

**EXCERPTS**  
**PLANNING AND ZONING COMMISSION MEETING**  
**COLUMBIA CITY HALL COUNCIL CHAMBER**  
**701 EAST BROADWAY, COLUMBIA, MO**  
**September 21, 2017**

MR. STRODTMAN: Moving on to our next and last case of the evening, Case 17-171. At this time, I would ask any Commissioner who has had any ex parte communications prior to this meeting related to this Case 17-171, please disclose that now so all Commissioners have the same information to consider on behalf of this case in front of us. I see none.

**Case No. 17-171**

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

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

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

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

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

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

MR. SMITH: That's correct.

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

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

MS. LOE: All right. Thank you.

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

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

MR. STRODTMAN: Ms. Rushing?

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

MR. SMITH: That's my understanding.

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

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

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

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

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

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

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

MS. LOE: Correct.

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

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

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

MS. LOE: Oh, okay.

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

MS. LOE: For just avoiding. No.

MR. SMITH: -- something within a floodway.

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

flood fringe.

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

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

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

### **PUBLIC HEARING OPENED**

MR. STRODTMAN: And the same rules stipulated from earlier, and this is regarding Case 17-171, which is the request for the preliminary plat on this property.

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

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

elevation above the base flood elevation. These are the safeguards that I'm talking about and these are the safeguards that I believe are mentioned except under special approved safeguards in the sensitive area definition. Furthermore, we have to do a floodplain development permit. Again, the City administers all of this as being the administrator for the floodplain in this area, but it's all according to FEMA regulation, so it's very tight. One we do the filling, once we fill our elevation, we file for a letter of map revision through LOMAR. Now, if you're familiar with Columbia, we -- Mr. Strodtman, if I can have a few - if I could have Mr. Overton's minutes.

MR. STRODTMAN: Sorry.

MR. CROCKETT: Okay. Let me wrap up.

MR. STRODTMAN: Thank you.

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

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

MR. STANTON: Mr. Crockett, it seems a simple solution. Why even develop near the floodplain, the floodway, anything? Why can't you just move everything up? I mean, it's going to shrink eight, nine, ten. I mean, we're --

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

MR. STANTON: Okay.

MR. CROCKETT: It comes down to a financial situation. When we extend the sewer as far as it does and not do a treatment plant, that comes down with a financial issue. There is entire subdivisions in this town that have been developed in the floodplain. Floodplain can be a bad, nasty word. People get nervous and people get scared about it, but if done properly and under FEMA's direct supervision, and go with their regulations, we can -- this is certainly developable property. And so we're not asking to fill in, we're not -- I mean, there's subdivisions in town that the entire streets and the entire subdivisions, I mean, we're talking about filling it up eight, ten, twelve feet. We're not talking anywhere near that in this

instance. Okay? We're just barely getting into it just a little bit. If the floodplain was just shifted over just a little bit, we wouldn't be asking for that at all. But we feel that with the minimal amount of impact to the floodplain, we can provide for a better development, so that's the reason why we're asking for it. If we slide it over, it's a bigger -- bigger impact to this development.

MR. STANTON: Financially?

MR. CROCKETT: Yes. That's correct.

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

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

MR. CROCKETT: Let me --

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

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

MS. RUSHING: Uh-huh.

MR. CROCKETT: From there up to about to the pond area, that's pretty much sheet flow across the ground, so we don't have a point -- I don't have a concentrated location of a large amount of water by any means of the imagination. We don't have a large volume water. We don't have large creeks. We don't have large drainage ditches crossing the property. Now, you get to the pond to the north, that is correct, that is an old farm, old stock pond up there that has collected water. There is an inflow into there, but really there is no -- there is no large water body that collects water through here, so we don't have an issue with that. You know, that is something the Public Works is -- the Public Works looks at very closely when we do design plans. Quite honestly, this -- this development really fits a little better than most with that regard.

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

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

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

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

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

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

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

MR. CROCKETT: Right. I mean, it's -- it's -- we have to look at it and see if it fits the site, but it is

something that -- that is done on a regular basis.

MR. STRODTMAN: Thank you. Mr. Toohey?

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

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

MR. STRODTMAN: Mr. Stanton?

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

(Multiple people talking simultaneously.)

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

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

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

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

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

MS. RUSHING: It's temporary.

MR. STANTON: Right. It's temporary.

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

MR. TOOHEY: This isn't New Orleans.

(Multiple people talking simultaneously.)

MR. CROCKETT: New Orleans is built well below the floodplain, and it's -- it's going to flood. We're certainly not -- and we're not, you know, requesting asking for that. You know, we're -- there are provisions. We -- I believe in what FEMA has done and we've never had a flooding situation anytime that we've butted up to floodplain properties. You know, furthermore, I mean, there's -- there's instances here where flood -- FEMA looks at it at a 10,000 -- you know, 10,000-foot elevation. It's a broad stroke. I mean, they're doing, you know, thousands and thousands of acres a day when they do -- you know, when they establish a floodplain. I mean, their contours aren't exact. They do it the best that they can. I've had instances where the floodplain isn't even centered on the creek. The creek is not even in the floodplain. So, they do the best that they can. You know, it could be a situation where the lots that are located in the floodplain are already at -- above the base flood elevation, you know. So -- so -- and there could be a situation where lots adjacent to it are below the base flood elevations. So -- and when we engineer it, we look at that and take that into -- into consideration. So, I mean, it could be a situation the floodplain is even less than that. It's just hard to say. But the fact of the matter is is that we look at that base flood because that is what's accurate because that comes off of the detailed study that FEMA provides, and that's what we go with. We take that elevation, we elevate it two feet, and that's where we go.

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

MR. CROCKETT: Thank you.

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

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

MR. STRODTMAN: Say that again.

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

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

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



MR. STRODTMAN: The developer could, but not —

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

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

MR. STRODTMAN: Five years from preliminary plat.

MR. SMITH: That's right. And —

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

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

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

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

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

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

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

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

MR. STONECIPHER-FISHER: Thank you.

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

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

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

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

MR. STRODTMAN: Address?

MS. ARAFE: 3001 Celtic Drive.

MR. STRODTMAN: Thank you.

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

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

engineer.

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

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

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

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

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

MR. STRODTMAN: They would be above that level?

MR. STANTON: They would be up above that.

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

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

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

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

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

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

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

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

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

MS. ARAFE: Okay. Okay.

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

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

MR. STRODTMAN: Without specific examples of exact, you know, topography, those -- we can't compare other places that have flooded because we don't know their -- you know, where they sit in the

floodplain versus this.

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

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

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

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

MS. ARAFE: Right.

MR. STRODTMAN: None of us are engineers.

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

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

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

MR. STRODTMAN: Thank you, ma'am.

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

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

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

MR. STRODTMAN: Mr. MacMann?

MR. MACMANN: Just if I may speak to a point. I mentioned the '93 and '95 and 2006 floods, and I speak from experience there because I work with SENA and FEMA in abatement. If you bought one of these homes, there is a federal registry in Texas. Mr. Crockett can remind of that. You buy one of these homes. It'll automatically trigger with the bank, and they will say what's going on, and they will refer it to this letter of map revision. What Mr. Toohey was saying, they do do a better survey, but you mentioned -- you heard Mr. Crockett mention filling. Physically, you guys are physically talking about filling it in, what was here, was here. If you are a home buyer here, you will not -- the bank is not going to loan you money if it's in a floodplain, and they are going to see that trigger. They really run that by when

you do your 30-day thing. What all this, the LOMAR stuff they're talking about, what this does, it says process of review to actually find out if they are above or below the floodplain.

MS. ARAFE: I hope so.

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

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

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

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

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

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

MR. TUTT: I would like to say --

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

MR. TUTT: I'm Kevin Tutt, and I live at 7000 West Gillespie Bridge Road. And we lived out there in the '93, '95, and I don't remember a 2006 flood, but the '93 and '95 flood, my dad and I went and marked the water on Gillespie Bridge Road or on the bridge itself. It was two-thirds over the bridge in '93. And where Mr. Overton is putting that property, the water was nowhere near there. That was a 500-year flood. That's all I have to say.

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

**PUBLIC HEARING CLOSED.**

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

MR. STANTON: I try to make the win-win situation wherever I can. I try to take into account the property rights and the ownership rights and the ability to live the capitalist way of the United States. But on the other side, I also have to look at Mother Nature and what she has designed. I think that it is

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

MR. STRODTMAN: Commissioners? Mr. Toohey?

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

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

MS. LOE: I think Mr. Crockett has identified the FEMA standards correctly and I agree that development is allowed in the flood fringe, filling and building, but I'm also aware that FEMA is developing a standard for the nation and it's a minimal standard. And they look to local municipalities to add to that as needed for their communities. So I -- I fully agree that the FEMA standards are being met, but in looking at the UDC subdivision standards, I do believe Columbia is asking that the flood fringe and the FPO floodplain overlay district, which would include the 100-year flood line, be protected from development, which would -- I would characterize as fill or creating a building site or paving. So for that reason, I don't believe this plat meets the requirements of the UDC, and I would not be able to support it.

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

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

MR. STRODTMAN: Ms. Burns?

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

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

MR. MACMANN: I have a motion.

MR. STRODTMAN: Thank you, sir.

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

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

MS. RUSHING: Second.

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

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

MS. BURNS: Five to three, motion carries.

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