. Okay. In addition, I'd like to move for approval of the requested R-1 permanent zoning for the Overton parcel pending annexation.

MR. TOOHEY: I will still second that.

MR. STRODTMAN: Thank you, Ms. Russell, for that motion and Mr. Toohey for the second. Commissioners, we have a motion for approval for R-1 for the Overton and A for the Andrews upon annexation into the City, and we have a second on that motion. Do we have any additional discussion or questions on that motion? Yes, Mr. MacMann?

MR. MACMANN: Just really briefly. I will be voting no because I don't think we meet the

threshold for zoning, not because I disagree with where she's going. Do you follow me there?

MR. STRODTMAN: I understand your comment.

MR. MACMANN: Thank you.

MR. STRODTMAN: 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, Mr. Stanton, Mr. Strodtman. Voting No: Ms. Burns, Ms. Loe, Mr. MacMann. Motion carries 5-3.

MS. BURNS: Four to three?

MS. RUSSELL: There's eight of us.

MS. BURNS: Five to three.

MR. STRODTMAN: Five-three. Five-three for approval; is that correct?

MS. BURNS: Yes.

MR. STRODTMAN: Our recommendation for approval of annexation into the City will be forwarded to City Council for their consideration.

MR. ZENNER: Mr. Chairman?

MR. STRODTMAN: Yes.

MR. ZENNER: Point of clarity. Based on the less than 75 percent congruency of the Commission in its recommendation, this item will not be on the consent agenda for consideration at the November 6th -- the November 6th Council meeting. It will be on old business, which means there is an automatic public hearing.

MR. STRODTMAN: And that date would be?

MR. ZENNER: November 6th.

MR. STRODTMAN: So there would be a public hearing for this item on November 6th for the City Council.

MR. ZENNER: For the permanent zoning request, that is correct.

MR. STRODTMAN: So that's for the audience out there. Okay.