

MINUTES

PLANNING AND ZONING COMMISSION MEETING

AUGUST 9, 2018

COMMISSIONERS PRESENT

**Mr. Rusty Strodtman
Ms. Tootie Burns
Ms. Sara Loe
Ms. Lee Russell
Mr. Anthony Stanton
Mr. Dan Harder
Mr. Michael MacMann**

COMMISSIONERS ABSENT

**Mr. Brian Toohey
Ms. Joy Rushing**

I) CALL TO ORDER

MR. STRODTMAN: Good evening, everyone. I'd like to go ahead and call the Thursday, August 9, 2018, City of Columbia Planning and Zoning Commission meeting -- regular meeting to order.

II) INTRODUCTIONS

MR. STRODTMAN: May we have a roll call, please.

MS. BURNS: Yes. We have seven; we have a quorum.

MR. STRODTMAN: Thank you, Ms. Burns.

III) APPROVAL OF AGENDA

MR. STRODTMAN: Mr. Zenner, is there any changes to our agenda this evening?

MR. ZENNER: No, there are not, sir.

MR. STRODTMAN: Thumbs up on the agenda, Commissioners?

(Unanimous vote for approval.)

MR. STRODTMAN: We're all good there. Unanimous.

IV. APPROVAL OF MINUTES

MR. STRODTMAN: Commissioners, there was notes -- minutes from the July 19, 2018, regular meeting were sent out in advance. I was not here at that meeting, so I will not be voting, but was there any changes or corrections needed to those minutes? I see none. I have a thumbs up from everybody that was in attendance, which was unanimous.

(Unanimous vote for approval.)

V) WITHDRAWN ITEMS

Case #18-85

A request by Engineering Surveys & Services (agent) on behalf of Central Bank of Boone County to vacate alley right-of-way generally located between 203 E Walnut St and 115 N Providence, and designated as an alley on the M-DT Regulating Plan of the UDC. (A request to WITHDRAW this item from further Planning Commission consideration has been received).

Case # 18-86

A request by Engineering Surveys & Services (agent) on behalf of Central Bank of Boone County for the dedication of a street easement for a new alley on Lots 311 and 312 in the Original Town of Columbia, and generally located on the south side of Ash Street, approximately 130 feet west of Providence Road. The dedication is located within the M-DT Regulating Plan area of the UDC. (A request to WITHDRAW this item from further Planning Commission consideration has been received).

MR. STRODTMAN: Moving on. We have two cases tonight, Case 18-85 and Case 18-86 which are withdrawn items, so I'll turn it over to Mr. Zenner and he'll give us a quick, short staff report on these two items and we'll move forward to our only other item of the evening.

MR. ZENNER: Yes. So, Mr. Chairman, we have Case Number 18-85. This particular request has been withdrawn. You will have noticed a withdrawal letter within the packet. The applicant did indicate within that withdrawal letter that resubmission of the request may be forthcoming at a later date. And then moving on to your second withdrawal request, Case Number 18-86, a request has also been submitted to have this item withdrawn from further Planning Commission consideration. Again, this was the corresponding alley dedication that would have been related to the vacation in Case 18-85, and the applicant again is requesting that this particular item be withdrawn in order to allow for additional work to occur and it may be forthcoming again once they have resolved some of the outstanding issues. There is no vote required on either of these cases, 18-85 or 18-86. The information presented here this evening is for information purposes only and for closure of the public record on both of these continued public hearings. If you have any questions, I would be more than happy to answer them for you.

MR. STRODTMAN: Thank you, Mr. Zenner. Commissioners, any questions of staff?
Ms. Russell?

MS. RUSSELL: Mr. Zenner, did -- did they indicate that part of their problems with trying to get this going was the -- the MDT and the new UDC? Are they having trouble just trying to figure out how to work it or --

MR. ZENNER: No. I think a number of the issues had to deal with some turning radii requirements where the new intersection of the remaining portion of the alley that would not be vacated would head to the north and go behind the former Ambrosia Florist shop. There were some issues associated with that, as I recall. There were also some other issues associated with uncertainty as it related to Council's general attitude toward the vacation of road right-of-way without any real defined understanding of what was going to be replacing these former public alleys or the public alley that would be vacated. They weren't prepared, to my knowledge, and to what was being presented to our staff, with any real defined plan of future development.

MS. RUSSELL: Okay. Thank you.

MR. ZENNER: So I think part of what's -- the delay may allow the bank an opportunity to more finalize that plan of development to then provide greater justification for why the segment of the alley

should be vacated and why an acceptance of the alley to the north that would replace it would be permitted.

MS. RUSSELL: Okay. Cool. Thank you.

MR. STRODTMAN: Mr. MacMann?

MR. MACMANN: Real quick and I don't want to go -- weeds. The other easement, the new easement, is already there, and if they do nothing, they don't need that turn radii; is that right?

MR. ZENNER: No. There is -- because the alley that would not be being vacated is a two-way alley, you can't make a 90-degree turn with a trash truck. Therefore, there was a flare in the alley, the existing driveway, in essence, that goes behind the former Ambrosia building --

MR. MACMANN: Right.

MR. ZENNER: -- that has to be dedicated as a public right-of-way, which would be through an alley dedication. It is not currently. That's a private drive. And the design associated with that was also somewhat, I think, one of the major issues to make sure -- the inside corner, and not to go into the weeds, but the inside corner of where the 90 degrees came together --

MR. MACMANN: That's why I asked that.

MR. ZENNER: -- that was part of what they were trying to compensate for by pushing the eastern edge of the alley line, what would be the newly dedicated alley, further out and potentially down into the parking lot that currently exists.

MR. MACMANN: Thank you, Pat. Mr. Chairman, I just -- I asked that question. I'm glad Lee -- Ms. Russell also brought that up because we are probably going to have some more of these alley things come up in the future, and I'm not sure Council has been clear on their guidance yet. So I'm just trying to inform us better. Thank you.

MR. STRODTMAN: Commissioners, any other questions for staff? I see none. So those two matters have been taken care of.

VI) PUBLIC HEARING

MR. STRODTMAN: Moving on to our public hearing this evening, Case Number 18-146. At this time, I would ask any Commissioner who has had any ex parte communications related to this Case 18-146, please disclose that now so all Commissioners have the same information on behalf of this case in front of us.

Case No. 18-146

A request by Smith Lewis, LLP (agents) on behalf of NGT, Inc. (owners), to annex 10.36 acres of land into the City of Columbia and have it designated as M-N (Mixed-use Neighborhood District) as its permanent City zoning. The subject 10.36-acre tract is located at the northwest corner of Brushwood Lake Road and Scott Boulevard. The subject property is currently zoned Boone County A-R (Agriculture Residential). (This item was tabled at the July 19, 2018 Planning and Zoning Commission meeting.)

MR. STRODTMAN: May we have a staff report, please?

Staff report was given by Mr. Rusty Palmer of the Planning and Development Department. Staff recommends approval of the annexation and permanent zoning.

MR. STRODTMAN: Thank you, Mr. Palmer. Commissioners, any questions for staff? I see none. This is a public hearing. We'll go ahead and open it up to the public. We would just ask for your name and address before you get started.

PUBLIC HEARING OPENED

MS. LAMAR: Good evening. Phoebe Lamar, 111 South Ninth Street. I'm here this evening on behalf of the applicant. I'm going to keep it brief because I've actually been through this once before. The purpose of doing this has not changed. This is in order to be able to develop this at some point in the future. We can't connect to the sewer if we -- if we don't annexed, we can't do any kind of development that, in my client's opinion, makes the most sense on this corner without getting it rezoned. So that's what we're requesting. There really are only two basic changes since the last time we were here. The first is that we have gotten a vacation of the prior location of Brushwood Lake Road. The second is the fact that we have gotten a revision to the FEMA floodplain map, and as a result, there is a developable piece of property located within the confines of this tract. If you have any questions, I'm happy to answer them.

MR. STRODTMAN: Thank you, Ms. Lamar. Commissioners? Mr. Stanton?

MR. STANTON: So this modification is -- you haven't had to add any fill or nothing. They just reassessed it?

MS. LAMAR: Not during the -- not during the context of this action. I think at some point in the -- in the past, something was done, but, no. In the context of this, nothing was added.

MR. STANTON: As is, it's no longer in the floodplain?

MS. LAMAR: That's correct.

MR. STRODTMAN: Additional questions, Commissioners? Ms. Loe?

MS. LOE: Ms. Lamar, what's the intended use of the site that's not developable?

MS. LAMAR: That will be -- I don't think it's developable at all, so, I mean, a substantial -- I doubt that it's going to be touched. I mean, a substantial amount of it, at least, is going to end up in green -- green space and that sort of thing.

MS. LOE: Thank you.

MS. LAMAR: Sure.

MR. STRODTMAN: Any additional questions, Commissioners? Thank you, Ms. Lamar. Appreciate it.

MS. LAMAR: Thank you.

MS. COOPERSTOCK: My name is Linda Cooperstock. I'm the one property owner, 4051 South Scott Boulevard, that's adjacent to that little wing-shaped piece on the -- that would be the south side of that property. Do you see what I'm talking about? So I only have one question for clarification. I'm not opposed or pro or anything. It's neutral. But what -- what will happen to that piece? That's,

right now, a flood treatment catchment area, and that's the only part of that whole property that directly abuts our property, so our property is that funny other almost pie-shaped piece right next to --

MR. ZENNER: Here?

MS. COOPERSTOCK: Right there, yeah. So I'm -- and so my question is about that red-rimmed area. Right there, yeah. What is that and how will that be treated?

MR. STRODTMAN: I think, Ms. Cooperstock, according to Ms. Lamar just a minute ago, she referenced, and maybe Mr. Palmer can go back to the graph that shows the green highlighted there. The part that's green is the part that they are proposing to be utilized for a -- some type of commercial development, a little strip center type of development. The other area Ms. Lamar just made reference to, to her knowledge, it would -- it would remain green space, as is, undeveloped. And since it is -- it's not developable today unless it was to be raised similar to that green area. So you shouldn't see much of any changes to those areas.

MS. COOPERSTOCK: Right. Well, if it is raised, it removes that flood catchment and then we flood again.

MR. STRODTMAN: Staff, Mr. -- is that correct that that's the only area that would be changed is the -- is the green is what would be developed. The other areas --

MR. PALMER: Right. Yeah. And I believe the piece to the south is almost entirely still in floodplain, so it -- it could be developed, but I'd have to look back and see how much is floodway, which can't be developed. But really, for all intents and purposes, it's -- it's undevelopable because of other factors, but mainly storm water, as well. I mean, it's -- like she said, it's -- it's kind of a catchment at this point because the road has been built there. It's the low spot, so --

MR. STRODTMAN: Mr. MacMann?

MR. MACMANN: If I may, just for clarity. Ma'am, if you look at the packet that came with it that's available online, do you know how to look at that?

MS. COOPERSTOCK: I do know.

MR. MACMANN: Okay. The -- the second piece in there is the letter of revision issued by FEMA. And if you look at paragraph 2 there -- I'm sorry -- that specifically excludes anything not in the shaded green area, so nothing -- it remains a floodway.

MS. LOE: No. It's not in --

MR. PALMER: There's -- there's both, I believe, on that piece.

MS. LOE: Yeah. And here's the FEMA map.

MR. MACMANN: Thank you.

MS. LOE: Which shows that the area that is a bit darker in the lower left-hand corner -- yes. That's in the floodplain, according to the FEMA map right here. So that, under our floodplain overlay zone could be developed. So my question for you would be, if this is a catch basin, who has identified it as that?

MS. COOPERSTOCK: What -- who --

MS. LOE: I mean, you're calling it that, but is -- is it serving that purpose for a certain --

MS. COOPERSTOCK: Well, when they put the roundabout in, they used -- that's where the water flows down from Vawter School and actually --

MS. LOE: So MoDOT?

MS. COOPERSTOCK: Oh. I don't know who specifically.

MR. PALMER: So because of the road extension of the new Brushwood Lake Road, it became a low spot that was completely enclosed. And so it naturally catches water now as opposed to allowing it to flow on into the creek. There's -- you could kind of see from that image that there's a bit of a -- a humped backup before you get to the creek. And so that's just a low spot that has always been there, and because of the road being lifted up away from it, it has caused that to back up in there. And because of that and because of our storm-water requirements, it's -- it's basically undevelopable because they would have to mitigate any additional storm-water runoff, which you could see in the aerial actually, it ponds up there. So they would have to mitigate that runoff before they could develop that piece of land.

MS. COOPERSTOCK: Yeah. Right now, it's a pond, and --

MS. LOE: And the area due west of that is floodway --

MS. COOPERSTOCK: Yes.

MS. LOE: -- meaning they could not fill that, as you were indicating.

MS. COOPERSTOCK: Okay. And the -- I think the -- one of the purposes for allowing that to catch the water was when we traded property -- so my property was actually part of what's now the roundabout, it was understood that the way that they would -- the City would handle the flood water would not impact our property further as far as further flooding. So with that catchment like that, we have no flooding back there anymore. We used to, and there's no -- there are no mosquitoes and, you know, everything that goes with that, so that was my big question. The question -- the kind of partial answer to what was it filled with, I watched it being filled for a number of years, and I watched spontaneous fires -- combustion start from the wood chips that they were just piling and got really hot in the summer. And so a lot of that very low base is wood chips, and then rock came in on top of that, but, yeah. It was -- it was a mountain of wood. So my -- my question would be, I assume you do -- somebody who is building does core samples before they can put stuff up?

MR. STRODTMAN: Yes, ma'am.

MS. COOPERSTOCK: So the buildings don't fall down. Thank you very much.

MR. STRODTMAN: Thank you, ma'am. Anyone else like to come forward this evening? I see none. We'll go ahead and close the public hearing.

PUBLIC HEARING CLOSED

MR. STRODTMAN: Commissioners, questions? Additional information needed from staff?
Ms. Loe?

MS. LOE: Well, I have a question if that -- it does sound as if that area, even if it's shown in the floodplain, has been created as a bit of a catch basin by the roadway construction. So I just want to

verify there's some assurance that there is some protection to that, or that would be evaluated moving forward? I mean, should the development or in the process of looking at the overlay, because what I'm looking at right now from FEMA does not -- shows that it's in the floodplain.

MR. PALMER: It does not show it as a floodplain?

MS. LOE: Right. It shows that it's in the floodplain, not in the floodway.

MR. PALMER: Not the floodway. Okay.

MS. LOE: So it would, under our provisions, be more open to development.

MR. STRODTMAN: Right. And I think, as Mr. Palmer mentioned, that the likelihood of that is pretty near to impossible due to the storm --

MS. LOE: I was asking for reconfirmation of that.

MR. STRODTMAN: Right. I don't think that he can because I don't think it's truly a basin.

MR. PALMER: I'm just unsure if it was created intentionally as a part of that roadway project. I'm not sure, so --

MR. ZENNER: From a storm-water -- from a storm-water management perspective, if it was not created as part of the roadway project, and we can't verify that for you because we do not have those plans. The fact that it is a catchment right now for potentially the water that is coming off of the roundabout, to create it as a catchment for not only that water, but the water generated off of the 2.9 acres to be developed and created as an off-site -- not an off-site, it would be an on-site at this point, because this is all one parcel of property divided by a road, as an on-site retention area to be utilized -- the capacity to be utilized, a portion of that capacity to be utilized for proposed development, that would all be defined at the time of plan submission. Our building and our site development staff are going to have to do one of two things -- or the applicant will have to do one of two things. They're going to have to prove that the 2.9 acres has enough storage area on it to support the increased impervious surface that they'll create or there is a means by which that -- that runoff can be captured internal to their property. Whatever agreements exist in advance or prior to to ensure that our adjacent property owner was not going to experience any more additional flooding are going to have to be taken into account. Again, it's outside of purview in our involvement in the development process to be able to confirm those types of activities. What I can tell is is there's going to like be an evaluation. The other thing, if I do understand correctly, is Brushwood Lake Road was not taken through a dedication of road right-of-way. It was taken as a road easement. This property is not considered a legal lot. It has not been platted. And, therefore, there will be right-of-way dedications not only for the rights-of-way deficiencies that Mr. Palmer pointed out. There very well may be a dedication of road right-of-way for Brushwood Lake. I would not be surprised if, at that point, as part of the plat evaluation, we're going to go back to the construction plans for Scott Boulevard and find out more information about this catchment area and make sure that the plat adequately defines what its intention is. So allow us an opportunity to be able to go to the next step, if it is so inclined -- the Commission is so inclined to make a recommendation on the zoning. We have a couple of other processes, one of which is going to have to come back through you because we're going

to be doing dedication of right-of-way. So the platting action will come through the Commission, as well. And at that point, if we still have a question as it relates to this, that would probably be the appropriate venue to have it again raised in because there would be an opportunity at that point to potentially make a recommendation that the plat approval be conditioned on something. Can't condition the zoning since it's a straight request.

MR. STRODTMAN: Ms. Loe?

MS. LOE: Just a housekeeping question. The recommendation on the screen says approval of annexation and permanent zoning, but we are not recommending approval of annexation. Correct?

MR. ZENNER: That is correct.

MS. LOE: Thank you.

MR. STRODTMAN: Commissioners, any additional questions of staff? Or a motion?

Ms. Russell?

MS. RUSSELL: In the Case of 18-146, I move to approve the permanent zoning to M-N.

MR. STRODTMAN: Thank you, Ms. Russell. Do we have a second?

MR. STANTON: Do we have to add the annexation approval?

MR. PALMER: No.

MS. LOE: No.

MR. ZENNER: No. No. No.

MR. STRODTMAN: We don't want to do -- annexation is not part of it. It's strictly a -- the M-N zoning. Do we have a second?

MR. STANTON: Second.

MR. STRODTMAN: Mr. Stanton, second. Commissioners, we have a motion on the floor made by Ms. Russell, received a second by Mr. Stanton. Is there any questions or discussion needed on the motion? I see none. Ms. Burns, when you're ready for a roll call, please.

MS. BURNS: Yes.

Roll Call Vote (Voting "yes" is to recommend approval.) Voting Yes: Ms. Russell, Ms. Burns, Ms. Loe, Mr. Harder, Mr. Stanton, Mr. Strodtman. Voting No: Mr. MacMann. Motion carries 6-1.

MS. BURNS: Six to one, motion carries.

MR. STRODTMAN: Thank you, Ms. Burns. Our Planning and Zoning's recommendation for approval of M-N, Mixed-use Neighborhood District zoning, will be forwarded to City Council for their consideration.

VII) PUBLIC COMMENTS

MR. STRODTMAN: Would anybody from the public like to comment this evening?

VIII) STAFF COMMENTS

MR. STRODTMAN: Mr. Zenner?

MR. ZENNER: Yes. Your next meeting will be on August 23rd, and it is a doozie of a meeting,

let me tell you. We'll be here till the cows come home, so if you want to take a vacation, do it. This is all we have, so it will be a short meeting. This is our -- this is our multiply tabled solar farm project, so you still may want to take a vacation, but we do -- we have received plan revisions in, so probably what is on the tip of every commission member's tongue is do they expect to move forward. Well, we do believe they will. Other than the fact that they have already told us that Rusty is the chairman of the Planning and Zoning Commission -- this Rusty here -- and that we will be having that revised. So with that as being the only hiccup in the project, we're hoping that the rest of the revisions were correct, but this is only item that we do have on the agenda. It is the first meeting in September that we will have a number of items on the agenda, some relatively complex items, as well. So if you are going to be gone, and I believe I have two gone for this August 23rd meeting, and I believe it is Ms. Russell and Ms. Loe. If you will be gone for the first meeting in September -- you're going to be gone for that first meeting. That's when I thought you were going to be, and you told me you would be back for that meeting.

MS. RUSSELL: No. No.

MR. ZENNER: So we are going to be down one member already for that first meeting in September, and we would like to go ahead and make sure that we do have a quorum, so if you do have any vacation plans, let me know and let Mr. Strodman know. Other than that, this evening, we did discuss during work session some of our pending projects and activities that we are starting to embark upon for the Comprehensive Plan five-year update. We also mentioned this evening during work session that the Business Loop 70 Corridor Plan has been requested by Council to potentially be amended or added as an amendment to the City's Comprehensive Plan. As we discussed in work session and for the purposes of informing the public here on television, an amendment to the City's Comprehensive Plan requires that a public hearing be held and a recommendation of the City's Planning and Zoning Commission be forwarded to Council before any amendments to the Comp Plan can occur. The public hearing for the potential adoption of -- or recommendation to adopt the Business Loop 70 Corridor Plan as an amendment to the City's Comprehensive Plan will be held at that first meeting in September. So if the public is interested in attending, that is an opportunity for them to be able to make comment as it relates to the plan and how its incorporation into the City's Comprehensive Plan may impact that area and how the City may utilize the plan as a tool to help further implement the plan's goals and objectives. It will also provide information in the public record for Council to consider as they hold their hearing in which to determine if it should be added as an amendment to the Comprehensive Plan, a plan prepared to guide development of a specific area. We will have a staff report that will go over comments received from our internal review departments, as well as provide generally an overview of the plan's contents as the part of our staff presentation, so it will inform, hopefully, the Commission as well as the public as to what the plan is about if they did not have an opportunity to read it. It is available on the Business Loop CID's website, and unfortunately I don't have that e-mail or web address here, but you can look it up probably by Business Loop 70 CID, and that should be -- get you to their link. So with that, that is all we have to offer this evening. We will look forward to seeing you on the 23rd. I would also like to indicate

that the 23rd's work session will be in conference 1C. It is the small conference room off of the main corridor. That is due to a competing Council budget hearing public meeting that will be held that same evening in conference rooms 1A and 1B. That's all we have. Thank you very much.

MR. STRODTMAN: Thank you, Mr. Zenner. I imagine one of us will probably walk to that other room by mistake next time.

MR. ZENNER: When you don't see the food, I'm sure you'll come to the next room.

MR. STRODTMAN: And we hear a budget discussion, we'll turn and run.

IX) COMMISSIONER COMMENTS

MR. STRODTMAN: Commissioners, any discussion? Mr. MacMann?

MR. MACMANN: Just real quickly for the record. That e-mail is as follows:

info@theloopcomo.com just to -- in case people are following.

MR. STRODTMAN: Thank you, Mr. MacMann. Anyone else, Commissioners?

X) ADJOURNMENT

MR. STRODTMAN: If not, I'd like to get a motion for adjournment.

MS. RUSSELL: So moved.

MR. STRODTMAN: Second?

MS. LOE: Second.

MR. STRODTMAN: Thank you, Ms. Russell and Ms. Loe. We are adjourned. Have a good evening.

(The meeting was adjourned at 7:39 p.m.)

(Off the record.)