

MINUTES

PLANNING AND ZONING COMMISSION MEETING

COLUMBIA CITY HALL COUNCIL CHAMBER

701 EAST BROADWAY, COLUMBIA, MO

JUNE 23, 2022

COMMISSIONERS PRESENT

**Ms. Sara Loe
Ms. Valerie Carroll
Mr. Anthony Stanton
Mr. Michael MacMann
Ms. Peggy Placier
Ms. Robbin Kimbell
Ms. Shannon Wilson**

COMMISSIONERS ABSENT

**Ms. Tootie Burns
Ms. Sharon Geuea Jones**

STAFF PRESENT

**Mr. Clint Smith
Mr. Brad Kelley
Ms. Merilee Crockett
Mr. Tim Teddy**

I. CALL TO ORDER

MS. LOE: I will now call the June 23rd, 2022 Planning and Zoning Commission meeting to order.

II. INTRODUCTIONS

MS. LOE: Mr. -- or Ms. Carroll, may we have roll call, please.

MS. CARROLL: Commissioner MacMann?

MR. MACMANN: Present.

MS. CARROLL: Commissioner Geuea Jones? Commissioner Placier?

MS. PLACIER: Here.

MS. CARROLL: Commissioner Kimbell?

MS. KIMBELL: Here.

MS. CARROLL: I am here. Commissioner Wilson?

MS. WILSON: Here.

MS. CARROLL: Commissioner Loe?

MS. LOE: Here.

MS. CARROLL: Commissioner Stanton?

MR. STANTON: Here.

MS. CARROLL: Commissioner Burns? We have seven; we have a quorum.

MS. LOE: Thank you.

III. APPROVAL OF AGENDA

MS. LOE: Mr. Smith, are there any adjustments or additions to the agenda?

MR. SMITH: No additions or amendments tonight, Ms. Chairman.

MS. LOE: Thank you. I'll take a motion on the agenda.

MR. MACMANN: Move to approve.

MR. STANTON: Second.

MS. LOE: Moved by Commissioner by MacMann, seconded by Commissioner Stanton. I'll take a thumbs-up approval on the agenda.

(Unanimous vote for approval.)

MS. LOE: It looks unanimous. Thanks, everybody.

IV. APPROVAL OF MINUTES

MS. LOE: Everyone should have received a copy of the June 9th, 2022 regular meeting minutes. Were there any additions or changes to those minutes?

MR. MACMANN: Move to approve.

MR. STANTON: Second.

MS. LOE: Moved by Commissioner MacMann, seconded by Commissioner Stanton. I'll take a thumbs-up approval on those minutes.

(Unanimous vote for approval.)

MS. LOE: It looks unanimous with one abstention?

MR. MACMANN: No.

MS. LOE: No. Unanimous. All right. Thank you.

V. SUBDIVISIONS

MS. LOE: Okay. That brings us to our first case of the evening under subdivisions.

Case Number 181-2022

A request by Crockett Engineering (applicant), on behalf of Central Missouri Sheltered Enterprises, Inc. (owner), for a one-lot final plat consolidating two parcels into one legal lot. The site is split zoned, containing M-OF (Mixed-use Office) and IG (Industrial) zoned property. The 3.21-acre site is located approximately 1200 feet south of the intersection of East Nifong Boulevard and South Bearfield Road.

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

Staff report was given by Mr. Brad Kelley of the Planning and Development Department. Staff recommends approval of the "Sheltered Workshop, Plat No. 2A" Final Plat subject to minor technical corrections.

MS. LOE: Thank you. Before we move on to questions for staff, I would like to ask any Commissioners who have had any ex parte related to this case to please share that with the Commission

at this time so all Commissioners have the benefit of the same information on the case in front of us. Seeing none. Are there any questions for staff? I see none. Nice job, Mr. Kelley. All right. With that, we will open up the floor to public comments.

PUBLIC HEARING OPENED

MS. LOE: If anyone has any public comments they would like to share, please give your name and address for the record.

MR. GREENE: Good evening, ladies and gentlemen. Andy Greene with Crockett Engineering, 1000 West Nifong Boulevard, Building Number One. Here before you is a -- simply a consolidation plat. Central Missouri Sheltered Enterprises recently acquired the front lot, which was an old water-tower site, and they desire to consolidate both of the lots into one lot to facilitate legal lot status.

MR. MACMANN: Thank you, Andy.

MR. GREENE: I thought I was getting it. To get legal lot status for this lot and to allow the expansion of an office facility. Bruce Young, the executive director of the operation here, is here to also answer any questions, but before you with staff recommendation for approval, so thank you.

MS. LOE: Thank you. Are there any questions for Mr. Greene? I see none. Thank you. Any other comments on this case? If there are none, we will close public comments.

PUBLIC HEARING CLOSED

MS. LOE: Commission comments? Commissioner MacMann?

MR. MACMANN: I've been familiar with and at one time was adjunct staff over there, and it was very -- very long ago, Bruce. These folks do good work. This appears to be in order. I'm going to vote to approve it.

MS. LOE: Commissioner MacMann?

MR. MACMANN: If my fellow Commissioners have no other questions or comments, I am going to make a motion. In the matter of Case 181-2022, the approval of Sheltered Workshop Plat No. 2A, final plat pursuant to minor technical corrections, I move to approve.

MR. STANTON: Second.

MS. LOE: Moved by Commissioner MacMann, seconded by Commissioner Stanton. We have a motion on the floor. Any discussion on this motion? Seeing none, Commissioner Carroll, may we have roll call, please.

Roll Call Vote (Voting "yes" is to recommend approval.) Voting Yes: Mr. MacMann, Ms. Placier, Ms. Kimbell, Ms. Carroll, Ms. Wilson, Ms. Loe, Mr. Stanton. Motion carries 7-0.

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

MS. LOE: Thank you. Recommendation for approval will be forwarded to City Council.

VI. PUBLIC HEARINGS

MS. LOE: That brings us to our public hearings for the evening.

Case Number 140-2022

A request by Lewis-Bade, Inc. (agent), on behalf of The Overland Group (contract purchaser), seeking approval of a PD plan on a 1.79-acre property located at 5905 East St. Charles Road. The proposed PD plan depicts a new 10,640 square-foot Dollar General store on the site. The property was zoned C-P, now PD, upon annexation in 2013. (This item was tabled at the May 5, 2022, Planning Commission meeting.)

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

Staff report was given by Mr. Brad Kelley of the Planning and Development Department. Staff recommends approval of the "Overland DG #24012," PD Plan, dated 6/14/2022.

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

MS. CARROLL: I apologize if I missed this. The staff report indicated that there had been no additional public communication since the last plan. There had been no additional letters of opposition with the new PD plan. Is that still accurate?

MR. KELLEY: There have been no letters of opposition. They have received support from a non-profit food pantry, I believe, who serves a lot of people who don't have access to cars and states that this would be of benefit to them. And I think that was detailed in the report, but I don't think we have a separate correspondence.

MS. CARROLL: Okay. Thanks.

MS. LOE: Any additional questions for staff? Commissioner Kimbell?

MS. KIMBELL: Where is the driveway? They said it was a shared driveway.

MR. KELLEY: Yes. Here on the southwest side to be shared with the adjacent parcel, so this parcel and the one adjacent to the west would utilize this driveway coming off of St. Charles here. So when the parcel to the west is developed, it wouldn't have access, I take it, to St. Charles Road. It would take access via this driveway.

MS. KIMBELL: Okay. Thank you.

MS. LOE: Commissioner MacMann?

MR. MACMANN: Thank you, Madam Chair. Is that currently the same owner? I understand this is a contract purchase that we're dealing with right now. You don't know. Just say I don't know, personally.

MR. KELLEY: I don't know.

MR. MACMANN: Sometimes there are conflict issues with sharing things, but it's platted out, so it should be good to go. Right?

MR. KELLEY: Yeah. The easement is provided, yeah.

MR. MACMANN: All right. Thank you.

MS. LOE: Any additional questions for staff? If there are none, we will open up the public hearing for this case.

PUBLIC HEARING OPENED

MS. LOE: If anyone has any comments they would like to share, please give your name and address for the record. We do limit public comments to three minutes. If you're speaking for a group, we give you six minutes.

MR. STAUFFER: Thank you. Jacob Stauffer, Springfield, Missouri. We -- I'm with the development group in this matter, mainly here just to answer any questions, one with respect to the shared access. JoAnn Allen is not our seller in this, but we have been -- we fully negotiated an easement agreement with her and her attorney, so that -- that's resolved. I think all of the owners on this planned development were aware that there were going to be shared accesses prior to this development, and they want to kind of spur the development of the master tract. Again, our intent is to be a good neighbor. With that, we made the concession of the nine -- approximately 900 feet of eight-foot sidewalk that we will install for the entire -- the entire block to block there, which I'm going to guess is probably to be about an \$80,000 investment. Also the vinyl fence we're going to do to provide screening to the residential properties around us and as well as the landscape buffer. So I'm happy to answer any other questions you might have. Yes, sir?

MS. LOE: Commissioner Stanton?

MR. STANTON: Are you aware the last time this came before us?

MR. STAUFFER: Yes. Our engineer was here, as well, and we are aware there was quite a bit of opposition.

MR. STANTON: Well, between then and now, you have had intense engagement with the neighbors and have come up with these adjustments due to the feedback?

MR. STAUFFER: Yes, sir. Yes, sir. Our site locator and as well as our broker has been in contact with every neighbor that they could be in contact with. And some -- you know, these are -- there were additional requests. There were requests for facade upgrades and requests for sidewalks. Within our budget, we could do one or not the other, and so I thought the sidewalk would be more beneficial to the -- the entire community.

MR. STANTON: So you worked with the neighbors?

MR. STAUFFER: We've done our best. We can't do -- we can't do everything --

MR. STANTON: Okay.

MR. STAUFFER: -- but we've done more than what we were going to do before.

MR. STANTON: Okay.

MS. LOE: Commissioner MacMann?

MR. MACMANN: Just a comment. I'm glad you guys addressed -- a couple of comments. I'm glad you all have addressed the neighbors and we'll hear from them in a moment. They were rather

vocal last time, and that's fine. I would like to comment on something that you propose to do and something we constantly fight. You offered to build more sidewalk. Just FYI, everybody and their brother wants to get their sidewalk waived, so I find this, in and of itself, kind of remarkable. Just a comment.

MS. LOE: Commissioner Carroll?

MS. CARROLL: Thanks. You said you were able to talk to each of the neighbors. Were you able to hold a neighborhood meeting?

MR. STAUFFER: So what we did, in lieu of holding a neighborhood meeting, we got phone numbers and we called. So I've got a spreadsheet of everyone we called. I think the only one that I don't know that we were able to get in touch with that I've -- that has been reported to me -- again, it was my broker and my site locator doing this, was Vanessa Vaughn and Sarah -- Sarah Frazee. That phone number provided didn't work there, but otherwise, we've got -- you know, I'm happy to provide staff with minutes of the conversations that were held.

MS. CARROLL: Thanks.

MS. LOE: Any additional questions? Commissioner Placier?

MS. PLACIER: Yes. One of the comments that are not addressed in this plan -- I don't know how they can be addressed in this plan, but that was the fear that people from the streets behind this would walk through the two remaining lots to get to the Dollar General, and then impinge on their -- they're still residences at this point. I don't know if you have any ideas. Obviously, they can't go over the fence to the rear, they'd have to go around, but any thoughts on that?

MR. STAUFFER: Well, we've got screening on three sides, other than to the stub shared access with Ms. Allen's property adjacent to us. So it -- and then we're building the sidewalk, so I think we've -- we've created, and if you've been out there, it's relatively overgrown at the moment. So what we've -- we've created a -- a more amenable pedestrian path than walking through other people's yards, frankly, or climbing the fence. So --

MS. LOE: Any additional questions? I see none at this time. Thank you.

MR. STAUFFER: All right. Thank you so much.

MS. LOE: Any additional speakers on this case?

MR. KEMP: How are you doing? My name is Greg Kemp; I live at 1306 Lake of the Woods Road. As you all know, I'm not happy about the Dollar General that backs up to my property. I want to say I talked to the gentleman that was sitting in his seat. I don't remember his name, and he gave me a list of all the people that were supposed to approve this being rezoned. Well, I went and did some foot walking, and half the people I seen said that they never received anything on it being rezoned that lived there in 2013, which I lived there, and I didn't get anything. There are some people back here, too, that said that they never received any. So a little funny stuff, it seemed like, in my head is going on. The other thing is Dollar General -- well, let me back up. There's a sign posted right down on the property. It

states -- there's a number on there, but it has no date and no information. It's just saying a hearing, and it has no date and no information about when it is, and it has a phone number. I called this phone number seven times, never got a return call back, and there's some other people back there that called it, too. And it's a Ms. Henry -- the last name is Henry, but nobody returned nobody's calls. Now, the Dollar General, I just talked to Dollar General about a week ago because I haven't heard from them, and I didn't want to get caught with the ball -- dropping the ball on my end, so I called, and I was informed that they were supposed to have started notifying us about what they want -- our concerns. And it just so happened when I was talking to them, the realtor guy calls him. So we finally started getting calls just in the past week. I concern -- I confessed my concerns with the Dollar General and my property. Now, I understand that it's been approved for an eight-foot fence; is that right? Am I right on that?

MR. KELLEY: Yes. There's an eight-foot fence on this plan.

MR. KEMP: Okay. Well, one of my concerns was I looked at it, talked to my lawyer about it. Eight foot ain't really too tall. I wanted a ten-foot fence -- vinyl fence that goes the distance on my property, and backs up to my shed, you know, my shop there, you know. That's what I wanted, because I don't want to have nothing to do with Dollar General. I've got a beautiful backyard, you know, and stuff. And my kids and the grandkids love it. The other thing is the traffic. He just mentioned they're putting a sidewalk in, and this fencing is supposed to stop people from cutting through. Well, they -- if everybody's yard is not fenced off, we're going to get people cutting through because all of the condos, the houses are back there, you know, be on that side street in the back of the store where the store is going. So I want to make sure that my property is totally closed off from anybody's cutting through, you know. And I'm at the -- I'm on the Lake of the Woods Road side, you know, and the back of it -- the whole side of the store backs up to my property. I was told to play chess, and I never played chess before, but I played it like I was playing checkers. Thank you.

MS. LOE: Thank you. Any questions for this speaker? Commissioner Carroll?

MS. CARROLL: I wanted to get an idea. Is it the site plan in particular that you have problems with, or is it the use, or is it both?

MR. KEMP: Well, it's the site plan and the use -- the main thing with me, I hate it that my property value of my property, my house is going to drop. You know, I spent so much time and work on it, you know. And like I told you all, would you all want a Dollar General in your all's back door, you know. And like you said, you don't see them out in The Highlands, you know.

MS. CARROLL: I don't disagree with you.

MR. KEMP: No. And it -- it's actually in my backyard, you know. And so I'm -- I'm into, like, I can become a good neighbor of Dollar General, whether I wanted to or not, I've got to be a neighbor, you know, unless I move, you know. But at least I would like Dollar General to work with me and doing stuff that might increase -- you know, kind of keep my property value up, you know. Kind of help me out with a little of this and that around my property, you know, since they're going to make it drop, they can help

me try to build it up. But I haven't had a one-on-one conversation other than a phone call with Dollar General conversing my concerns about what's going on. But actually it's -- those are the two things. You hit it on the nail head. Those are the two things that I'm really concerned about.

MS. LOE: Commissioner MacMann, and then Commissioner Stanton?

MR. MACMANN: Thank you, Madam Chair. If it's all right, I'm going to express some of your concerns and questions to staff. Planner Smith, can you address some of these issues about the reach of the letter, the timing of letters, and I -- if I understand it, a lot of times those public notice signs are not much more than call this number. There's usually no -- sometimes there are dates on those, though, aren't there?

MR. KELLEY: Our current sign right now does not have a date. It has a number that you would call our offices, and we direct you to the project manager for that site. So if there's an issue with that, we'll -- we'll double check into that, but that generally should go to staff at some point.

MR. KEMP: There's -- there's several people back there that have been calling in.

MR. KELLEY: The question regarding a list -- I'm not sure. Mr. Palmer is the project manager for that case, and he was not able to be here tonight. I would presume he may have supplied the list of the notice address list that's the list of people that we would notify within 185 feet of the site. Per ordinance, we will send them a letter when there's a public hearing involving the property next to them or within 185 feet. There is no requirement for everyone on that list, though, to approve a plan, but it would be, obviously, our hope in that the best-case scenario is that everyone surrounding that area could come to an agreement on plans and revisions, especially in this case. But I was not aware of any -- any specific approval requirement for that.

MR. MACMANN: Just to follow up on that a little bit, the thing that does concern me is when they do reach out, and there are other people who are going to testify to this, we can tell. The non-return phone calls on an issue that's already been expressed is a public concern, and we already spent, you know, an hour on this a while ago and tabled it to address these concerns, and then the folks reach out and don't -- our level of community engagement looks poor, and we don't serve the public when that's the case. And I'm sorry that that happened to you because on something like this, everyone should be clearly heard. That's all of my questions and concerns at this moment.

MS. LOE: Thank you. Commissioner Stanton?

MR. STANTON: Let me get this clear before I get to chewing. You did not get a letter from the City relating to this meeting. Correct?

MR. KEMP: Yes. We got a letter.

MR. STANTON: Oh, you did?

MR. KEMP: Yeah. We got -- we got -- we got one letter, what was it, last week? That's when we got it.

MR. STANTON: Okay. So you got one?

MR. KEMP: For this meeting. For this meeting.

MR. STANTON: The number on the sign did not work as far as getting a return call concerning that property. Correct?

MR. KEMP: Right. This sign just come up there this week.

MR. STANTON: Okay.

MR. KEMP: Or I take that back, last week.

MR. STANTON: Okay.

MR. KEMP: It was posted last week on the property.

MR. STANTON: Okay. Three, all the discussion and community interaction we had at the last meeting, and advice and debate that went on, are you telling me that no one from this gentleman that was at the last meeting and anybody above concerning Dollar General has not talked to you since, but other than, like, last week?

MR. KEMP: When -- nobody had talked to me until I made a phone call --

MR. STANTON: To them.

MR. KEMP: -- to the City -- to them. And I think it -- wasn't it you I called? Yeah. I called him to see where -- what's going on, you know. I knew this time was coming -- drawing near, and I didn't want to get caught dropping the ball on my end. So I made a call to him to see.

MR. STANTON: And we exchanged -- but didn't we exchange numbers at the end of that evening?

MR. KEMP: Yes. Yes, we did.

MR. STANTON: Okay. Fourth, I understand your concerns about the Dollar General being here. You don't want the Dollar General at all, so let's just --

MR. KEMP: Yeah. I don't want it at all.

MR. STANTON: That's your position?

MR. KEMP: Yeah. I don't want it at all, but I've got to deal with it.

MR. STANTON: Okay.

MR. KEMP: I want to be happy.

MR. STANTON: So now we're playing chess. Okay? So you -- they made their move, you're making yours. Right?

MR. KEMP: Right.

MR. STANTON: The plan that you see now, is it better than what was proposed the last time we met? Is it -- say, it's not -- it's not 24-carat gold, it might be 18. Can you live with what you see here?

MR. KEMP: No. Me, personally, I can't live with it because it's not making me happy. And -- and the thing is -- the only thing that I -- I agree with on this plan -- well, the whole thing, the total thing is -- is wrong where they're doing it if you sit down and think about it. Fire station, roundabout, traffic from high school, medical clinic, it's -- it's a big jumble there, you know. They could have went to the

other side of the road and plenty of room and everything. Backed up to a residence. But the only thing I see good out of it is the sidewalks because there's no sidewalks there. And right now we deal with kids walking out in the road now. And the other thing is my doggone property value, and the way my property is going to look and stuff. And I don't want -- far as them, sir, I know I've got a 25-foot buffer between my place and Dollar General. All I want is my fence and stuff, what I asked Dollar General for, and I don't care what they do on the other side of the property. But I know it's -- it's a done situation to fill in that idea right now because the how many of us back here don't want it, how many that was here last time don't want it. We're fighting a losing battle, I feel.

MR. STANTON: Well, I don't want you to feel that way, but what I want to feel is that you had -- before I get to chewing, I want to know that there has been a communication between the City, these guys here, you expressed the ten-foot to them, they can only do eight. This is business. This is business. You know, I want a Lamborghini, I've got a Crown Vic, you know, I -- you know, money is, you know,

MR. KEMP: They want to give me eight foot. They want to give me eight foot, and all I want is ten, you know.

MR. STANTON: Okay.

MR. KEMP: I just want -- I just want to be secure, you know. And like I say, Dollar General, once I made that call, I guess they started making the moves. They started moving.

MR. STANTON: Okay.

MR. KEMP: And like I say, it was just last week, and then some of the people tell me that they called, and then my other neighbor, she never got a call, you know. Right here and stuff, you know.

MR. STANTON: But you were proactive and got the ball rolling?

MR. KEMP: Yes. Yes.

MR. STANTON: Okay.

MR. KEMP: We're trying -- we're trying to do the right thing.

MR. STANTON: But the bottom line, you don't want it there anyway?

MR. KEMP: I mean --

MR. STANTON: So that's just what --

MR. KEMP: I don't want it there, but if I have -- I don't want it there, but I'm going to lose this battle, but at least I want to try to be good neighbors and a happy neighbor.

MR. STANTON: And you hold them to the fire as far as your fence and making sure it stays maintained and all that good stuff, so I don't want you to feel like you lost. I just want to make sure you was in the fight.

MR. KEMP: Oh, yeah. Yeah.

MR. STANTON: All right. Okay.

MR. KEMP: Believe me, I feel the bruises coming.

MR. STANTON: Thank you. Thank you.

MR. KEMP: Thank you.

MS. LOE: Commissioner Wilson?

MS. WILSON: So what I think is a very valid concern, it's been stated twice, but I -- I want to ask you, as a homeowner, landowner in that space, what is, in your opinion, the likelihood that people will be transversing [sic], trespassing on your property to get to Dollar General? Because, for me, that is a no go.

MR. KEMP: It's going to -- it's going to -- I have -- it's -- I have already put up fencing to stop traffic from cutting through my backyard. Okay?

MS. WILSON: So it's just going to get worse?

MR. KEMP: And it's going to be -- it's going to be worse. It's going to be worse. On my half, if I get things the way I want, I can contain them to just the front of my house heading across on St. Charles Road. Then the only thing I have to deal with --

MR. MACMANN: Speak into the microphone, please.

MS. WILSON: You've got to speak into the mike, please.

MS. LOE: Sir, we need you to use the microphone.

MR. KEMP: Oh. Oh, sorry. So I -- the only thing is, I have to do is if they cut through the front of my yard and cut between the three houses, my neighbors that's on St. Charles Road, you know, instead of going all the way to corner, they take a shortcut, you know. And these are kids and stuff -- a lot of kids, teenagers and stuff like that that you see walking up and down the road. And then far as the front goes, you know, you've got Demaret over there and stuff, and you see -- we never had crime in the neighborhood, but lately we've -- you know, in the past couple of years, it has picked up.

MS. WILSON: To your point, you know, it would not in my thoughts, be acceptable in some neighborhoods to create a scenario where people are going to be transversing across my property. And so, for me, this does not work.

MR. KELLEY: I'm sorry. We have to -- we have to wait until a microphone is available for public comment.

MS. LOE: I'm sorry, ma'am.

MR. STANTON: Do you want to give up the mike if she wants to talk?

MR. KEMP: Oh, baby, you can have the mike. Come on. Here.

MS. LOE: I'm sorry. I'm sorry, ma'am.

MR. STANTON: We need your name and number and address.

MS. EDWARDS: I have a big voice. I'm Mary Edwards, 1306 --

MR. KEMP: She's with me.

MS. EDWARDS: But can you show her where our property at 1306 is going to back up against the Dollar General. There's really nothing there. I mean, it's just in our backyard. We have grandkids

and cats, dogs, and I want my family to be safe. And with traffic cutting through, you don't know who's going to come through your yard. At nighttime, we're maybe in bed. We have to get cameras and spotlights out, so we know we're safe, and I don't want that for my family at all or for my grandkids. That's my concern. I want to be able to let my kids go out and play in the backyard and be comfortable and safe.

MS. WILSON: That's fair.

MS. EDWARDS: And not worry about who's coming through or -- and I have to stand there with them all the time. My youngest one is one.

MR. SMITH: Can you clarify? You're directly east of the red box. Correct? On the north half?

MR. KEMP: Right -- yeah. Right there.

MS. EDWARDS: That's us. Yeah. That's our whole backyard.

MS. WILSON: And so literally --

MS. EDWARDS: Yeah. That whole backyard --

MR. KEMP: Yeah. That whole backyard. And I basically come all the way over to the three houses. My property butts up to the three houses on St. Charles Road. Yeah, those three there. My property comes that far.

MS. EDWARDS: So unless you block off the whole area, there's -- they're always going to cut through. And my kids -- grandkids should be able to play out in the pool and be comfortable and not worry about, oh, my God, Grandma, somebody is out here they don't know.

MS. WILSON: So are you worried about -- I mean, obviously, you didn't sign up for this. So are you worried about the enjoyment of your property?

MS. EDWARDS: Yes, we are.

MR. KEMP: Yes.

MS. WILSON: And, of course, the long-term effects of this, as well. I think are you saying you're worried about that, as well, because 20 years from now, you know, somebody else may have this property in your family, and it's just going to keep getting worse and worse and worse.

MS. EDWARDS: Yes.

MR. KEMP: And Dollar General is going to be going downhill.

MS. EDWARDS: We keep -- we keep very good of our property. We have things nice --

MR. MACMANN: Ms. Edwards?

MS. EDWARDS: What? I'm sorry.

MR. MACMANN: I'm sorry. I have to -- point of order, Madam Chair. Our recorder needs to record everyone's voices, so I know that you're all impassioned, and that's awesome. Try to pause between the different speakers and speak more slowly because she's having difficulty recording both of you, and this is for the public record.

MR. STANTON: No record, no evidence.

MS. LOE: Actually, we can only have one speaker at the podium at a time, so if you can decide who is going to speak.

MS. EDWARDS: Okay. I'll just finish, and I'll talk slowly. My concerns are is I want my family to be comfortable and safe, and not to have any fear at all. We raise our kids to be comfortable in their environment and not to have any fear, but you be careful and mindful of strangers. Well, we're going to have strangers walking through our yard, and we do -- we entertain our kids. We have a big backyard, as you can see, but we can't even be comfortable entertaining. If we wanted to entertain, we have strangers come up that want to eat or whatever. It's just not safe. And that's what I'm concerned about because it's right back up against our yard.

MS. LOE: So there will be an eight-foot fence between this property and your yard.

MS. EDWARDS: Yes. But then if you continue on around where it's going to go onto St. Charles Rock [sic] Road where Dollar General is going to be, that's not going to be blocked off.

MS. LOE: So they're going to go through the neighbors' yards --

MS. EDWARDS: Which will also, with the backside is the only thing that's covered now, but we have that side on St. Charles Rock[sic] Road which they're going to walk through. So they'll get the edge of it, but it's still -- you should be able to be comfortable and safe in your own backyard.

MS. LOE: I'm going to go to Commissioner Placier, and then Commissioner Carroll?

MS. PLACIER: Yeah. Just a point of clarification. As the staff report pointed out, these three property owners there, those three lots, back in 2013 elected to be annexed to the City with the zoning -- of commercial zoning.

MS. EDWARDS: Right.

MS. PLACIER: C zoning. And so a lot of very intensive commercial uses could go into that --

MS. EDWARDS: I understand that.

MS. PLACIER: -- including Dollar General. It's -- this one has started right next to you. I think that somebody remarked last time that their plan was to go together as all three and plan something bigger, but that never has -- obviously, these three property owners saw an -- that this was becoming a more commercial area, and that they would plan for that or -- but that has not happened since 2013, so everybody was kind of thinking that this is residential.

MS. EDWARDS: In 2013, we did not get a notification. I mean, I double-checked. He didn't get notified in 2013, so it was all new when this just actually started happening.

MS. PLACIER: That's interesting. I don't know what the -- what the notification possibilities or requirements are if someone has not asked to be voluntarily annexed to the City, and then I don't know what happened with the rezoning at that time. So that would have to be somebody who was here in 2013 who could answer that question, but this has been like a train that was coming down the tracks, but now it's here and --

MS. EDWARDS: Yeah. Correct.

MS. PLACIER: -- and you and the County are surrounding our being affected by it.

MS. EDWARDS: Yeah.

MS. LOE: Commissioner Carroll?

MS. CARROLL: Thank you. So Commissioner Placier hit the nail on the head here, and that is that this parcel of land has a statement of intent that's already approved for a commercial use. We can't do much about that.

MS. EDWARDS: I understand.

MS. CARROLL: What I'm looking for is what type of site plans could you be happy with that would make you more comfortable, because I can say that I have not seen a lot of applicants make changes that are this beneficial to neighbors, and I'm concerned, you know. Commissioner Stanton suggested that you need to play a game of chess here, and I feel like I'm looking at a game of chess that has been well played by you all. I'm afraid that if you reset the chess board, you might get something that you like less, and this direction, even -- I have problems with the communication. I have problems with the communication that I've heard from the City with unanswered phone calls. But with the site changes, I'm seeing some good changes. I want you to get a property there that would benefit you.

MS. EDWARDS: I agree.

MS. CARROLL: I'd like to get you in that direction, so my -- the summary of all this still has been --

MS. EDWARDS: I understand. I understand.

MS. CARROLL: -- what site aspects can make you more comfortable?

MS. EDWARDS: Okay. I understand. I just think they are doing what, you know, whatever they asked for our back property, but I can't say, okay, I want you to fence the whole around the corner of my -- that's not even in my -- my area, it's in the neighbors' area. So they're going to cut through.

MS. CARROLL: Yeah.

MS. EDWARDS: So if they block off our area, there's still an access and cut through, which is not going to be on my property, but it's going to be on someone else's property that lives next door, but mine is still on the edge. So I can't request something for someone else on someone else's property.

MS. CARROLL: Yeah.

MS EDWARDS: I can't.

MS. CARROLL: That is understandable.

MS. LOE: Commissioner Stanton?

MR. STANTON: I'm about solutions. We've got to get to a solution here. Eight foot is what they're going to propose. You guys want ten. If they pull out of the game, they could do whatever. You guys are at the table now; you get what I'm saying? They can pull out of here and you wouldn't get anything, zero. They could put a strip club right there; do you hear where I'm coming from?

MS. EDWARDS: Oh, I agree. They can put anything they want to there.

MR. STANTON: You guys are at the table, and this is what they've got.

MS. EDWARDS: Right.

MR. STANTON: Eight-foot fence all the way around this way. Push too much, they jump out of the game, you get zero.

MS. EDWARDS: I'll let him speak.

MS. CARROLL: Thank you, guys, very much.

MR. STANTON: Okay.

MR. KEMP: Greg Kemp, 1306 Lake of the Woods. You say this is negotiation. So these are the Dollar General guys, so I can look at these guys and they can tell me they're going to give me my -- my -- are you all going to give me my fence?

MS. LOE: Sir, I'm sorry. We can't do negotiation on the floor here.

MR. KEMP: Oh. Oh. I'm sorry. I'm sorry.

MS. LOE: You can -- you can give us your comments at the podium.

MR. KEMP: I'm thought we're going to handle it now.

MR. STANTON: This should have been happening before we got here, is kind of where I was at.

MR. KEMP: Okay.

MR. STANTON: But they agreed to eight. Better than nothing. After this, maybe you can discuss. I'm really --

MR. KEMP: I need to know what I'm getting at my -- what eight am I getting?

MR. STANTON: Along that fence line, you see --

MR. KEMP: I want -- I want -- I want everything to correspond with what I've got. So, basically, what I need, I need it to go to the fence line, and I need it to turn the corner, and butt up to my shop, and I'm totally secure like I am now.

MS. LOE: All right.

MR. KEMP: There's trees and woods and everything on the back half, and then I had to put a fence up to cut people off from cutting through.

MS. LOE: Okay. So we have the plans of what they're proposing. If there's anything specific -- you've identified you would prefer a higher fence. Is there anything else specifically?

MR. KEMP: Just -- just -- just to cut the corner so everything blends in together. And the corner will be -- I don't know. We need the other picture up on my property so you can see where the corner cut -- can you zoom me in?

MS. LOE: You mean the southeast corner?

MR. KEMP: That -- you see the back -- you see the back corner. You see that road, and you see the Lake of the Woods -- yeah, that road there, well see, there's a short little -- where he's at right now, there's a short little fence right there that goes to the back of my shop. And I would like it all to be --

MS. LOE: Beyond their property?

MR. KEMP: Yes. It just cuts like this, because most of it there is their property, then it's just a short fence right there with a gate in it, you know. I just want everything the same.

MS. LOE: All right. Any -- any other comments?

MR. KEMP: No. I mean, if I'm going to have to negotiate with -- I guess I'm going to have to sit down and talk to -- to these guys over here, you know.

MS. LOE: I think talking to them is where we're at. Yeah.

MR. MACMANN: If I may redirect?

MS. LOE: Commissioner MacMann?

MR. MACMANN: Thank you, ma'am. Two things. You have other neighbors who need to speak. I think we can let them speak. And after we're done here, whatever we do, say we were to pass this, in that case, it does go to Council.

MR. KEMP: Uh-huh.

MR. MACMANN: Okay? And then they approve it. The reason I mention that is if this does go that far, you all could talk to Council, and this would be in Councilperson Skala's ward; would that be correct, Mr. Smith? That would -- it's in three?

MR. SMITH: Restate, please?

MR. MACMANN: Were this to go to Council, this property currently sits in the Third Ward; is that a correct statement? I think that's where --

MR. SMITH: I think that is correct, yes.

MR. MACMANN: Okay. If we get that far, that's where you all would go next time, just to let you know. This is not your last bite at the apple. This is your biggest bit at the apple because Council directs us to do -- to go down the rabbit hole to talk about your fence height, to talk about the distance, the things, want to talk about the phone calls to ask these gentlemen to do different things. We do that dirty work, not that it can't be done up there, but this is everyone's opportunity to express the depth and breadth of their concerns and their needs. I'm just letting you know that there's another step after this. So I'd like to hear from the rest of the neighbors and see what they think.

MS. LOE: Yes. Yes.

MR. KEMP: I would too.

MS. LOE: Yes.

MR. KEMP: Thank you. Thank you.

MS. LOE: Thank you.

MR. YOUNG: Hello. My name is Bruce Young; I live at 1550 -- 1551 North Lake of the Woods Road just right up the street from this. I testified -- I didn't even know about this hearing tonight. I came on behalf of Giving Gardens, and the other -- what we just were on a few minutes ago, so I knew nothing about this hearing tonight. Anyway, my biggest opposition to this is its Battle High School. If you come there at 4:00 in the afternoon when school is in session, there are cars backed up as far as the eye can

see. I mean, more than probably three-quarters of a mile long, high -- high school kids trying to get through that turnaround. I just think having a store right at that intersection when we just had a Schnuck's just less than a football field away, a huge mega-store put in, why do we need a Dollar General? Again, my biggest concern is, you know, I'm sitting at that turnaround for a long time waiting for those high school kids to get through there. And, again, we're talking about high school kids. I see it as a safety issue more than anything. You know, those high school kids are wanting to get out and get going. That turnaround is just -- boy, putting that -- that Dollar General there, I just -- I think it's a safety issue. That's my biggest concern.

MS. LOE: Thank you, Mr. Young. Mr. MacMann?

MR. MACMANN: Just real quickly. Bruce, I didn't recognize you with your mask on. Good to see you again after 30 --

MR. YOUNG: I've aged a little bit.

MR. MACMANN: No. No. You look just the same. Thank you for your input. Just to let you know, anybody within 185 feet, so if you're beyond 185 feet, which is not very far, you wouldn't have received a notification.

MR. YOUNG: Right. Okay. But, again, I did see the sign, but it didn't have a date or anything on it, so I had no idea this was tonight, so --

MR. MACMANN: And I will continue to address that. Usually when we do, like, demolitions, there is a notice, you know, with a date on it.

MR. YOUNG: Right.

MR. MACMANN: There needs to be some more information so people understand what's going on, and I'm glad that the other gentleman brought that up.

MR. YOUNG: And I will tell you someone did call me. I don't know if it was one of these gentlemen or not, and I expressed this very same thing to them.

MR. MACMANN: Thanks, Bruce.

MS. LOE: This comment did come up at the last hearing. And just so you're aware, this is much smaller square footage than what could go on this site, so that's one of the reasons we're actually more supportive of it because of the very reasons you're talking about.

MR. YOUNG: Again, all I say is just consider when I look at the line of cars that literally go back --

MS. LOE: Understood. So when we're -- when we're considering, though -- this is zoned commercial, and the list of things that could go here is extensive, as well as the size. So this is a much smaller use than what could go on this site.

MR. YOUNG: Again, my biggest thing is the safety issue with these high school kids.

MS. LOE: Yeah. We understand.

MR. YOUNG: That's my biggest concern.

MS. LOE: Thank you. Any additional comments?

MS. ALLEN: Hi, there. I'm JoAnn Allen; I live at 5813 East St. Charles Road. I think I told you the last time when that was proposed for all three owners to go together, the LLC dissolved. At that point, everybody was free to do whatever. So that's why that lot is sitting there with a potential sale. My concern, as Mr. Kemp's is, traffic through. When they built the Petro Mart and some of those other -- the Sonic over there, I had kids cutting through all the time. I think we've got an older group now, because I haven't -- I -- or they're going a different way, but I know that we're going to get a lot of traffic from behind us and to the west of us cutting through, because who wants to walk all the way down and around when they can half that distance. And as Kemps, I've got grandchildren out there playing -- four-year-olds. I have enlisted an attorney to deal with Dollar General because I didn't realize until this came up with this proposal that when it was originally the three lots, we had two accesses. And with that one lot selling now, it gives me no ingress and egress if my lot would sell to somebody, so I have to work with one side or the other or my lot will be locked out. So that's -- I haven't resolved anything with Dollar General. It's been in an attorney's hands, and I'm not sure exactly where that is. I haven't had any contact from them. The other thing that was brought up the last time was the signage, and I didn't see that that was addressed in your report. And I think that's about all I have to say.

MS. LOE: Thank you. Commissioner Carroll?

MS. CARROLL: I actually had a question for staff, but I want to ask you a question, as well. You're talking about the height of the illuminated sign?

MS. ALLEN: Yes. That was brought up. They -- they have different signage. I've noticed that some of them are great big, some of them are not too big, some of them are high, some of them are not so high.

MS. CARROLL: Would you be able to clarify again, and I know you did at the meeting a month ago, which -- which property was yours?

MS. ALLEN: I'm in the middle.

MS. CARROLL: You're the middle one, so you're between two PD.

MS. ALLEN: Yeah. Right.

MS. CARROLL: I believe your property is also zoned PD. That's what it says on City View.

MS. ALLEN: It is. The three -- the three of us, and it was to be one big parcel, but then the -- it was, I think, a five-year duration or a seven-year duration. It expired. Joe wanted to sell, and so he's had his listed, and so has Robyn. I'm not in a hurry, but --

MS. CARROLL: Do you all have the same statement of intent? Are the SOIs listed from all three properties the same, or are there different statements of intent?

MR. KELLEY: Yes. A statement of intent -- sorry. Not to interrupt you, ma'am. The statement of intent was for all three properties.

MS. CARROLL: That's what I thought.

MR. KELLEY: They were all zoned at the same time, so it applies to all three.

MS. CARROLL: That was going to be my question for staff if all three properties had the same statement of intents.

MS. ALLEN: Right.

MS. CARROLL: Interesting. So the drive is leading up to your property? The shared drive is leading up to your property?

MS. ALLEN: Right. Yes.

MS. CARROLL: How do you -- how do you feel about that shared drive?

MS. ALLEN: Well, I think that is in the event that I sell, there is an egress and ingress to -- to my lot.

MS. CARROLL: Right.

MS. ALLEN: I don't think -- I haven't heard that they're putting anything in there at this time, so I would like the fence along there. I think it's in the future -- for the future that there will be an easement through there to my lot.

MS. CARROLL: Right. But it's a future that you --

MS. ALLEN: Yeah. In the event that I would sell. Nobody is going to want to buy it if they can't get in and out, so -- and there's the option that I could do the same thing with the other property, but that one is not for sale, so I am -- you know.

MS. CARROLL: Do you live at this residence or is it a property that you have?

MS. ALLEN: My property? I live there.

MS. CARROLL: Okay. Yeah. Just clarifying.

MS. ALLEN: Yes. Yes. I'm not real happy with the store next door, but I really feel sorry for some of these people, like, over on the east side, on the south side, Mr. Kemp's property, that one house is -- their house is probably ten feet to the fence line, so they're going to be right on top of them.

MS. CARROLL: Okay.

MS. LOE: Any additional questions for this speaker? I see none at this time.

MS. WILSON: I do. I'm sorry. I do.

MS. LOE: Commissioner Wilson?

MS. WILSON: Thank you. When -- and you may not recall, but when you all originally approached the City to do the zoning, what did you have in mind? What was your thought process?

MS. ALLEN: Well, I -- in my mind, we wanted something that was nice that was going to be an asset to the -- you know, that wouldn't really disrupt everything else, but we were told that that area was going to develop, they were putting that bypass through, that it was all going to be eventually commercial, and both of the parties on either side of me were anxious to sell, and they thought that they could -- that since it sounded like it was going to be commercially developed, that they wanted to go ahead and do it. Well, we did it, but nothing happened. So here we are with -- sitting with commercial property.

MS. WILSON: Thank you.

] MS. ALLEN: But I -- I think -- I don't know whether we -- that zoning is for multi-family, but if they had put one of those senior facilities or something like that in there that, you know, would be quiet, would have a small population, pretty stable, something like that would have been great in there, and the seven acres would have allowed for that, too. Some sort of a medical facility where there is not a lot of traffic in and out, but something that was not -- not a Dollar General. Sorry.

MS. WILSON: Thank you.

MS. LOE: Any additional questions for this speaker. Commissioner Placier?

MS. PLACIER: Yes. Mr. Kemp suggested the possibility for preventing the walk-through traffic. Do you have any suggestions for preventing people from walking from behind your property through --

MS. ALLEN: Well, other than having to put up a fence, no. There isn't, really, and if it was put up to the back, they'd just go to the next lot, which is empty, and cut through there. So I've got to go around both sides, the two -- the north side and the west side. I'm going to have to fence that; otherwise, I will be having people cutting through.

MS. LOE: Any additional questions for this speaker? I see none at this time. Thank you, Ms. Allen.

MS. ALLEN: Thank you.

MS. LOE: Any additional speakers on this case?

MS. NICHOLS: Good evening. My name is Karen Nichols; I live at 1580 Lakewood. My property does not back up to this. I did receive a call last week from a gentleman named Mario. I had a very, very good conversation with him, very polite gentleman, and I expressed my concerns. We had a very good call. And I told him, I said when the Schnuck's was going in, I was so happy it was going to increase my property value. And I said now you have just negated that. But my main concerns was safety. I am thrilled that they're going to do a sidewalk. Here's what I see happening. That line at -- did anybody do a study to look at the traffic during the school year at the cars coming out of there? I have sat for 15, 20 minutes waiting to get out, and it's a real thing. I can see somebody coming trying to get out of Dollar General being very impatient and aggressive driver, and somebody is going to get t-boned. Somebody is going to get killed is my fear. You know, I'm thrilled for the pedestrians, for the bicyclists for the sidewalk, but I am extremely concerned that with aggressive drivers, people -- they don't want to sit for 15 minutes to get out of the Dollar General parking lot. And so I was just curious, was any kind of study ever done at the traffic congestion during the school year?

MS. LOE? Mr. Smith or Mr. Kelley, is that something you can help us with?

MR. KELLEY: Sure. So the traffic engineer did review the plan, did review the access, which is the -- one of the main points here, so the access point was reviewed in relation to the roundabouts. They reviewed distance from driveway to leg of the roundabout. Being specific to a traffic study, a traffic study would only be required if the store would generate a certain number of peak trips -- or a certain number of

trips in the peak hour, and this didn't cross this threshold given the small scale of the store, so a traffic study wasn't required.

MS. NICHOLS: Okay. So that's where I'm coming from. That's my main concern is for these high school students, and the shoppers pulling out of there because they're not going to be patient and wait 15, 20 minutes like I do. They're going to gun it to get out of that parking lot, and we have high school kids that -- you know, and not even just high school, but that's my concern is somebody is going to get t-boned there. You know, that's where my concern lies.

MS. LOE: Thank you. Any questions for this speaker? Commissioner Placier?

MS. PLACIER: Yes. Just -- I just was noticing -- I should have noticed before that this is -- will be just to the right after people come out of that roundabout. Have you noticed any patterns of people coming around the roundabout? They're supposed to, you know --

MS. NICHOLS: Have you driven in any of the roundabouts? I actually live next to the first roundabout is where I live.

MS. PLACIER: Yeah.

MS. NICHOLS: And that's where I sit trying to get out coming of Lakewood Drive. When that school traffic is coming through, that -- I've sat trying to get off of my street 15 to 20 minutes. They do not slow down. They do not stop. They do not yield to anybody. They get that line of traffic there, you know, nose to butt, and they keep it like that where no one can get out. And there's going to be people who are not going to be patient and wait, you know. We can't maybe change that; we can't fix people. I just know it's an accident waiting to happen, and I can see a situation where we've got so many accidents that happen, now the City is like, oh, maybe we should put a yield sign at that railroad track, or whatever, you know. But then we're looking at hindsight regretting that we didn't put the foresight into maybe looking harder at that, and that's why I wanted to know if there was a study done to see how much traffic comes through there during the school year. I know the summertime is not a problem, but during that school year, it is heavy -- very heavy.

MS. LOE: So just to follow up, Mr. Kelley, you said the traffic from the store didn't prompt a traffic study because the size of the store. Correct?

MR. KELLEY: Right. Which would -- you would use that to derive the peak trip information.

MS. LOE: But do we have a traffic study on St. Charles?

MR. KELLEY: I -- I don't know the -- for that specifically.

MS. LOE: Because I believe that's actually what we're hearing is that the traffic on St. Charles is heavy enough currently that simply adding any traffic to it, so -- and I understand what you're saying, but I'm wondering if we're just look at it --

MR. KELLEY: Yeah. So I understand your question. Unfortunately, I don't know the answer to what study we have specifically for this segment of St. Charles.

MS. LOE: So if we could just make a note of that, because I do -- I question when we require

traffic studies, too, and sometimes --

MS. NICHOLS: You know, maybe the questions could be placed --

MS. LOE: We do go through it and -- right. And we're approving projects --

MS. NICHOLS: The Battle High School, how many of your students have parking permits? How many students are driving?

MS. LOE: And I think it would be good to note that we're getting comments on traffic on the street, plus I would like to note that this change of zoning on the 2013 property was done prior to the high school opening. So we're -- we're potentially approving a use on something that has changed the circumstances in the region of change since that time. So it's giving me some pause. I'm going to go Commissioner MacMann, and then Commissioner Wilson.

MR. MACMANN: I have a real quick -- just real quick. the most recent traffic study, if one was done, would either be Battle or Schnuck's. Schnuck's might have been big enough to trigger, and that would be the closest, most accurate traffic study. I will use this moment to share your concerns. If you don't mind, I'm going to piggyback on where you are. We get a traffic study, and it's peaked out -- and that's split out over a period of time. As you know this town is very student centric. We have peak periods like Battle letting out or the University, you know, where we might have 1,000 cars in 20 minutes, and that's not often well captured in a traffic study, particularly if the traffic study is done when those kids aren't in. You know, a July traffic study is not comparable to a November or if you have a football game or something like that. So looking more granularly at the data would be great, but just, I would think, Commissioner Loe, is that Schnuck's might have triggered one and Battle certainly did trigger one, but at the same time, when both -- well, particularly when Battle was built, this was a very different when we first approved Battle. It's changed significantly. Thank you for your time.

MS. LOE: Thank you. Commissioner Wilson?

MS. WILSON: My statement is akin to -- to the statements that have been made about the study. What I'm concerned about also is that the roundabout was not there when this property was zoned, and that's going to make a difference when people are coming off of the property and from the roundabout. So, yeah. It may not necessarily trigger a study because of the size of the store, but some things are just common sense. That's going to cause a problem. Right? Coming off of that roundabout and coming out of the store, that's -- that's going to be problematic.

MS. NICHOLS: And many people do, they gun it through the roundabouts. I see it in every roundabout around town, you know. They don't yield, they gun it so they can hurry up and get through, and somebody is going to get hit, you know. I'm thrilled for the pedestrians that there's wanting to build a sidewalk. I just don't know what's going to happen when a high school student t-bones somebody and kills them.

MS. LOE: Commissioner Carroll?

MS. CARROLL: Is staff able to tell us when the roundabouts were installed, what year,

generally?

MR. KELLEY: I can't pinpoint it exactly with what I have in front of me, but I can tell you the zoning occurred in 2013, and we have aerials from 2017 and both roundabouts are there, so I would -- in the four-year span, I would say that those roundabouts were probably known were going to be constructed when this was zoned at the very least. So -- and, you know, if we're drawing comparisons to the Schnuck's down the road, it, too, has consolidated access points along St. Charles or on Clark Lane at that location, which is probably generating a lot more traffic than these three parcels would in the future. We do look at consolidated access points for these locations, and this one, some of those provisions that they put in at that time was to combine accesses, so two maximum. And that is meant to consolidate those conflict points so that you don't have multiple driveways along that where you do have accident potential. That is actually consistent with what our current regulations are where you have to have at least 300 feet of frontage along an arterial to get a driveway, or else you will be sharing. So they did have some foresight at that time to limit it to the two access points. Would it be ideally if this could move a little further from that roundabout? Potentially. But the traffic engineer did review it and didn't seem to think there were issues at that point in time. A traffic study generally in these situations is -- is going to -- is going to look at that peak hour. It's going to look at the intersections around it. I think the better data here is just the current traffic volume on St. Charles, and I'm not sure what level you would have to get to -- to say that a commercial driveway is not warranted along an arterial street, so especially a site that doesn't have any other means of access.

MS. NICHOLS: That's what I'm saying, and this time of year is not indicative -- does not indicate what the traffic is like. If somebody were to call Battle and ask them how many students do you give permits that are driving to school every day, that tells you, you know, at 4:00, them and the school buses, how many are trying to come through. And what's the chance that we have an emergency right across the street at the firehouse and they're trying to get out at the same time?

MS. LOE: Any additional questions for this speaker? Commissioner Carroll?

MS. NICHOLS: Karen.

MS. CARROLL: Thanks, Karen. She was calling on me. I'm Commissioner Carroll. With her mask on, I couldn't see who was talking.

MS. LOE: That's a common problem here.

MS. CARROLL: So what I wanted to ask you is very similar to the question that I asked the previous neighbors, and that's that given that this is site approved already for a commercial use and that another commercial use -- a commercial use of some kind is likely to go in here, what kind of site features could possibly address your concerns with traffic. I find it hard to believe that there would be no driveway there for a commercial use of some kind. How -- how can those concerns be addressed?

MS. NICHOLS: And I don't have an answer for that. You know, I said my property doesn't back up to it, so I don't have the issue, you know. I still believe we'll have littering, and people walking

through, but, you know, my issue is the safety. I mean, do you take out a roundabout and put in a light? I don't know. I don't know. That's a huge expense on the City --

MS. CARROLL: Yeah.

MS. NICHOLS: -- and I don't know what the answer is. I just -- I can just foresee it. I've had a very close family member was t-boned, and I know it can happen, and I just -- I do believe at some point, it's going to happen, and probably more than once.

MS. CARROLL: Yeah. I understand. It's not your job to solve those problems, but I've got to ask if there is a route.

MS. NICHOLS: Yeah. I don't know what the answer is. Answers don't build it, and we're happy, but I understand something else could go there, yeah. You know, my concern is -- I mean, how is a high school kid going to live with that the rest of their life if they t-bone somebody and kill them? You know, and they have to live with that forever, you know, so anyway.

MS. CARROLL: Yeah. Thanks.

MS. NICHOLS: You're welcome.

MS. LOE: Thank you. Any additional speakers on this case?

MR. NORMAN: (Inaudible) -- 5909 East St. Charles Road.

MR. KELLEY: Real quick, sir, if you could lean into the mike. Thank you.

MR. NORMAN: I don't know. My concern is basically the same --

MS. LOE: Mr. Norman, can you repeat your name and address? Sorry.

MR. NORMAN: Oh. It's James Norman, 5909 East St. Charles Road. My concerns are still the same, I guess, no matter what happens or whatever, just whatever constructions goes there pretty much just could tear my foundation even more, I guess, or whatever, which would cause me to -- conflict between me and whoever is going to be putting a business there. There's trees that leans over. When the wind blows, I'm afraid they're going to fall on my property. The construction working there, I'm afraid it could cause a conflict between me and them. The fence line, I believe, has a gas line and stuff running across of it. I'm afraid that if they do hit it or something, that it might cause me money or it would cause another conflict between me and them. Far as -- so this PD thing, that's just for the three properties; right? It doesn't include mine or the neighbor behind me or aside of me at all?

MS. LOE: Correct.

MR. NORMAN: Okay.

MS. LOE: Just those properties are zoned PD.

MR. NORMAN: Okay. But, yeah, that's my big concern, is just that something could devalue my property, I guess, from the construction -- (inaudible). Appreciate it, though. Thank you.

MS. LOE: Thank you. Any questions? Mr. Norman, one question.

MR. MACMANN: I do not have a question for Mr. Norman.

MS. LOE: Oh.

MR. MACMANN: Our recorder is having a very difficult time, and we're trying to get your -- and we're trying not to interrupt you or them. It's just a reminder we could be --

MS. LOE: Is it volume?

MR. MACMANN: Folks, if we could be closer to the mic and have it up to your face and speak close to it, that would be awesome.

MR. RAUCH: Randall Rauch at 8020 Payette Drive. I agree with this group of people who have talked. The traffic on St. Charles Road at 4:00 in the afternoon is terrible. It's not like Schnuck's where you have a divided highway both sides of Schnuck's. This is a two-lane highway, just two lanes. If you really want to see what it's like, go down there in September at 4:00 in the afternoon and stand there and watch. It's going to be a big problem. It's a safety problem, guarantee you. That's what I've got to say.

MS. LOE: Thank you. Any questions for this speaker? I see none. Thank you.

MR. RAUCH: Thank you.

MS. LOE: Any additional speakers on this case? If there are none, we will close the public hearing.

PUBLIC HEARING CLOSED

MS. LOE: Commission discussion? Commissioner Wilson?

MS. WILSON: So I am deeply disturbed by the lack of notification. I am also -- you know, I -- it's not lost on me that this property is zoned commercial and there's already approvals. However, I think without the notification and the opportunity to discuss between the property owners and Dollar General that we don't even have a chance to come up with ways to solve some of the concerns. And so my request is that we table this to give that opportunity for Dollar General to do their due diligence, and the City to also maybe come back around and try to give some alertness so that people can have more discussion about this topic.

MS. LOE: Commissioner Kimbell?

MS. KIMBELL: I understand that it's commercial and there's going to be traffic issues. I understand that. And it doesn't matter what type of business, I think, goes in there, my -- what I've gathered from design. My question is for the applicant, why -- why the need for another Dollar General store, even though it's a smaller footprint, in that particular area?

MS. LOE: Commissioner Stanton?

MR. STANTON: Demographic studies, income, activism in your neighborhood, that's why certain stores are where they are. They want it there because of what you guys make, how much your property value is, and all that goes into a -- into an algorithm and they spit out potential spots to put stores. That's why we've got a Raising Cane's down here, and you all don't. Why you guys have got -- what's out there -- why you've got a Sonic and why you don't have a Culver's. Demographic studies. That's the way of life. That's how it goes. Play chess.

MS. LOE: Commissioner MacMann?

MR. MACMANN: I would be supportive of Commissioner Wilson's concept of us tabling it, not them. Not them, but us tabling it to address these specific issues. I am very concerned about the communication aspect, not just from the agent's perspective, but the City's perspective. We seem to have in this room at this time the relevant parties, and they could exchange numbers and have a fruitful conversation if we were to table this to date certain, say 30 days hence. So I think if you want to talk about that, that's -- that's fine, but I'm willing to make that motion.

MS. LOE: Commissioner Stanton?

MR. STANTON: I don't know if it would do any good. I think Dollar General has got some kind of feedback. I don't know if it just came from the site guy. I don't feel like they -- at the end of the last meeting, I was convinced and probably bamboozled that the guy that was here representing Dollar General and the neighbors exchanged numbers. I thought there was going to be an active discussion not a week before they got here. I really thought that -- I felt -- I was maybe bamboozled, that that conversation would be over a period of time, not right before the meeting. That's what I thought. There has been changes. They have made accommodations. They have -- they have proposed some sidewalk that is badly needed there. I don't think that Dollar General is going to budge much more than they have. And I don't know if tabling is going to do anything -- anything better. I don't think that Dollar General is going to reach out and discuss or have any more conversations than they've had, and if they do, they'll just wait a week before we come back here, and I hate being bamboozled. I just really do. It gets under my skin. So I don't know if it's going to work. I think we need to go up and down and vote. They live or die on the vote.

MR. MACMANN: I'd like to redirect, Madam Chair, if that's possible. I agree with your perspective, Commissioner Stanton. And just so you all know, often, we only have one tabling on something, and often that usually reach -- it allows the parties -- everybody comes and they see each other, and they go, hey, we didn't mean this, or we really want this, and they get that together. It is uncommon after a tabling that something comes back to us and still remains after one hour and 20 minutes at an impasse where people are not happy. I don't necessarily -- it may or may not have been -- let me just put it this way. It would seem to me that communication on a variety of levels, be it the City, and other parties, were not what then needed to be. And I would -- I am always an individual, and I see your point about say yea or nay and let them fight it out. I would like engagement to have another opportunity. If we say yes to the applicant, it goes to Council and it has our seal of approval. If we say no, it may go back to square one, it may not. I don't know. And I wanted to put that forward. Commissioner Wilson mentioned this to me, and I -- I think it has some validity. And it has more validity -- I'm normally like you, Commissioner Stanton. I'm, like, you know, we already gave them 30 days, or however much time we gave them.

MS. LOE: Six weeks.

MR. MACMANN: Six weeks. It seems a little late to be -- I'm -- I'm disappointed they couldn't reach anyone, or I'm disappointed of their discussions. And regardless of whether it's fruitful and good or not, didn't really start until a week-ish ago. That's -- that's problematic to me.

MS. LOE: I agree there's been communication issues. I guess my thought is that I'm not hearing so much that there's still items to be negotiated as they're simply not happy with what's going in and the traffic. And I understand those, but I'm not sure those can be negotiated away. So I'm not sure tabling this is going to achieve anything. Commissioner Carroll?

MS. CARROLL: I would be inclined to vote to approve a tabling. I don't want to be here another time. We're having a conversation that is substantively similar to the conversation we had last time, and we voted to table that. I -- I'm with Commissioner Loe. There seemed to be impasses. I wonder if Council is the next decision body for this. I do not want to see it on the consent agenda because I think it's controversial enough that it should not end up on the consent agenda, so if this vote goes in this way and it ends up on the consent agenda, I would suggest that we have a second vote to remove it from the consent agenda.

MS. LOE: Commissioner Placier, then Stanton, then Wilson.

MS. PLACIER: Well, typically, when there is a conflict like this, in many other venues, it would be the possibility of mediation. I don't know if the City is the correct party to do a mediation, but -- and I don't know if this has happened on P & Z before, but I don't know that -- well, I don't want to impugn anybody's skills, but I don't know that Dollar General has -- let's say just the need to pursue an authentic kind of conflict mediation process, if they can just power through and maybe get what they want anyhow from Council. But, you know, I'm always eternally hopeful in thinking if we did have the tabling, maybe that would open up that possibility because just going back and doing nothing until the final week, you know, that is not going to -- that's not going to do any good.

MS. LOE: Commissioner Stanton?

MR. STANTON: I have no faith in the negotiation of Dollar General with the neighborhood. We gave you six weeks. Waited till the last week or two to really get down to the nitty-gritty, and we spent two hours the last time talking about this, and it was heated, heavy communication between the community and the entity, and you waited a week before you got here to talk about it. I have no faith that there will be any -- any leeway or anything changed, no faith in that discussion. But I will say this. Dollar General did make some good accommodations here, and the bottom line is I think that the neighbors that are here are the most active, don't want it anyway. So I don't know if there's much we could keep negotiating. I mean, the ten-foot fence thing, I don't know if it was discussed before tonight. That definitely should have been a discussion happening more than a week ago, but this is a business. They're going to do what they can financially do. That's the bottom line. It's a business, and if somebody came to my -- you know, put yourself in their shoes and kind of come up with a compromise, but play your cards, your chess moves right. So I have no faith in Dollar General's negotiating anything

more. They gave some accommodations here. Most people that are here don't want it anyway. I still agree with an up or down vote, and the citizens that have problems, I think they need to -- even though I have no faith -- go back and talk to these guys before it goes to Council. You have Council again. This is more technical. Council is more political. You have one more shot at getting what you need or eliminating the project altogether. But I just want to up or down vote it and let -- and go from there.

MS. LOE: Commissioner Wilson?

MS. WILSON: Thank you. So the fundamental problem that I have here is that I am eternally hopeful, and I do think that Dollar General does want to be a good neighbor, hence the changes that have already been put forth, which are good changes. I believe that people are capable of thinking things through. I used to work for IBM. Our whole model was think. And so people are capable of thinking things through and working with each other to come to a conclusion. It's not going to be perfect, but it can be better. And right now, I think we need better, which is the reason that I'm suggesting the tabling, and I am strongly urging people in this room to exchange information and talk to each other so that we don't come back here and spend another two hours of our time at a place where we all are feeling like we're at an impasse. I believe in you. You can do it.

MS. LOE: Commissioner MacMann, I'm going to go to Mr. Smith first, and then we'll come back to you.

MR. SMITH: Thank you, Ms. Chair. I just want to say that, you know, given the communication feedback here, if there is something at issue with the phone number, we will look into that, and if there was an issue, we -- we do sincerely apologize about that. In the meantime, just while we have people in the room, Mr. Palmer is the project manager on that -- Rusty Palmer, so I've got his contact information directly here. So I'll leave that with Mr. Teddy. If you want to come up, take a picture of that. If you received the property owner letter, this should have been out recently, his contact information was on that letter, as well, but if you weren't within that 185 feet, if you weren't part of, I think it's 14 individuals that were within that area that was notified, you can get his contact information here. I would use this contact instead of the one on the sign, which I do know we've had issues. I think we're on sign number two. The first one mysteriously disappeared, so we'll go out to make sure the second one is still there, as well. And we did re-advertise a second time for this meeting, given the length of time it was tabled. Typically, we don't unless it goes beyond two months, but we felt in this situation property owner letters and advertising in the paper was due again, so we have re-advertised this one specifically. So I'll leave this with Mr. Teddy in case anybody wants contact information.

MS. LOE: Mr. Smith, while we have you on the microphone, can you remind me of the ramifications if the Commission tables versus if the applicant tables?

MR. SMITH: Yeah. Generally, the Commission can choose to table it beyond two months. That is their prerogative. Generally, the limitations on two meetings or two months is if the applicant is seeking that. If the Commission is the one initiating the tabling, you can go beyond that. Since we have

re-advertised, there really isn't an issue there. Either generally are policies if it goes beyond that two months, we're going to re-advertise, but we already did it for this one.

MS. LOE: Thank you. Commissioner MacMann?

MR. MACMANN: I'll try to make this all as quick as I can. To Commissioner Stanton's point and to Commissioner Wilson's point, I think somewhat, we have the well poisoned already. I'm going to point out a couple of developers -- agents who use a different technique. They reach out early and often, and they get what they need because they've reached out early on. And I'm not -- this is not a commercial for the names I'm about to mention, but it's just a way of doing business. Mr. Ott and Mr. Crockett will go to the neighborhoods and the neighbors early, and say, hey, this is what we want to do. This is what we're going to do. We're to a point now where we have some mistrust issues, and those are really hard to overcome. I'm going to set that aside for the moment. Thank you, Mr. Smith, for agreeing to address those communication issues on the City's part, and I will apologize to the neighbors that our aspect of the communication was not held up. Now I have two suggestions. I suggest we move forward. I'll make a motion to table, and then we go from there. And if that does not pass, I can make a motion up or down on the applicant's request. Is everyone copacetic with that course of action? That -- I'm seeing nods. With that being said, Madam Chair, I wish to make a motion. In the matter of Case 140-2022, I am thinking forward here, I move to table to date certain, that would be 30 days hence, Mr. Smith. What's that day for that meeting?

MR. SMITH: That would be --

MR. KELLEY: July 21st.

MR. SMITH: Thank you, Mr. Kelley. July 21st.

MR. MACMANN: I'm sorry?

MR. SMITH: July 21.

MR. MACMANN: July -- to date certain, 21 July 2022, I so move. Do I have a second.

MS. WILSON: Second.

MS. LOE: Moved by Commissioner MacMann, seconded by Commissioner Wilson. We have a motion for tabling on the floor. Any discussion on this motion? Commissioner Stanton?

MR. STANTON: If I would be out of line just to get right to the nitty-gritty and ask if Dollar General is willing to even negotiate any further, or are we wasting our time?

MS. LOE: We have to open up public hearing and all that good stuff, so no. We're in the middle of a motion right now.

MR. STANTON: Okay.

MS. LOE: You're wasting your time.

MR. STANTON: Yeah.

MS. LOE: All right. Any other discussion? If not, Commissioner Carroll, may we have roll call, please.

Roll Call Vote (Voting "yes" is to recommend approval.) Voting Yes: Mr. MacMann, Ms. Placier, Ms. Carroll, Ms. Wilson, Ms. Loe. Voting No: Mr. Stanton, Ms. Kimbell. Motion carries 5-2.

MS. CARROLL: We have five yeses and two nos. The motion carries.

MR. MACMANN: Madam Chair, point of order?

MS. LOE: Yes.

MR. MACMANN: I -- may I address the crowd? I'm not going to call them up. I strongly suggest this is your last chance to get this right, that you all take this immediate moment and see what you all can do. You seem amenable. I saw you nodding. I'm sorry the procedure was just to go forward. Mr. Smith and Mr. Kelley have the pertinent phone numbers for you folks, and you all have these numbers. We have a lobby. There are chairs. Good luck.

MS. LOE: Commissioner Stanton?

MR. STANTON: Don't wait on them. Attack. Attack. Attack. Attack.

MS. LOE: This brings us to our last case of the evening.

Case Number 164-2022

A request by Engineering Survey and Services (agent), on behalf of Somerset Village Development, LLC (owner), for approval of a development plan and preliminary plat. The preliminary plat proposes three lots. This PD Plan, located on Lot 2, proposes two three-story multi-family structures, a community building, and associated parking. The 17.3-acre site is zoned Planned Development and is located northeast of the intersection of Battle Avenue and St. Charles Road.

MS. LOE: A popular location this evening. May we have a staff report, please?

Staff report was given by Mr. Brad Kelley of the Planning and Development Department. Staff recommends approval of the preliminary plat and PD Plan, subject to technical corrections.

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

MR. MACMANN: Thank you, Madam Chair. Planner Kelley, a comment and then a question. If you guys can pitch more landscaping and more trees for parking, you guys can make that swap more often, you would be rock stars. Second question, there's a detention basin between Lots 2 and 3. Is that to service Lots 2 and 3, or will one be able to service that, as well -- or need -- utilize that as its by mediation or whatever we're going to -- how's that -- how's that going to work?

MR. KELLEY: I'm not certain for Lot 1, unfortunately. I believe the applicant is here to probably answer that in more detail.

MR. MACMANN: Answer those questions? That's usually an engineering question, and we

have -- we happened to have one right here. I just wanted to make sure because of its location, it might not be able to service Lot 1. I'll ask the engineer when he gets up there. Thank you.

MR. KELLEY: While I have the mic real quick, if you don't mind me adding one thing I should have mentioned in my report. I did have one letter that came to me, a letter of opposition that was included in your packet. I just wanted to mention that as I forgot to state that earlier, and then I had a few general inquiries via phone call. That was it. Thank you.

MS. LOE: Thank you. Any additional questions for staff? Mr. Kelley, you mentioned that there was a few corrections on the climax forest?

MR. KELLEY: Yes. I'm trying to find the best graphic.

MS. LOE: Just to clarify what those corrections were?

MR. KELLEY: Sure. So I noted in the staff report and it's noted on the preliminary plat that there is climax forest on site. Reviewing the definition of climax forest, and how the ordinance reads and treats it and its preservation, there actually isn't any climax forest on the site. That's because where there would be climax forest, there's actually the stream buffer. And because there's a stream buffer there, that sort of negates the climax forest because it's already being preserved. So in speaking with the arborist and their interpretations, since the adoption of the UDC, there isn't any climax forest on the site because it has to be 20,000 square feet contiguous woodland community with a small rectangular portion of at least 5,000 square feet and outside of the stream buffer, there isn't that. The largest piece outside the stream buffer is about 15,000 square feet.

MS. LOE: All right. The definition of climax forest does not exclude the area in the stream buffer, it's only the preservation area that excludes the stream buffer area. And when we wrote this in UDC, I remember this work session. It was because we didn't want sites that had an abundance of natural features to be able to double dip and eliminate, so we didn't want a site just like this one that might have a creek and might have forest to say, well, I'm going to choose one and not the other. So it's the preservation areas that need to be counted separately, but climax forest, that -- it's counted including the area in the stream. I mean, it runs across the whole site. So we look at all the forest on the site and say, yeah, this is all the forest area, but then when we're looking at what to preserve, we exclude the area in the stream buffer, and then look at what was out. So when I was looking at what they were telling us was in the preservation, that's where I got stuck because that included the area in the stream buffer, which is being preserved, but not as climax forest preservation.

MR. KELLEY: Yeah. I'm understanding this completely. It's -- it's just not consistent with our interpretation from the arborist since the adoption of the UDC, unfortunately.

MS. LOE: All right. As someone that wrote that part of the Code, and I have two other members sitting here who -- do you agree with me?

MR. MACMANN: I will second the Chair's. We were very expressive about -- I'm taking your time --

MS. LOE: Yes.

MR. MACMANN: -- about not double-dipping, and to make sure that those preservation standards remain separate because one of the reasons is over time, one or both of them might change. So that's -- if that was the arborist's interpretation, that's fantastic, but the -- the framers' intent -- and we can speak to the framers' intent, if you guys want to talk about framers' intent sometime -- thank you, Madam Chair.

MS. LOE: Thank you. No. I wanted to run it by you two because I was sitting there going this is -- this is doing exactly what we were trying not to do, which was --

MR. MACMANN: It was also related because we have other protected areas, particularly in the east, south of this. We have a bat preservation area or some other sensitive vegetation or biomass or something, not allowing those, and Mr. Teddy might remember, we were -- had areas outside the City that were -- that could have been problematic. We didn't want double and triple dipping to go on is why we kept them as standalones, so they'd have their own preservation standards.

MS. LOE: So if the arborist is excluding the area in the stream buffer to begin with, they are by virtue creating this quandary. And if -- how it was written is setting up this interpretation, we need to relook at that language. And I want to say that based on the numbers, we should be preserving climax forest beyond the stream buffer. That said, we weren't given all the numbers, so I can't be really specific. I believe we should have about .56 acres of climax forest beyond the stream forest -- stream buffer. Now I really am compounding things -- screen forest buffer.

MR. KELLEY: The arborist was interested in looking at it as a text amendment that kind of considering the interpretation that you're taking, because we were kind of looking over that, well, what's the other interpretation of that. And to make it clear, we were looking at the potential text amendment I think is what you're suggesting.

MS. LOE: Well, I'm glad -- I'm glad the framers' intention still --

MR. MACMANN: I feel like -- like I've been talking to the Supreme Court. This is not -- Madam Chair, if I may. Do you want to hold -- do you want this issue now?

MS. LOE: The only reason I'm bringing it up is because I communicated with Mr. Kelley about this prior to this meeting, and I'm concerned that there may be changes that eliminate all the preservation area outside of the stream buffer, and I just wanted to make sure that's not happening.

MR. KELLEY: We -- so given the arborist's interpretation, we have suggested to the applicant to make technical corrections to remove the climax forest, as our interpretation would say that there is none because it is included in the stream buffer, and that would exclude the climax forest. So that is what has been relayed to the applicant at this time, to make that correction.

MS. LOE: And I'm positing that this body does not agree with that.

MR. SMITH: I think a good -- a good work around would be we'll -- we'll take this back. There is some technical corrections, so we can go back and confer with Mr. Teddy and Mr. Zenner, who was

also involved with the writing, and see if -- if maybe that interpretation has gone askew over time, and if not, you know, it is kind of a technical matter at that point, if they decide that this is how we'll carry forward, then it probably needs to stay that way, and then we'll come back with a text amendment to clarify it. And if not, then they can go ahead and make those changes and still be consistent, I think, with what you're suggesting right now.

MS. LOE: Commissioner MacMann?

MR. MACMANN: And this was why I was referring to the County before. As long as the trees aren't cut down in the interim, then it's a moot point. That's -- that's why we -- because I saw that too, I thought I hope Commissioner Loe brings this up, because she loves the rabbit holes, and that's good. That's good in this case because I think you expressed that really well. Some of these will be questions for the applicant. Madam Chair, do you wish to move on to the applicant, or do you want to address this more here, or what do you want to do?

MS. LOE: I'm -- I'm -- I think I asked my question of Mr. Kelley. Any additional questions for staff? Commissioner Placier?

MS. PLACIER: My only question after this discussion is what would be the practical effect of each interpretation on the plan we're looking at?

MS. LOE: The -- saving half an acre, another additional half-acre of trees.

MS. PLACIER: And would that affect the -- the building plan of the applicant?

MS. LOE: Not where they've shown it.

MS. PLACIER: Okay.

MS. LOE: Because the plat -- plats one and two don't currently have footprints on them. Any additional questions for staff? If not, we will open up the floor to public hearing.

PUBLIC HEARING OPENED.

MS. LOE: If you can give your name and address for the record.

MR. KRIETE: Good evening. My name is Matthew Kriete; I'm with Engineering Surveys and Services, offices at 1113 Fay Street, and the civil engineer on the project. I first want to say that -- I want to assure you that we're not here for Dollar General, despite what the slides say. So to address the questions first, I think that we heard. Lot 1, no detention is proposed for that at this point. That will come at a later date. We're -- we did have the opportunity to combine lots 2 and 3, and took advantage of that, but really no practical way to do all three at one time without utilizing the stream, which was not the best scenario for the stream. As for the tree preservation and climax forest, I like the framers' intent. I'm big on that. I think that's important. So at this point, our intent is not to take out more climax forest than allowed. I think our application shows that intent. I did make the changes as requested by staff, scratched my head a little bit, and said okay. I'm sitting here reading it and going I can see both arguments, so that's my opinion on it, at least. So I think -- I can see where both say --

MR. MACMANN: Well played, Mr. Kriete.

MR. KRIETE: Yeah. And you've been there with me before when I say, no, it says that. So yes. That's our intent. So it does not affect our plan, as you -- as you mention. You know, certainly, I think we want to solidify that for the preliminary plat moving forward as it does kind of set a standard, but what you have in front of you commits to that, even if the number is incorrect. All right. So at any rate, we are looking at what was one tract, splitting it into three to create a development parcel for what is -- what's lot 2, that kind of that middle parcel, which is what you see the PUD plan on. It is zoned. It's got utilities. The statement of intent has been created. And we're pretty much preserving all the trees outside of -- afraid the sewer is getting into a couple of trees along the way, but outside of that, it's trying to maintain as much of that as we can. You can see we've moved the sewer even away from the buffer as far as really is practical. And overall, we're proposing less density, less height than what's allowed, and really on conforming with the UDC standards. With that, I would be happy to answer any questions you have. Oh, and then say finding some housing, affordable housing that's really needed in Columbia. There's not much of that here in this community, and particularly of a newer nature. So if you have any questions, I would be happy to answer them.

MS. LOE: Thank you, Mr. Kriete. Questions? Commissioner MacMann?

MR. MACMANN: You're about to get a lecture from Commissioner Stanton. You're not? Okay. I will ask you a question then. Do we have -- and you may not know this, and that's fine. Do we have a conceptual target point for a lease -- for how much rent is going to be here?

MR. KRIETE: I'm afraid I don't know that answer. I know it's set at a percentage less than the mean rent in the area. I can't speak to all the specifics about that, but that's part of the --

MR. MACMANN: Mr. Kriete, that -- Mr. Kriete, that is an excellent answer actually. That's a very useful answer, too. Mr. Stanton can confirm, we deal with mean incomes all the time. And thank you for being willing to be just flexible on while staff and framers ponder their intent. It's a matter of -- and for the other members of the audience and the other members of the Commission who weren't here, it's a matter of putting climax forests into a state of preservation rather than, hey, you need to keep those trees over there. We split this out to do, and I thought we did it in a very balanced fashion. Other communities may have a greater preservation standard, but we let a lot of these preservation things stand alone and didn't allow the double dipping that it's a stream buffer, it's a climax forest, and I want to thank you for being willing to do this. And I did notice that you all were short of the maximums on everything, and I was, like, oh, okay. So we're not going to be arguing over parking space and height of the building, and those kind of footprints, and I appreciate that, also. Thank you, Mr. Kriete.

MS. LOE: Any additional questions for this speaker? Commissioner Stanton?

MR. STANTON: Don't say affordable if you don't mean it.

MS. LOE: Thank you, Mr. Kriete.

MR. KRIETE: Thank you.

MS. LOE: Any additional speakers on this case? If there are none, we will close public hearing.

PUBLIC HEARING CLOSED

MS. LOE: Commission comment? Commissioner Stanton?

MR. STANTON: I think our previous speaker is example of I think our developers and engineers are getting it. They're really paying attention to the Code and trying to make a win-win situation for everybody, so I commend you and -- and support it.

MS. LOE: Commissioner Carroll?

MS. CARROLL: I love this plan. I was very appreciative of minimizing the parking in particular. I like the idea of multi-family near a high school. I -- I say this because I would like to see more plans like this. I also like the idea of multi-family near a forested area where it's enjoyable for those who live there and not just multi-family near a highway. It's rare that we see plans like this.

MS. LOE: Commissioner MacMann?

MR. MACMANN: If my fellow Commissioners have -- don't have any more comments or concerns, I'd like to make Mr. Kriete's day. In the matter of Case 140-2022 PD Plan -- oops -- wait, wait, wait, no. Retract what I just said. In the matter of Case 164-2022, the matter of Spartan Point Preliminary Plat PD Plan with minor technical corrections, particularly regarding climax forests and stream buffers, I move to approve.

MR. STANTON: Second.

MS. LOE: Moved by Commissioner MacMann, seconded by Commissioner Stanton. We have a motion on the floor. Any discussion on this motion? Seeing none. Commissioner Carroll, may we have roll call, please.

Roll Call Vote (Voting "yes" is recommend approval.) Voting Yes: Mr. MacMann, Ms. Placier, Ms. Kimbell, Ms. Carroll, Ms. Wilson, Ms. Loe, Mr. Stanton. Motion carries 7-0.

MS. CARROLL: We have seven votes to approve, the motion carries.

MS. LOE: Recommendation for approval will be forwarded to City Council. That concludes our cases for the evening.

VII. PUBLIC COMMENTS

MS. LOE: Any public comments? If you can come up to the podium. We will need your name and address for the record, sir.

MR. FICK: My name is Tom Fick; I live at 2451 North Slick Rock. I'm, I guess, at this stage and since the important stuff is done, I can say it. The -- I'm a nosey neighbor. Okay? We've lived out there for 20 years, and I'm a little concerned by the comments that were made for the earlier case tonight that there was pretty much a lack of notification or a lack of confirmation of notification, let's say, of people in the area. I notice that Somerset Village is probably being developed by the same people that are developing this, since they have the same name, so I would assume that they have almost carte blanche approval by all of those people that built new houses out there in the last five to seven years. And I guess I'm a little bit surprised that there weren't more of those people here tonight to voice some

concerns over this kind of changing the population out there from being a nice, new smaller-homed type subdivision right across the street from this. But I know -- you know, we observed the only sign that we saw was the one sticking up along the road that, again, gave no date or anything as far as when the meetings go. I would just like to suggest that you all develop a procedure where you put dates down on these signs to let people that are affected or are interested know what's going on. You know, what I saw here tonight, I think you all do a wonderful job. You get to the bottom of things; you go through the whole thing as best you can with the information you're given and we respect that and I want to thank you for that. But then we hope that we don't start developing stereotypical neighborhoods where now we're going to put multi-family, lower-income, lower-rent prices, and whatever in areas, and we're starting to see that out in our area from when we bought -- we built out there. All the subdivisions that are going in out in our area are getting smaller and smaller, smaller lots, lower expectations of the owners where the stuff we see on the other sides and the quadrants of this town are the opposite. They're just getting bigger and bigger, and fancier and fancier. So I just caution you or ask that you all consider that in your deliberations in the future, that you try to get some equity around the north and northeast side of town. And we thank you all very much for your work and for serving in your jobs as a community. I wouldn't want it. Thank you.

MS. LOE: Thank you, Mr. Fick, and thank you for the feedback. Any additional comments?

MR. RAUCH: Randall Rauch, Tom's neighbor. And also it just seems to me that a multi-family three-story residence next to Battle High School, it just doesn't seem like it fits. That's kind of a rural area, small homes, single homes, single-family homes, and all of a sudden, we're getting three-story, multi-family. It doesn't -- it just -- common sense dictates it doesn't fit, in my opinion. And, you know, I mean, we floated a bond, what, and spent \$70 million to put up Battle High School, and then do this. It kind of ruins the area, if you ask me. I mean, Battle High School is a nice high school, And then you've got that little elementary school right next to them. That's a nice area. And then here comes this. It doesn't make sense. Any questions?

MS. LOE: Thank you. Any questions for this speaker? Commissioner Carroll?

MS. CARROLL: If I may, I might suggest that very likely the people living in the multi-family apartment building are going to be people with children and students at Battle High School, and that's what draws them to the area, the desire to attend the new high school that is nice and sought after.

MR. RAUCH: Well, they can still get a single-family home. Why do they -- why build a big three-story multi-family -- you know, that -- you can get a lot of problems with that.

MS. CARROLL: How often do you see single-family homes for sale?

MR. RAUCH: Pardon me?

MS. CARROLL: Do you frequently see single-family homes for sale in the area?

MR. RAUCH: Oh, there's a lot of -- tons of them. You can go to all kinds of vacant lots there in Somerset Village. There are lots there. All kinds of lots.

MS. CARROLL: What kind of -- do you think those might meet affordable housing in a way that would make the new high school accessible?

MR. RAUCH: Well, people -- people buy them, so --

MS. CARROLL: Yeah. Would the new --

MR. RAUCH: -- they must be affordable.

MS. CARROLL: Sorry to interrupt you. Would the new high school be accessible to people from various ranges of income, and is that something that you think would be desirable?

MR. RAUCH: I would think that they could afford it, you know. I mean, you know, you've got to be accountable for your own finances. Is this -- is this a low-income thing? Is this what this is -- public assistance?

MS. CARROLL: I don't think so.

MR. RAUCH: No?

MS. CARROLL: But a range of housing styles leads to a range of housing availability.

MS. LOE: Commissioner MacMann?

MR. MACMANN: I'm going to cede my time to Commissioner Stanton.

MS. LOE: Commissioner Stanton?

MR. STANTON: An ideal neighborhood is to assist the different densities, different income levels, and I will say this, personally.

MR. RAUCH: Uh-huh.

MR. STANTON: Mr. and Mrs. Battle were instrumental in the integration of both grace and class in Columbia, Missouri, and they would be very proud to see the different mix of housing, both income and density, around schools that were named after them. Multi-family does not necessarily mean low income, and also, they will be a prime spot, the multi-family that is proposed here, will be a prime spot for people that are first -- first, second year teachers, people that are staff and support staff, as well as teachers that work at Bottle. If I was teacher, especially straight out of college, I can't afford a \$300,000 home, which is probably the average home across there, but I could afford to pay rent here while I got my bank account and took -- and took responsibility for my finances, and live in a -- in a moderately priced rental property while I collected my finances and got my finances together so that I can afford a home maybe of that level or somewhere else. But to make the assumption that the multi-family is for low-income people, even if it was, low to moderate income should not be sanctioned into one place in the community, and it works best when it's spread around and is -- and it is mixed use and mixed income and mixed densities, big homes, little homes, multi-family, all those make a perfect neighborhood. So I supported this. I think it is a great idea. I understand where you're coming from, but I think some of your positions may be misplaced, and I think if I were to summon the spirit of the Battle family, Mr. and Mrs., which are named those two schools that you just discussed are named after, they would probably argue differently. But thank you for your input.

MR. RAUCH: You're welcome. I just still don't think it fits.

MS. LOE: Commissioner Wilson?

MS. WILSON: Thank you. Similarly, I echo the sentiments of Mr. Stanton. I did not know Mrs. Battle, but I knew Mr. Battle well, and he was a desegregationist. And so, therefore, I think that it would be his dream and his hope that there would be the opportunity to have diversity in an area of a school that is named for his wife and for himself. And I also agree that, you know, being a single mom of divorce, I had to file bankruptcy after our divorce, doesn't mean that I'm not a good person. I'm an attorney.

MR. RAUCH: Uh-huh.

MS. WILSON: It doesn't mean that, you know, I -- sometimes you just fall on hard times, and it's a difficult time. And at that time, I wasn't able to buy a single-family home, so an apartment would have been what I would have needed. So to judge people in that position so harshly is really not fair. And everybody -- I, you know, have a daughter. She's 19. Fortunately, I've been able to buy a house and now my 19-year-old daughter has bought a house, so you can understand that given the opportunity, people can, you know, do better in life. They can change, but they just need that opportunity. When I was -- you know, when I had her in my home, I wanted to safe place to live. I didn't want to have to live in a bad neighborhood because I filed bankruptcy. I wanted a safe place for myself and my child. So I understand where you're coming from. It's not lost on me. I get it. I just want to also make sure that we understand that everybody is not on the same playing field, and just because they use the term affordable housing does not mean that that's bring degenerates into the area.

MR. RAUCH: What I'm just saying is the crime -- crime, you know --

MS. LOE: Actually, the term affordable housing is being replaced by the term workforce housing because this is the housing that we need that -- for our police and firefighters and teachers, and people in jobs that can't afford the home prices that are being asked for at this time. So you may find that these are actually the very neighbors you want to have in your community.

MR. RAUCH: Okay. Well, thank you.

MS. LOE: Thank you. Any additional comments?

MS. RAUCH: (Inaudible.)

MS. LOE: Linda, I'm sorry. We need to have you -- at the microphone.

MS. RAUCH: Linda Rauch, and I live at 8020 Payette Drive. We're just east of Battle High School. I think where my husband is coming from is, we were sent this by one of the people in our neighborhood, Cooper Creek neighborhood, and we didn't even know about it until she sent this to us. And what it says here, and this is what he's talking about, I'm sure, it says this is what this is about, this whole Somerset Village thing is, it says right here, the developer has indicated that they plan to place 48 units. These units will be targeted to lower-income tenants, and that's -- that's what we're concerned about. Is that -- that's where -- that's where Randy is coming from with this, I'm sure, and that is what we're concerned about is mixing more expensive homes with less expensive homes, lower income homes

that people would -- would do. That's -- and I know what you're saying, too, and I appreciate that so much. But that -- this is -- when we read this notice, that's the first thing that we thought about when we read this.

MS. LOE: And I would just like to reiterate that lower income includes our school teachers, nurse's aides. That is who we're trying to find affordable --

MS. RAUCH: As well as others. As well as others.

MS. LOE: Correct.

MS. RAUCH: Yeah.

MS. WILSON: I have a question.

MS. LOE: Commissioner Kimbell, first did you have a comment?

MS. KIMBELL: I would say I would be in agreement. It would be nice to have single-family development in that area. It would be great to have it throughout community -- throughout our community, but we're just not at a point that we can do that. We don't have the workforce, and that's a great term. We don't have the workforce that can afford to do that yet. I think there's a stagnation, there's a bad reputation to the word affordable housing. I think that needs to be reframed.

MS. RAUCH: Well, and I agree with you. I do agree with you because with this notice that we - - that we got, and that we read, I mean, that's the thing that you think about, you know, where people don't want to take care of their homes, their yards, that sort of thing, and that's -- that's our concern.

MS. LOE: Commissioner Wilson?

MS. WILSON: I would like to ask what is your -- because, you know, without a baseline, everything is relative. What is your definition of lower income?

MS. RAUCH: I really have no definition of lower income. My concern is you can have a very low income as long as you keep- your property up, maintained. That's -- that's my concern. That's what we're concerned about. Because it reflects on our property out in that same neighborhood.]

MS. WILSON: That's fair.

MS. RAUCH: I mean, you can make \$200 a week, but you can still keep your home really nice and your property really nice, and that's -- that's -- that's our concern.

MS. WILSON: Maybe I should follow up. When you said that's what it makes you think of, what did it make you think of -- the term lower income?

MS. RAUCH: People that -- that can afford those places, but those high rises or multi-family places to live, but they don't keep -- keep their yards or their homes nice. And I think that does something to the rest of the neighborhood. I mean, it affects your property, as well. That's how I feel about it.

MS. LOE: Any additional questions for this speaker? Commissioner Placier?

MS. PLACIER: Yeah. I assume that if you do notice anything about this new development that concerns you, that you can go to the property manager or somebody like that. I mean, it -- this is not a

high-rise. Three stories is not a high-rise.

MS. RAUCH: Right.

MS. PLACIER: This is not Cabrini-Green or something like that.

MS. RAUCH: Right. Right.

MS. PLACIER: This is affordable apartments for probably working people or people who may be seniors or anybody else with -- with reduced income, it looks like will be -- a certain number will be designated for that. I -- I just wanted to go back to something that the first speaker on this said, and that was about your area of the north side being targeted for this kind of a multi-family development. I do think there's something in that. One member of City Council used to propose something called inclusionary zoning where these mega-mansion areas -- I should think of a better -- very affluent areas would also have to have some areas of multi-family or smaller homes included. And I do think there is an issue of when we -- when we decide to concentrate affordable housing in certain areas. And it's good if you are noticing that and bringing it to our attention or to the City's attention. There are things that we could do about that that would make that more equitable. I don't know your area well enough to know that that is happening. You would have to present a lot of evidence to show that that is happening if that's your perception.

MS. RAUCH: Yeah. Uh-huh. yeah.

MS. PLACIER: But we do need to look at that. We look at how do we make all areas more inclusive.

MS. RAUCH: Okay.

MS. LOE: Any additional questions for this speaker? Commissioner Stanton?

MR. STANTON: Battle High School is one of the most high-tech modern high schools in the state. Number two, I'm assuming you live in those houses around those -- (inaudible). Right? And --

MR. KELLEY: Mr. Stanton, could you just speak into your microphone.

MR. STANTON: Oh, I'm sorry. I'm sorry. Let me get to the point. I was raised in the military -- military kid. My father was an officer, and the military has a great way of integrating neighborhoods. So even though my father was major, which is not too far from a general, I lived around privates, enlisted families, as well as generals. The reason why that is and the reason why neighborhoods work great that way is because if I'm paying -- and I'm going to back up. The applicant didn't say these were low-income subsidized homes. What he said they were affordable, which means that they probably fit within the mean income of this -- of this community, which is around \$50,000-something, and they're probably running around \$800 to \$900 a month, probably.

MS. RAUCH: Okay. But this did say -- that's what -- that's what --

MR. STANTON: Well, I know what they said. I'm telling you what the reality and I'm telling you what the applicant said, and he didn't say this was subsidized, low income. This is not Housing Authority or any of that. This is not HUD funded.

MS. RAUCH: I wonder who -- I wonder who wrote this that I was reading to you?

MR. STANTON: I know. But what I'm telling you is that the applicant didn't present that kind of information. So my point is this. My point is this.

MS. RAUCH: Okay.

MR. STANTON: As an African American, I felt like I heard a lot of profiled and a lot of stigmatized, stereotypical things about people that make a certain amount of money that are unable to take care of their homes or whatnot. Number one, this is multi-family, so I don't have a yard. That's number one. Number two, it's all upon the landlord who built these to put people in there that are responsible and can pay rent. If you can't pay rent, you won't be there. I am predicting, and don't have any facts, but I'm predicting that these multi-family homes built here are for working class people, people that would work at Battle, which probably has an extensive staff. And I bet you before they were even finished being built, I'll bet you they're full of teachers and technical support staff from Battle High School. I would almost bet a paycheck on it. But we have to really be careful how we stigmatize because for real, what I was hearing was really kind of -- ooh, it was kind of scary.

MS. RAUCH: No. I didn't --

MR. STANTON: -- because what you're saying to me is, okay, if I can't afford where you stay, I don't have a right to stay where you stay. I'm not going to disclose my income, but that's how I took it.

MS. RAUCH: Well, I apologize if you think that that's what I was saying. I don't care if you're African American or if you're Caucasian. As long as you maintain your property, that is my concern. That's what I was talking about. And I don't know if people will in that kind of a setting.

MS. LOE: Any additional questions? Commissioner MacMann?

MR. MACMANN: Thank you. Just a statement. I live in a neighborhood with a medium income. I just did the numbers on this, Anthony. These -- Mr. Stanton. Commissioner Stanton. Pardon the familiarity. The target income in that area, he said less than median, is probably going to be in the \$48,000 range, \$50,000. So the rents could be as high as \$1,200. My neighborhood? My neighborhood, one mile over there, the rents are \$700 to \$950. We pick up our trash. We mow our lawns. The individuals who move in there will not be responsible for either one of those things. I would suggest if you all have issues, if those things do occur, there will be a company that owns that -- a management company, that you address those concerns to them.

MS. RAUCH: We will. We will. We will do that.

MR. MACMANN: Thank you for your time.

MS. LOE: Commissioner Wilson?

MS. WILSON: I definitely appreciate where you're coming from, and I hear you. And it sounds to me that your concern is an issue of character. It should be noted that character and integrity is not an issue of income. It's just an --

MS. RAUCH: I agree with you, absolutely. Absolutely.

MS. WILSON: Yeah. It's a human trait. Right?

MS. RAUCH: Yeah. Uh-huh.

] MS. WILSON: And so we can have people who have lots of money, but bad character and no integrity.

MS. RAUCH: Absolutely.

MS. WILSON: And we can have people who have no money, but they have great integrity, and they care.

MS. RAUCH: Exactly, yes.

MS. WILSON: So keep that in mind.

MS. RAUCH: I will. Thank you very much.

MS. LOE: Commissioner Kimbell?

MS. KIMBELL: I just wanted to say thank you for coming forth and sharing your thoughts with us and your concerns.

MS. RAUCH: Thank you.

MS. LOE: Any additional comments? If there are none, I'll close public comments.

VIII. STAFF COMMENTS

MS. LOE: Staff comments?

MR. KELLEY: I don't think we have anything specific to make. Our next meeting for this body is Thursday, July 7th, in this same room.

MS. LOE: Thank you.

MS. PLACIER: You don't want to regale us with how bad the agenda will be as Mr. Zenner was.

MR. KELLEY: I can get you upcoming cases if you would like.

MS. PLACIER: Just kidding.

MR. STANTON: This is your meeting. Run it how you want it.

MR. KELLEY: Upcoming case for the next meeting, Case 194-2022, it's on Vawter School Road just east of Scott Boulevard. Kind of similar to the cases we've had tonight. It's just a PD plan, no revision to the statement of intent, a multi-tenant building with a drive-through. So you've just been refreshed on that during your work session, so I imagine you may have some interest in this one, specifically. But that will be our only case for the next meeting.

MS. LOE: Thank you, Mr. Kelley.

IX. COMMISSIONER COMMENTS

MS. LOE: Commissioner MacMann?

X. ADJOURNMENT

MR. MACMANN: I move to adjourn.

MS. KIMBELL: Second.

MS. LOE: Seconded by Commissioner Kimbell. Oops. Commissioner Stanton?

MR. STANTON: I just want to say one thing as a Commissioner comment.

MR. KELLEY: Talk into the mic, please, sir.

MR. STANTON: Affordable housing is the -- affordable housing is very important for the stability of any community. Like I said, I was raised in a military environment where I lived two houses away from a general, three houses away from enlisted men. That had a great impact on how I grew up because I had things to aspire and could learn from spectrums of the income scale. And living by people of different incomes, diversities, and experiences allows you to have a reference point to figure out what you can do in your life. Because I lived by a general that ended up becoming a senator, I knew I could aspire to something bigger. I knew that living by an enlisted man who didn't make as much as my dad but could raise his family and do everything that we could do, inspired me to see that money doesn't matter, it's your integrity and what you do with what you've got. So that diversity in the neighborhoods that I grew up in around the world, mind you, had a great impact and those things can be carried over into any community. Diversity of income and density and types of homes and all that good stuff has always had a positive impact on anybody that lives in those kinds of communities.

MS. LOE: Thank you, Commissioner Stanton. Well said. With that, we're adjourned.

(Off the record.)

(The meeting was adjourned at 8:32 p.m.)