

**MINUTES**

**PLANNING AND ZONING COMMISSION MEETING**

**SEPTEMBER 19, 2019**

**COMMISSIONERS PRESENT**

**Ms. Sara Loe  
Ms. Tootie Burns  
Mr. Rusty Strodman  
Ms. Lee Russell  
Mr. Brian Toohey  
Ms. Joy Rushing  
Mr. Michael MacMann  
Ms. Valerie Carroll**

**COMMISSIONERS ABSENT**

**Mr. Anthony Stanton**

**I. CALL TO ORDER**

MS. LOE: I would like to call the September 19, 2019 Planning and Zoning Commission meeting to order. Mr. Zenner, are there any changes to the agenda?

MR. ZENNER: No, there are not. Did you want to call roll?

**II. INTRODUCTIONS**

MS. LOE: Oh, sure. Sorry, we're just going to jump to item number two. Ms. Burns, may we have roll call, please.

MS. BURNS: We have eight; we have a quorum.

MS. LOE: Thank you, Ms. Burns.

**III. APPROVAL OF AGENDA**

MS. LOE: Mr. Zenner, back to the agenda. Are there any adjustments or additions to the agenda?

MR. ZENNER: Yes, there are this evening. I apologize. I retract my no previously. Yes, we have received a request to withdraw Case Number 180-2019. Withdrawal requests do not -- do not require any Planning Commission action, and they allow the applicant to resubmit the case that was presented at a future date. So the applicant has withdrawn the request. This is not a public hearing item; therefore, it doesn't require action. It is a subdivision item. So anyone here for the purposes of Case Number 180-2019, this was a preliminary plat for a three-lot subdivision JDM II SF National LLC. This is the property that is comprised of State Farm Insurance Agency at the corner of State Farm Parkway and Providence Road, but it has been withdrawn by the applicant.

MS. LOE: Thank you.

MR. ZENNER: No other changes to the agenda at this time.

MS. LOE: Thank you. We have one modification to the agenda. Do I have a motion to approve the modified agenda?

MR. MACMANN: So moved as modified.

MR. STRODTMAN: Second.

MS. LOE: Thank you, Mr. MacMann; second by Mr. Strodtman. Thumbs up approval of the agenda.

(Unanimous vote for approval.)

MS. LOE: Unanimous.

#### **IV. APPROVAL OF MINUTES**

MS. LOE: Everyone should have received a copy of the September 5th meeting minutes. Were there any changes or edits to the minutes?

MR. STRODTMAN: I make a motion to approve the minutes from September 5th, 2019, regular meeting.

MS. RUSSELL: Second.

MS. LOE: Thank you, Mr. Strodtman; second by Ms. Russell. Thumbs up approval of the motion for the minutes.

(Unanimous vote for approval.)

MS. LOE: Thank you. Unanimous.

#### **V. SUBDIVISIONS**

MS. LOE: All right. So we'll move on to cases, subdivision being withdrawn. No action is necessary; correct, Mr. Zenner?

MR. ZENNER: That is correct, ma'am.

#### **VI. PUBLIC HEARINGS AND SUBDIVISIONS**

##### **Case Number 194-2019**

**A request by VanMatre Law Firm (agent), on behalf of the Donna Jean Armstrong Unitrust (Owner), for approval to rezone 6.8 acres of property currently within the City from A (Agricultural) to M-N (Mixed Use-Neighborhood). The subject site is located on the south side of Clark Lane, approximately 1,200 feet west of St. Charles Road, and addressed as 5320 Clark Lane.**

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

Staff report was given by Mr. Clint Smith of the Planning and Development Department. Staff recommends denial of the requested M-N zoning change.

MS. LOE: Thank you, Mr. Smith. Before we move on to Commissioners' questions, I would like to ask any Commissioner who has had any ex parte prior to this meeting related to this case to please disclose that now so all Commissioners have the same information to consider on behalf of this case in front of us. Mr. MacMann?

MR. MACMANN: I did see Mr. Hollis on Monday at Council, and he did let me know this was his case. That was the extent of this conversation.

MS. LOE: Thank you. Any additional ex parte? Seeing none. Are there any Commissioner questions for staff on their report? Mr. MacMann?

MR. MACMANN: Thank you, Madam Chair. Planner Smith, PUD-8 due west of the proposed M-

N property is built out as R-MF; is that correct? Did those -- are those apartments --

MR. SMITH: It's -- I would consider it multi-family.

MR. MACMANN: Multi-family. With that in mind, can you refresh my memory on the buffering and setbacks from M-N to whatever this is?

MR. SMITH: So buffering between M-N and multi-family residential?

MR. MACMANN: If they went in M-N, what would they have to do as far as buffering?

MR. SMITH: I believe -- do you have the codes -- it's going to be landscape buffer, probably a screening device, which is usually a fence, something that's, you know, opaque, but then also a -- I think it's a six- or a ten-foot deep landscape buffer as well along the entire length of that property.

MR. MACMANN: Okay. I was thinking it was an eight-foot buffer plus a six-foot fence, but I -- that's off -- that's off the top of my head.

MR. SMITH: It might be eight feet --

MR. MACMANN: I was just trying to --

MR. ZENNER: And there will also be additional depending on the scale of the -- if it were zoned M-N and depending on the proximity and the scale of any future structure, you would have neighborhood protection standards that would also come into play with step-down or set -- increased setback in addition to the required screen and buffering requirements. Likely, I believe this would be a type three buffer, which would be the ten-foot buffer and an eight-foot-tall screening device.

MR. MACMANN: Okay.

MR. ZENNER: So that would be part of the situation that would exist between the two uses to provide separation.

MR. MACMANN: One -- thank you, Mr. Zenner. On another note, on recent -- in the recent past, we did rezone for the solar farm and PUD-7 down there to south. We've done a fair amount of work down there recently, too, have we not? Where --

MR. ZENNER: Off of St. -- off of St. Charles Road?

MR. MACMANN: Correct. South -- due south of this property, but across the highway.

MR. ZENNER: That is correct. There have been a number of requests, annexation, as well as subdivision and rezoning.

MR. MACMANN: And I just -- one last question here. Your reason for denial, I just want to mine into that just a little bit. Given the current size of the potential commercial district, too much for what's out there; is that what you're saying -- given there's not any housing or little housing?

MR. SMITH: I think, at this point, it's -- it's harder to determine. I think it could be enough as it is. It could need more. I think the point is that there's enough vacancy there, it's hard to determine how much commercial entitled properties out here is really needed.

MR. MACMANN: It is vacant. I'll agree with you there.

MR. ZENNER: Said in a different way, Mr. MacMann. I think dilution of the existing commercial by adding to it is not viewed as appropriate at this point. We need absorption of what's there and then if

what is there is absorbed, and there still is additional demand needed to meet the surrounding developments consumption needs, then we would come back and we would look at a request that would be possibly better justified given you have a vibrant commercial district that is fully occupied or has minimal vacancies which is typical in most of our commercial locations throughout the City.

MR. MACMANN: All right. Thank you. Madam Chair, that's all my questions for right now. Thank you.

MS. LOE: Thank you. Any additional questions for staff? Mr. Strodtman?

MR. STRODTMAN: I just want to go off of Mr. MacMann's comments a little bit. At what -- what's the -- what ratio, this occupancy criteria is kind of new to me. At what point are you saying it's acceptable for more? Is it a 20 percent vacancy rate or, I mean, I don't think that that's our decision personally. I think we're asked about a land use and not if it's going to be successful or not because if we're saying that it won't be successful because there's other vacancies, then are we going to set other people up for failure when we approve their project. And they say, well, Planning and Zoning approved us, they must think it's going to work because they think it's a vibrant business area. That doesn't always mean it's going to be successful. So I think we're kind of treading on business rights, and if I want to take the risk a developer or an applicant to build something, then I'm taking the risk and I don't know. I just want to know more about what that threshold is and not just a personal opinion.

MR. SMITH: No, I mean, I get the concern. And what I'd love to tell you is there's a hard rule and a hard number in Columbia Imagined or any other documentation we have, but there is no minimum commercial district size. There's no limit that says it cannot exceed 150 acres. So at this point, it is somewhat subjective. I think looking at the district, though, I think what you can see clearly is the vacancy is high. And I don't want to say vacancy in the manner that things, you know, have been abandoned. It's just the development has not caught up so much with what we've entitled. And I think there is a reason there to say let's let that catch up. And once it catches up, we can reevaluate some of these edge properties and say do we need more commercial to meet the goals of the City or do we need to provide additional residential -- high density residential development for people that are also in close proximity to these commercial uses. And I do think that's the City's role somewhat to say what do we feel is appropriate zoningwise, but also what is appropriate to meet the goals that we have laid out. And so that's part of what our evaluation was there. We -- I look at this as a good opportunity to have something that is a different mix of uses, to have a really good transition from that commercial to high-density residential perhaps, and then this medium residential because that -- that sometimes is very important for the success of a commercial district. And that's also some of these features and facilities that people, you know, more and more are seeking in residential locations is something that's walkable that they can actually go to their residence to commercial districts and to services and to stores -- retail stores without having to drive. And this provides a really good opportunity if, in fact, in a few years we reevaluate it and determine that R-MF maybe is the best zoning for it. I'm not saying --

MR. STRODTMAN: My suggestion is, is I think you need to come up with a hard, fast rule or a

process to evaluate that because, in my opinion, it's -- we can start -- we're opening up a can of worms potentially with future developments where a citizen, a neighborhood could come to us and say we don't think it -- we're ready for that. We don't think it's going to be successful and so, as a result, they're going to put pressure on you to say -- make a business decision that you're not qualified to make. So I think that we just need to have a process, if you're going to make this occupancy criteria going forward, I think we just need to have a process to -- so that the development community knows that, hey, we might have to wait five years, ten years, because we have a high school out there. We have an elementary school out there. It's on I-70. I don't know what more, you know, necessarily it could take to justify, you know, a business corridor. I just think we're setting ourselves up a little bit for the vagueness of we, the -- not me, but you, the City, is trying to dictate businesses' decision and I think that should be the businesses' decision and not the City. So I think the land is appropriately zoned and it should be, you know, at that owner's choice to build it today or tomorrow. If it needs, you know, some setbacks or some things in between to transition, then that's acceptable, too. I just don't think it's -- unless we have a process that says, you know, unless it's 75 percent occupied, we're not going to go to that next level. I think unless we have that, I'm just concerned, so --

MS. LOE: Ms. Rushing?

MS. RUSHING: And I agree with Mr. Strodman. To me, the M-N zoning would be appropriate between the multi-family residential and the commercial. And for us to say we're not going to give that zoning because of the vacancies, to me, is holding this property owner hostage to some other property owner's decision as to how they're going to use their land, and I don't think that's appropriate.

MS. LOE: Additional comments? Mr. Toohey?

MR. TOOHEY: I was going to wait until we heard from the applicant if we are going to, but I -- I agree. I mean, maybe the right kind of commercial isn't out there at this point and with this approval, that might happen. I mean, there's already a ton of residential out in that area that could potentially be underserved.

MR. ZENNER: And I would suggest, though, based on that statement, if there was a demand for commercial development out there on the acreage that is currently zoned, which is, I believe, the point we are trying to make, you would have seen development to satisfy the rooftops that are there. There are not enough -- there is not at this point, to staff's evaluation, enough demand to support the addition of this particular acreage at this time. And once you create potentially a catalytic project, such as what is going to be discussed in the next two cases moving forward, you may create the incentive to develop that which is vacant. But until the vacant property has some purpose for development to add to that doesn't provide -- it may not provide the land-use transition or the zoning in order to accommodate something that is more compatible with the comprehensive plan because you are diluting -- you are redirecting where we should be directing infill development to first. The property that is zoned M-C that is down just north of where Ashley is has been zoned that way for probably ten-plus years and has not developed. If we have the rooftops and the demand, you would have expected to have occurred at this point. We haven't seen that.

And with the school -- two schools and additional development being built out there, we would have also seen that. So what you are doing in respect to zoning this particular parcel M-N is you are basically pulling away an opportunity to utilize it. Yes, we may be creating winners and losers, which I think is part of what the Commission is concerned about. However, we're looking at an overabundance of a particular land use type that may be premature. And that's our opinion, that is our position. And to take a hard and fast rule that 75 percent occupancy must exist in all of our commercial zones within the City I don't think is -- it may not be wise on our end as a City because not all areas are created equally. And in some instances, you may have an area in transition that's going to have a higher level of vacancy and we have many areas in the City -- Blue Ridge Town Center. It has been zoned commercial for years and it has not yet developed. And it is surrounded by a lot of rooftops. Is it appropriate, I think, from a land-use perspective for this Commission to continue to approve additional commercial development when other parcels exist in the City that could be accommodated in better locations possibly that have the transportation infrastructure already in place? That's part of what our decision-making process is and that's how the evaluation on this particular case has come forward. We understand it is a directional shift; however, we believe that it is -- it is appropriate to point out these facts and let the Commission make that decision.

MS. LOE: Ms. Russell?

MS. RUSSELL: I agree with Mr. Strodman and Ms. Rushing. I particularly agree with the hostage mention of holding that -- this property owner hostage or future property owners hostage. To me, this just is like screaming -- stomping on someone's property rights. If they want to do this whole project together, we don't have a crystal ball to say what might -- they might put out there or what might happen. I mean, this is a great piece of property to do something really cool on. And so, I -- I agree. I just -- I think that for us to -- to just say no, the City thinks that the other businesses need to get filled in first without a hard, fast formula, I don't -- I don't agree with that.

MS. LOE: Any additional questions for staff? Mr. Smith, I believe in your report, you identified an appropriate use of the site would be multi-family, office, or mixed neighborhood. I believe M-N does allow multi-family, office, and mixed -- small commercial. Can you tell me what density of housing would be allowed in an M-N district?

MR. SMITH: It would be the same as the R-MF, so it's appropriately or approximately about 17 units per acre.

MS. LOE: So if we -- so we're not outruling -- in fact, if it was zoned R-MN, it could be developed in any of those ways. By leaving it as agriculture, we're actually disallowing it from being developed in any of the manners that we've identified as appropriate.

MR. SMITH: Yeah. So that's correct. So M-N, you know, it is mixed use, so it would allow a lot of the actual --

MS. LOE: It would allow any of the mix.

MR. SMITH: Yeah. R-MF.

MS. LOE: Okay. Also in Case Number 196-2019, it identifies, I believe, that the owner actually

requested M-N for all three parcels, but that's contingent on this parcel being rezoned M-N; is this correct? That they didn't actually ask for an M-N, M-C, they wanted M-N across all three, but if they don't get M-N on this parcel, then we're going to go with a split zoning on the two. No. I'm not reading this correctly.

MR. SMITH: No. I'm not -- I'm not aware of that. I think the --

MS. LOE: Okay. Let me -- let me -- because I actually saw --

MR. SMITH: There was -- there is a potential split zone issue --

MS. LOE: Correct.

MR. SMITH: -- if staff recommendation is followed because the -- the corresponding of the -- of the lot that would be created there would split between the M-N on the small portion of the annexed piece and then this, which would be A.

MS. LOE: So if this was zoned M-N, that doesn't change -- since it's in another case, it's going to take me a minute to find it.

MR. ZENNER: Ms. Loe, to just simplify this --

MS. LOE: Uh-huh.

MR. ZENNER: -- the request for 196-2019, the annex -- the permanent zoning was for M-C to the east, M-N on the western portion of that, and that M-N would be combined with this current request, 195. The staff report for 197, which is the preliminary plat, makes mention of a split-zone scenario that would exist if, in fact, the Commission were to not approve M-N on 195's parcel. There has been no -- there was no request submitted in my review of the report when I proofed it before we presented it, there -- it was clearly indicated to us from application to report preparation, M-C east, M-N west on 196.

MR. SMITH: Yeah.

MR. ZENNER: There was never any -- any contingency here. We don't offer the opportunity for an applicant to provide requests to the alternative.

MS. LOE: Okay. So that parcel was always M-C?

MR. ZENNER: Always M-C, M-N. It was a split M-C, M-N parcel and they were looking at the M-N on the western portion of that property, the proposed permanent zoning site, for the purposes of transitioning all the way over to the PD multi-family development on the far west boundary of the overall tract of land.

MS. LOE: Okay. Thank you for that clarification. Any additional questions? Mr. MacMann?

MR. MACMANN: Just to close up a little bit, I think at this time, it would be good to hear from the applicants, but I think we've raised enough questions among ourselves that when we're moving forward, particularly when we're doing this west area plan, and we're looking at intensities and sizes and ratios, that we have a process or a series of processes that Mr. Strodman had mentioned so -- because we're going to have -- we're going to have this issue. I just recommend that we have the philosophical and ordinance type debate not on this applicant's time.

MS. LOE: Any additional questions from Commissioners for staff? Mr. Smith?

MR. SMITH: Yeah. If you don't mind, I just want to clarify that my statement on the case, and that

the vacancy percentage isn't something we looked at and said that's clearly a tipping towards the wrong direction. I think it's more along the lines of we have a large commercial district here and it's not yet developed, and we think that this could be just the commercial district that we have. This is what we need here, and this piece then, the appropriate long-term zoning for the site might be more appropriate for residential. So there wasn't a test that we put on there. There's not a minimum vacancy I think that we're advocating for. It's merely looking at the site and saying given the direction that we get within the Columbia Imagined, what's a reasonable future zoning for this site. And, honestly, M-N would not be it. It would be something that probably offers different opportunities given that we have a large amount of commercial now and it's not fully utilized. And so that's -- I'll leave it at that.

MS. LOE: Thank you. Any additional Commissioner questions? Seeing none. We're going to open up the public comment period.

### **PUBLIC HEARING OPENED**

MS. LOE: If anyone in the audience has public comments they would like to make about this case, they're invited to come to the podium. Please give your name and address for the record. If you're speaking for a group, you'll be allowed six minutes. If you're speaking individually, you'll get three minutes. The little red light on the podium will let you know when your time is up.

MR. HOLLIS: Good evening. My name is Robert Hollis with the VanMatre Law Firm, with offices at 1103 East Broadway, here on behalf of the applicant. I've passed out a PowerPoint presentation to you that will also be on the screen. With me here is Elliott Reed with Cochran Engineering. He will speak to you if you have questions, and then also with regard to the preliminary plat, which is the last of the three matters to review. I can skip a lot of what I put in this presentation. You guys have made a lot of my points, so I appreciate that. And staff, of course, as always, has done a good job of explaining the situation in general. As far as existing conditions and projected conditions, if you see that slide, here's what it looks like now. Even though we're not considering this portion that I'm showing this overlay on, that's the idea, and that will be a plan or at least something very similar to that -- a large grocery store and some outlots on the site. That will be on the M-C portion of the site. And as Mr. Zenner so aptly put, a catalytic project is on the way, and so all the more reason why we think M-N is appropriate on the -- on the west. So on the agenda, you have rezoning, which is identified. And then you have permanent rezoning if annexed. You have a preliminary plat as described by staff applicable to the entire site. Now, to the matter at hand, which is the proposed M-N, approximately seven acres. This depiction is directly from the M-N ordinance. And if you look at it, it looks a heck of a lot like what it looks like there now, and that's with regard to the residential portion on the -- on the right of the depiction. And I've got some photos, and if you've been out there, you've seen what The Links look like, and it looks very similar to that. Of course, we don't know what the M-N development would look like, but it's sure what we're proposing certainly matches the depiction. So here's a photo of what it looks like, looking to the west. And as far as -- it seems to me that we have essentially two competing issues or primary issues. One, are you in the business of making decisions that it seems at least a few of you are opposed to making with regard to

inventory and regardless of whether or not a site is from a land-use perspective proper, do you then override a proper land-use decision based on how you view the market. And so I'll leave the -- that second part up to you and we'll talk about land-use decisions for the most part. In particular, the fact that this is what I believe is a proper buffer as requested by the existing ordinances, I mentioned the catalytic development to the east, the developer and the property owner believe that it should be commercial now. And as Madam Chair pointed out, that would certainly not preclude high-density residential if that's what the market demanded. So we also -- you also talked about the fact that there would be a single lot. And if you look at the plat which -- that's not -- we're not there yet, but Lot 6 on the plat would be if you didn't approve M-N would be split zoned. You would have -- assuming you approved M-N for the western portion, you would have a lot that would be partially M-N and then A, which I don't think anybody thinks A is the proper use -- land-use designation for the site. There is a buffer that no matter what we do will not go away. And so I want to show you as best I can with photos the topographical buffer. This is standing at the north part of the site immediately adjacent to the western boundary looking up the hill. And so that row of trees also has a fence in it, and so that's the property line. If we were to take this site down to where it would need to be taken down to in order to develop it, you would still have this enormous, I assume, a retaining wall and mound because this mound doesn't end in our property. As you can see, it stays high as it -- this is now, I've moved to the west, and you're looking at The Links property, it remains high. So there is nothing we can do to get rid of that as far as buffers go. Sure, the ordinances require buffers, but this is the ultimate buffer. It would be a giant wall. Here is one more photo that shows that. The staff's recommendation, we agree with much of what staff has in their report. There isn't technically any vacant M-N property that we could find in the area that staff references. There may be some planned districts that have similar used, but, technically, there is no vacant M-N. There's definitely the infrastructure, the 50-foot setback exists, and the grade change is not going away. And with that, with regard to the rezoning portion, we respectfully request your recommendation for approval for an M-N zoning district. And I would be happy to answer any questions.

MS. LOE: Thank you, Mr. Hollis. Are there any questions for this speaker? I see none. Thank you. Any additional speakers on this case? Seeing none, we're going to close the public comment.

**PUBLIC HEARING CLOSED**

MS. LOE: Commissioner discussion? We've already had a lot of discussion. Any additional discussion? Ms. Russell?

MS. RUSSELL: I'm just going to go ahead and make a motion and we'll see what happens. In the Case of 194-2019, Donna Jean Armstrong Unitrust rezoning, I move to approve the requesting M-N zoning change.

MR. STRODTMAN: Second.

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

MS. BURNS: Yes.

**Roll Call Vote (Voting "yes" is to recommend approval.) Voting Yes: Ms. Burns, Ms. Loe, Mr. MacMann, Mr. Strodman, Ms. Rushing, Ms. Russell, Mr. Toohey. Voting No: Ms. Carroll.**

**Motion carries 7-1.**

MS. BURNS: Eight to one -- seven to one, motion carries.

MS. LOE: Thank you, Ms. Burns. Six to one. Michael showed up.

MR. MACMANN: After Pat's very concerning e-mail, I couldn't not be here.

MS. LOE: Seven to one, motion -- just to be clear -- motion passes. Recommendation for approval will be forwarded to City Council.

**Case Number 195-2019**

**A request by VanMatre Law Firm (agent), on behalf of the Donna Jean Armstrong Unitrust (owner), to permanently zone 18.06 acres from County C-G (General Commercial) to 15.37 acres of City M-C (Mixed Use-Corridor) and 2.69 acres of City M-N (Mixed Use-Neighborhood), upon annexation. The subject site is located at the southwest corner of Clark Lane and St. Charles Road, and includes property addressed 5406 Clark Lane.**

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

Staff report was given by Mr. Clint Smith of the Planning and Development Department. Staff recommends approval of the requested M-C and M-N permanent zoning pending annexation of the property.

MS. LOE: Thank you, Mr. Smith. Before --

MR. ZENNER: We could be -- we could be beat down enough to -- just, you know, acquiesce quickly.

MR. MACMANN: We're going to flip our vote, you know that, Pat.

MS. LOE: Before we ask any questions of staff, I'm going to ask about ex parte. Again, any Commissioners who have any ex parte on this case, if they can let us know. Mr. MacMann?

MR. MACMANN: This one and the next one, just to cover it, Mr. Hollis and I a brief conversation on other matters.

MS. LOE: Thank you. Are there any questions of staff on this case? Good job, Mr. Smith. All right. We're going to move on to public comment.

**PUBLIC HEARING OPENED.**

MS. LOE: If you can give us your name and address, three minutes or six minutes for a group.

MR. HOLLIS: Three is fine. Three is fine.

MS. LOE: All right.

MR. HOLLIS: Robert Hollis, 1103 East Broadway, VanMatre Law Firm, here on behalf of the applicant. And what I passed out before, if you would just flip to the next page. And I have very, very little to say about this. Hopefully, this clarifies what Madam Chair was discussing earlier, and that is the potential for split zoning, but I don't think that's going to be an issue, but -- so we've got M-C to the east, M-N, which is immediately to the east of what you just recommended for M-N, and then assuming that

M-N gets approved and M-C gets approved, then it would look like this. And that's all I have. If you have any questions, I would be happy to answer them.

MS. LOE: Any questions for Mr. Hollis?

MS. RUSHING: I'm just curious. Is that lake going to disappear?

MR. HOLLIS: It's my understanding that, yes, the lake disappears.

MS. LOE: Any other questions? I see none. Thank you.

MR. HOLLIS: Thank you.

MS. LOE: Any other speakers on this case? Seeing none, I'm going to close public comment.

#### **PUBLIC HEARING CLOSED**

MS. LOE: Commissioner discussion? Ms. Russell?

MS. RUSSELL: Okay. I'll make another motion. In the Case of 195-2019, I move to approve the requested M-C and M-N permanent zoning and pending annexation of the property upon Council approval.

MR. TOOHEY: Second.

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

MS. BURNS: Yes.

**Roll Call Vote (Voting "yes" is to recommend approval.) Voting Yes: Ms. Burns, Ms. Carroll, Ms. Loe, Mr. MacMann, Mr. Strodman, Ms. Rushing, Ms. Russell, Mr. Toohey. Motion carries 8-0.**

MS. BURNS: Eight to zero, motion carries.

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

#### **Case Number 196-2019**

**A request by VanMatre Law Firm (agent), on behalf of the Donna Jean Armstrong Unitrust (owner), for approval of a six-lot preliminary plat on property proposed to be zoned M-N (Mixed Use-Neighborhood) and M-C (Mixed Use-Corridor) and to be known as "Columbia Corners", pending annexation and permanent zoning. The 25.38-acre subject site is located at the southwest corner of Clark Lane and St. Charles Road.**

MS. LOE: Mr. Smith, may we have a staff report, please.

Staff report was given by Mr. Clint Smith of the Planning and Development Department. Staff recommends approval of the preliminary plat for Columbia Corners.

MS. LOE: Thank you, Mr. Smith. Are there any questions for staff? Oh. We covered ex parte -- sorry -- for this one.

MR. ZENNER: Read it again, if you would like.

MS. LOE: Any additional ex parte? Mr. MacMann already covered his ex parte. He's good. Any additional -- okay. Questions for staff? I see none. We're going to open up public comment.

#### **PUBLIC HEARING OPENED**

MS. LOE: Anyone who would like to make public comment on this case, please give your name and address for the record.

MR. REED: Elliott Reed with Cochran Engineering, 530A East Independence Drive in Union, Missouri. Clint did an excellent job laying out the facts of the case, and I would be happy to answer any questions you have on the plat.

MS. LOE: Well within the three-minute time limit. Any questions for this speaker? I see none. Thank you, Mr. Reed.

MR. REED: Thank you.

MS. LOE: Any additional speakers on this matter? Seeing none, we will close public comment.

### **PUBLIC HEARING CLOSED**

MS. LOE: Commissioner discussion? Ms. Russell?

MS. RUSSELL: Okay. In the Case of 196-2019, I move to approve the preliminary plat for "Columbia Corners".

MR. STRODTMAN: Second.

MS. LOE: Second by Mr. Strodman. We have a motion on the floor. Any discussion on this motion? I see none. Ms. Burns, may we have a roll call, please.

MS. BURNS: Yes.

**Roll Call Vote (Voting "yes" is to recommend approval.) Voting Yes: Ms. Burns, Ms. Carroll, Ms. Loe, Mr. MacMann, Mr. Strodman, Ms. Rushing, Ms. Russell, Mr. Toohey. Motion carries 8-0.**

MS. BURNS: Eight to zero, motion carries.

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

## **VII. PUBLIC HEARINGS**

### **Case Number 199-2019**

**A request by Crockett Engineering (agent) on behalf of AMW Investment Properties, LLC (owner) to revise the existing "Sidra Subdivision PD Plan," to permit the construction of a carport structure over existing parking spaces, the installation of solar panels on top of and adjacent to the carport structure, and the construction of a small equipment shed near the west end of the residential structures to house components of the solar system. The subject site is located at 2002 Rashid Court, and contains 0.86 acres.**

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

Staff report was given by Mr. Rusty Palmer of the Planning and Development Committee. Staff recommends approval of the proposed revisions to the "Sidra Subdivision PD Plan."

MS. LOE: Thank you, Mr. Palmer. Before we move on to Commissioner questions, I would like to ask Commissioners if anyone has had any ex parte prior to this meeting related to this case to please to disclose that now so all Commissioners have the same information to consider on behalf of the case in

front of us. I see none. Any questions for staff? Mr. MacMann?

MR. MACMANN: I have one -- I have a question. Thank you, Madam Chair. Planner Palmer, I remember this case somewhat. First off, I'd like to say yay for solar. I'm glad we're making this accommodation. If I recall correctly -- and I might be a little fuzzy, so help me here. The properties to the north and some of the surrounding neighbors were less than please, as people can be over time. We have had no further feedback on that?

MR. PALMER: Thanks for bring it up. I forgot to mention. There were -- well, there was one comment that was included in the staff report e-mailed to me by a neighboring property owner. And they are concerned about aesthetics mainly, and then also the increased impervious area, but the plan does take into account the increased area. They're basically digging out the detention pond.

MR. MACMANN: They're taking more out of that pond to accommodate that very -- because that was an issue given the slope. I remember that.

MR. PALMER: Correct. Yeah.

MR. MACMANN: It really came down. Okay. Thank you very much. I just remembered this -- not contentious, but there was a fair amount of concern.

MR. PALMER: Exactly.

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

MS. RUSHING: Oh -- the retention wall -- okay -- retaining wall is located where -- the proposed retaining --

MR. PALMER: It's the orange line that curls around the north end of the structures.

MS. RUSHING: Oh. Way up there. So it's really not related to the covered parking?

MR. PALMER: Correct. And it doesn't impact the screening and landscaping that was required.

MS. RUSHING: And the reason for putting the panels on the ground as opposed to on the roof?

MR. PALMER: I'm not sure. I mean, obviously, they're putting some on the -- on the carport structure and I think just -- well, I don't want to speculate. But the other 800 square feet is ground mounted, just, I'm assuming, because they needed another 800 square feet to make it feasible.

MS. RUSHING: And they're not required to do any screening?

MR. PALMER: Not anything additional, no.

MS. LOE: Any additional questions of staff? Seeing none, we will open up the public comment period.

#### **PUBLIC HEARING OPENED**

MS. LOE: Please give your name and address for the record.

MR. CROCKETT: Madam Chair, members of the Commission, Tim Crockett with Crockett Engineer, offices at 1000 West Nifong. The plan before you tonight is very similar to the one that was approved by this Commission back in 2017, two years ago this month. Pretty much the only addition that we're asking for tonight is the added -- the addition of the -- the covered parking and the solar panels, as well as a retaining wall. Now, I think there was some -- some discussion two years ago with regards to

this development and the pedestrian traffic that might migrate north to the existing convenience store at that -- that's located north of this development. The retaining wall, by virtue, will eliminate that pedestrian traffic. It will take it, push to go out toward the -- the public sidewalks, and so that kind of resolves itself. With regards to the carports, that -- those are going over existing parking lots, so it's not that we're asking for additional parking or additional impervious surface. That's already on paved surfaces that we're asking to cover with the -- with the carports for covered parking. And then, of course, the solar panels would go on top of the carports and then some out in front of it, as well. The additional building, obviously, is needed to handle the equipment for the solar array. We did talk to -- talk to the installer and asked about putting them on the building themselves and he said it was -- and this was kind of a later change to add solar at this point. And so he said really it's kind of a -- kind of tough to do at this late in the game given the size, given the slope, given the location and angle and all that. And so he said really we want them together on top of the carport and then out in front. We tried to get it all on top of the carport, but it -- we needed more than that. Just as a point of reference, this will be basically split up into five systems, so each unit will have an allotted amount of solar power. So it's not that one system -- one unit gets to use it all, then everybody else pays the going rate. Each five of the units will get an allotted amount of solar to use and so, hopefully, that, you know, greatly reduces their utility bill. So again those are the minor changes that we're making to this plan. I'm happy to answer any questions should you have any.

MS. LOE: Questions? Mr. MacMann?

MR. MACMANN: Thank you, Madam Chair. Mr. Crockett, question on the carport roof. Is that a guttered structure?

MR. CROCKETT: Yes.

MR. MACMANN: So we might even have better water control?

MR. CROCKETT: We do -- we have very tight water control for the whole entire site, yes.

MR. MACMANN: All right. That's what I wanted to know. Thank you very much.

MS. LOE: Ms. Rushing?

MS. RUSHING: So I see some trees proposed along the edge of that property. Is there any other landscaping that the owner is contemplating?

MR. CROCKETT: Yes, Ms. Rushing. There's some landscaping to the north. There's some screening material that goes along to the north of the property line to screen it from the adjacent property. And then there will be some other landscaping up around the building, as well. The -- the trees that you see on the plan there are the street trees and the pavement trees that are required by the ordinance, so there will be additional landscaping on top of what is shown there.

MS. RUSHING: Because right now, it's -- it's pretty highly visible because the property is so bare.

MR. CROCKETT: Absolutely. And there will be -- there will be some additional landscaping put on that property compared to what's there prior to development.

MS. LOE: Any additional questions for Mr. Crockett? Mr. Crockett, the comment that we received from a neighbor was about the aesthetics of the building itself. I was wondering will the carport structure

and solar panels potentially screen the sight lines to the building?

MR. CROCKETT: I think it -- I think it will be. The actual carport we're looking at is going to be a cantilevered system, so it's not the typical carport that you envision that has a bunch of columns out there and it's a -- you know, it's more of a cantilever-type system, so it's going to be a little more modern looking compared to some others that you've seen before in the past. And so I think it will kind of fit in with that building. And I think there's some concern over the -- the aesthetics of the building, and I think it's just a little more modern and a little bit different than what some people are accustomed to.

MS. LOE: I'm thinking more that the solar panels will be angled if it plays --

MR. CROCKETT: Yes. Correct.

MS. LOE: -- above the -- or off the roof so that you'll see the solar panels or the -- between the trees, the perimeter trees and the solar panels, there will be less of a direct view of the building as you're approaching?

MR. CROCKETT: Of the building. That's correct.

MS. RUSHING: It's raised and that's my concern. This area is up above this. So there's not going to a whole lot of screening of the carport area by these trees.

MS. LOE: Oh, I don't think solar panels are necessarily bad to look at, though.

MS. RUSHING: That's my concern when you're talking about aesthetics. The building and the carport are all going to be up here. Then there's this slope down with the drainage area, so this is going to be really, really visible. I mean, it's not --

MS. LOE: True. But some neighbors may find the solar panels more attractive than the structure was my point.

MS. RUSHING: That's possible.

MS. LOE: Any other comments or questions for this speaker? Mr. Toohey?

MR. TOOHEY: So did the applicant think about this in the original design and just decided not to go with that because of the expense, and now the expense is lower?

MR. CROCKETT: I'm not sure -- I'm not sure when -- when Ann came up with the idea, but I know it wasn't -- it wasn't an initial item that we were -- that we discussed during the original proposal. It came at a later date.

MS. LOE: Additional questions, comments? Thank you, Mr. Crockett.

MR. CROCKETT: Thank you.

MS. LOE: Any additional speakers on this case? Seeing none, I'm going to close public comment.

### **PUBLIC HEARING CLOSED**

MS. LOE: Commissioner discussion? Ms. Russell? I think you've done your duty, but if you want to volunteer.

MS. RUSSELL: In the case of 199-2019, I move to approve the proposed major amendment to the Sidra Subdivision PD Plan.

MR. MACMANN: Second.

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

MS. BURNS: Yes.

**Roll Call Vote (Voting "yes" is to recommend approval.) Voting Yes: Ms. Burns, Ms. Carroll, Ms. Loe, Mr. MacMann, Mr. Strodman, Ms. Russell, Mr. Toohey. Voting No: Ms. Rushing. Motion carries 7-1.**

MS. BURNS: Seven to one, motion carries.

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

**Case Number 200-2019**

**A request by A Civil Group (agent) on behalf of Kanko, LLC (owner), for a rezoning of parts of Lot 1005 and 1006 of Oak Forest Plat 10 (except for that part of Lot 1006 deeded to the City of Columbia) from PD (Planned Development) to M-C (Mixed Use-Corridor). The approximate 4.08-acre property is located generally north of the intersection of East Green Meadows Road and Gray Oak Drive and is addressed 955 East Green Meadows Road.**

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

Staff report was given by Ms. Rachel Bacon of the Planning and Development Department. Staff recommends denial of the M-C zoning map amendment.

MS. LOE: Thank you for that report. Before we go to Commissioner questions, I would like to ask Commissioners if they have had any ex parte prior to this meeting related to this case to please disclose that now so all Commissioners have the same information to consider on behalf of this case in front of us. I see none. Are there any questions for Ms. Bacon? I see none. I have one question, Ms. Bacon. I thought we hadn't moved some climax forest buffer off of Grindstone Parkway back to this area. Is that -- can you just point out where that is?

MS. BACON: Yeah. So on this site right here, there's three acres of tree preservation. There is also a City drainage facility right here that kind of follows this stream. So I think I did point out in maybe the report that the development potential of this site is very limited because there is three acres of tree preservation in this area and then also some environmental topography issues. There's a lot of utility easement, as well.

MS. LOE: Thank you. Ms. Burns has a question.

MS. BURNS: Ms. Bacon, in regard to Ms. Loe's question, was that the trade that we did for other -- okay. It was about five years ago, we did a trade for property up on -- off of Grindstone for this three acres. I'm just trying to remember what the -- the discussion that we had about that.

MS. LOE: Yes.

MR. ZENNER: I believe that's correct, and that may be with the Red Oak --

MS. BURNS: It was with the Red Oak Development. Uh-huh.

MR. ZENNER: With the Red Oak development to the south of this -- to the Walmart

development.

MS. BURNS: Okay. Thank you.

MR. ZENNER: You'd have -- and again, there was some in the lower corner here of the Walmart site. This actually if I'm not incorrect, as well as another portion over on the Walmart property itself was its tree preservation area specific to the Walmart property when it was developed. But I believe you are correct, the exchange here behind Walmart was due to the development across the street.

MS. BURNS: Thank you.

MS. LOE: Just didn't it -- and it connects to more than just the lots adjacent to Walmart. I mean, I thought that was one of the reasons the City considered it.

MR. ZENNER: I believe it ties back into the drainage easement.

MS. LOE: For the drainage easement.

MR. ZENNER: And required the trail -- some other elements that are within this area that are not as -- not -- as shown on this graphic, not developed, and likely aren't developable because of the environmental constraints.

MS. LOE: Okay. I mean, that's what -- I think we were talking wildlife corridor and -- yeah. All right. Thank you. Okay. Mr. MacMann?

MR. MACMANN: Just real quick. Ms. Bacon, I drive by this with some frequency, and I'll ask Mr. Gebhardt when he gets up, but it -- if memory serves and from your map, we're only looking at the -- the southern portion of this that really is easily developable in any way, shape, or form -- and I'll -- I'll address that to Mr. Gebhardt when he comes up. Thank you.

MS. LOE: Any additional questions for staff? Seeing none, we will open up the public comments.

#### **PUBLIC HEARING OPENED**

MS. LOE: Please give your name and address for the record, and we're still sticking with the three minute,-six-minute rule. Thank you.

MR. GEBHARDT: Thank you. My name is Jay Gebhardt, I'm a civil engineer with A Civil Group, and I'm pleased to be here tonight representing Mike Kelly, who owns the property. He also owns the multi-family Deer Valley Apartments and the vacant office lot on the south side of Green Meadows Road. Mike has owned this property since 2004 and has had numerous offers to sell the property over the years. He is not interested in selling it. He would like to develop the property and keep it in his family. The buildable area of this tract is just under two acres, which goes to what Mr. MacMann was asking. It's a four-acre tract, but the rest of it is hillsides and tree-preservation areas that can't be developed. As staff suggested in the report, the size of the buildable area of this tract limits the uses on the tract, so a lot of these uses that have been talked about, like a hotel and things, just wouldn't fit on this tract. Mike's properties are literally sandwiched between two C-P areas with old C-3 uses on either end, one being the 37-acres of shopping center, and the other being the businesses at the corner of Providence and Green Meadows Road. If you stand on the property and you're -- you're just basically 100 feet from the C-P uses that consist of a tire and mechanic shop and just beyond that, the loading docks of 150,000 square foot

Walmart. We are asking for zoning that will allow us to compete with these existing conditions. Basically, the zoning map doesn't do this justice. It shows it all as PD, but it's really PD with C-3 uses on either side of this. And while I'm talking about uses, I'll jump out of my narrative here, but a lot of the C-1 uses that we had did not translate into M-N. M-N is not an exact copy of the uses in C-1, so we lost -- we would lose some of the uses that we had with our C-1. My point here is the concern staff raises about the proximity of the multi-family and the vacant office lot are all Mike's property. If there is any harm caused by the M-C versus the M-N zoning, he is only harming himself. Mike would like to see the property developed in uses that would benefit people living in the apartments he owns. Some of these uses are allowed and the staff's recommended M-N zoning, but many are already allowed in the existing C-P zoned property. The M-N staff recommends does not allow the uses currently allowed in the existing C-P zoning. We are requesting this zoning to take down barriers to developing this property and bring the zoning up to date with the latest codes and all of the requirements contained within those codes -- codes that provide neighborhood protections, use-specific standards, parking, landscaping, including street trees, and whole host of other regulations that are not currently required. This is a tradeoff we are willing to make if we do not give up the existing uses of the property. If the M-C we are requesting is granted, Mike would build something that compliments his existing properties, and enhances the quality of life for the tenants of his apartments. With that, I'd ask if you have any questions, I'd be glad to answer them.

I don't know if that's three minutes or more, but --

MS. LOE: Thank you, Mr. Gebhardt. Are there any questions for this speaker? Mr. Toohey?

MR. TOOHEY: So do you already know what's going to be built there? I mean, do you --

MR. GEBHARDT: We do not, but we envision something -- a commercial building that may have a drive-through on it that would serve a dry cleaner. They may have a sports bar, because the bars aren't allowed in M-N zoning. Something of that nature, you know, bakery. There's quite a host of things, and people always go to the gas stations and really, you know, obnoxious things, but this is not a site for a gas station. And Mike wouldn't -- wouldn't want that in his -- in his properties.

MR. TOOHEY: That's all I have.

MS. CARROLL: (Inaudible).

MS. LOE: Ms. Carroll. And if you have -- please speak into the microphone so that the recorder can hear you.

MS. CARROLL: All right. There is a gas station just down the street from there already, isn't there?

MR. GEBHARDT: Yes. There's a Break Time just pretty close.

MS. LOE: Any additional questions for this speaker? Mr. Gebhardt, are you saying that a bakery is now allowed in M-N?

MR. GEBHARDT: That is my understanding.

MS. LOE: Thank you. Any additional speakers on this case? Seeing none -- oops. Sorry.

MS. SHEFFIELD: My name is Marsha Sheffield.

MS. LOE: Move the microphone down. There you go.

MS. SHEFFIELD: I'm new at this. I've never done this before. My name is Marsha Sheffield, and I live at 809 East Green Meadows Road, Apt. 305, and we're new -- my husband and I, Dana, we're new to the area. And we drove by and saw this sign, and so I called -- I didn't know -- I didn't know they were going to be building anything there, and we're really concerned because the traffic along East Green Meadows Road has gotten really bad since the students came back, and if you're coming off that one road -- do you know, is that Gray Oaks?

MR. SHEFFIELD: Gray Oaks.

MS. SHEFFIELD: Yeah. That's really hard to get off on to get onto East Green Meadows because people come around that corner and they are going really fast. I don't think they abide by the speed limit in that area, so we're really concerned what they build, how much traffic is it going to produce. When I saw that online, when I saw the parking spaces, the number of parking spaces, that is very concerning for us because we're worried about the traffic flow. We've already seen a deer killed along there. Someone ran off the road along there. They drive like maniacs. And then we walk every night, and there are so many deer out there all around that entire unit, and I hate to lose any more green space because I don't want the deer to be affected. So we're just really concerned about the traffic and the deer. And I would really appreciate my landlord asking tenants what would we like, you know. Instead of him imagining what we would like, maybe it would be nice to ask the people that live there what we would like, if anything.

MS. LOE: If something was built, what would you like?

MS. SHEFFIELD: I really don't want anything, to tell the truth.

MS. LOE: You don't want anything.

MS. SHEFFIELD: I think we've got plenty with Walmart and all the traffic. It's really kind of dangerous to walk along that sidewalk. If he thinks we can walk along that -- I mean, I do see people walk along it, but we've tried it and people drive so fast and it's so noisy, it's not relaxing. So I -- I mean, maybe people will do that, I don't know. I'd just rather there be nothing, to tell you the truth. But I know they've already got something in plan, but I just wished it wouldn't require -- and have a lot of traffic and stuff.

MS. LOE: Thank you. Are there any questions for this speaker? I don't see any additional questions. Thank you.

MS. SHEFFIELD: Thanks.

MS. LOE: Are there any additional speakers?

MR. MURPHY: Madam Chair and Commission, my name is Kevin Murphy. I'm with A Civil Group, offices at 3401 Broadway Business Park Court. One thing I do want to note here if it hasn't been made obvious is there's probably an 800-foot stretch in the middle of this road that is not commercial development. That would be Mike's office on the south side of East Green Meadows and his multi-family on the north side. Ms. Bacon, I don't know if this -- but it may have been misleading. But the old ordinance, we were allowed C-1 -- all C-1 uses and C-P uses. Well, all C-P uses of the ordinance at that

time was included one or more of all of the permitted uses in C-3, so C-3 is relevant to the M-C zoning that we're asking now. The only exception to that was that they excluded amusement parks, commercial stables, movie theaters, bowling alleys, farm machinery sales and service, gun clubs, halfway houses, machine shops, and mechanical contractors, basically. Of that, movie theaters and bowling alleys would be allowed in M-N, and I don't believe any of these others would be allowed besides again those two uses in M-C. So what I -- what I want to point out is we basically have M-C zoning. The problem is is that we would have to come with a plan, say, if Mike gets a client that he wants to build a building for him, and we have to come in with a plan. If that falls through, somebody else comes to Mike and says I want you to do this, we have to come in and change the plan again. Again, it's that -- that hard situation in dealing with planned developments where you're continually having to change them for any minor change or -- or major change. But again I just want to point out that we have -- we have the, basically, all the M-C uses permitted and allowable already. Thank you.

MS. LOE: Thank you. Are there any questions for Mr. Murphy? I see none. Thank you.

MR. MURPHY: Thank you. Any additional speakers on this case? Seeing none, I will close public comment.

#### **PUBLIC HEARING CLOSED**

MS. LOE: Commissioner discussion? Mr. MacMann?

MR. MACMANN: My concern is as follows. The climax forest areas across the street and the sensitive areas to the north of this property, I get Mr. Kelly's deal. I don't -- I think an amendment is better than a zoning change, personally. A specific issue, I would be more comfortable with than a broad issue, given where this is. And he is right. There is a Walmart, you know, just down the way that backs up to the property. But the sensitive areas to the north and to the east are what concern me more than anything.

MS. LOE: Ms. Russell?

MS. RUSSELL: I'll just go ahead and make a motion. In Case 200-2019, I move to approve the M-Z zoning map amendment.

MR. STRODTMAN: Second.

MS. LOE: Second by Mr. Strodman. We have a motion on the floor. Any discussion on that motion? Seeing none. Ms. Burns, may we have a roll call, please.

Ms. Burns: Yes.

**Roll Call Vote (Voting "yes" is to recommend approval.) Voting Yes: Mr. Strodman, Ms. Russell. Voting No: Ms. Burns, Ms. Carroll, Ms. Loe, Mr. MacMann, Ms. Rushing, Mr. Toohey. Motion fails 6-2.**

MS. BURNS: Five to three [sic], motion carries.

MS. RUSHING: No fails.

MS. BURNS: Fails. I mean -- sorry. Fails. I got the numbers right this time, didn't I?

MS. LOE: So motion to approve was not passed. Recommendation for approval will not be forwarded. That concludes our public hearings for tonight.

## **VIII. PUBLIC COMMENTS**

MS. LOE: Are there any additional public comments? Seeing none.

## **IX. STAFF COMMENTS**

MS. LOE: Are there any staff comments?

MR. ZENNER: You know I can't let a meeting go by without making them. We do have some and they contain the fact that you will have a meeting coming up here on October 10th. We have received a request earlier this evening that Ms. Burns would like to be excused at that -- no. I'm sorry. That is the 24th's meeting, so she will be here for the wonderful discussion of short-term rental, which is our October 10th, I guess, premiere discussion topic. So you do have your upcoming cases here -- three. We have a request to modify the statement of intent for the Centerstate Ruby Tuesday PD plan. This is a freestanding Ruby Tuesday Restaurant -- a former Ruby Tuesday Restaurant on Lot 6 at the Centerstate Development at Vandiver and U.S. 63 North. The requested statement of intent revision is in order to accommodate a medical marijuana dispensary facility in the former restaurant space. That is a use that is not currently permitted within the PD that governs Centerstate as a whole, therefore, the amendment is being requested to specifically and only impact Lot Number 6, not the remaining planned district zoned parcels that are there in the project boundary better known as Centerstate. We also have another rezoning request. This is at the corner of Broadway -- West Broadway and Stadium Boulevard. This is on the south side of West Boulevard directly south of the Shelter Office Park on the southeast corner. This is a parcel that contains three lots, Lot 3, 7, and 101 West Briarwood. It is a rezoning request from the current R-1 to M-OF. There is a desire to develop the property for the purposes of a doctors office building. There is no requirement for a site plan to be submitted on this; therefore, we are dealing just with the appropriateness of that zoning classification. Any future development on the property would be subject to all building code requirements as well as site plan review standards. That I can tell you up to this point, based on the public information meeting that was held Tuesday of this week, will have a significant amount of public engagement and we probably should be prepared to institute our three- and six-minute rules as it relates to action that night. And then finally we do have our short-term rental regulations. That UDC amendment will be posted tomorrow to our website and our website only, and we will notify our short-term rental mailing list, our e-mail list we have of the ordinance being available for review. The staff report is yet to be prepared but will be prepared in time for the October 4th publication deadline. We felt, though, it important to get out the actual proposed regulations as we've discussed within Commission work session in advance to allow for the public to absorb what is there and then potentially submit written comment in advance. We will receive that written comment up to the Planning Commission meeting. We do encourage any individual within the public that does have interest with the project to submit their comments in writing to us for inclusion in the packet, so you have it in advance of the October 10 meeting. We will not be making any revisions to the ordinance based upon comments received. We will allow the public hearing to occur and then take appropriate steps moving forward from that point. The Commission is being asked to make a recommendation on October 10th; however, you

are not obligated to do so. You could table and request that we have additional work session discussion if that's your desire, based on the public comment received. Those are three items we have. We have now established the agenda, or I know the agenda for our October 24th meeting, as well. Interestingly enough, we felt we were going to only have one other item on our October 10th agenda. We ended up with two. We only have one item on our October 24th agenda and that is the acknowledgment of the Rock Quarry Stakeholder Group report. There are no other cases to be considered that evening, so I don't believe we'll have a lengthy meeting that night. However, if you do decide that you want to carry over short-term rental, we would have short-term rental, as well as the Rock Quarry Stakeholder report as the scheduled items. I'm not suggesting that you have to carry over the short-term rental, but if you did, it does not appear it will conflict with any of our other projects. I have also had a conversation with the County in regards to the West Area Plan that Council has asked the Commissions to engage in. And in talking with the County staff, they were going to coordinate amongst themselves to present documentation to the County Commission in order to have the County Commission direct the County Planning Commission to engage. I have not yet heard. I will keep you advised of the outcome of those discussions as they come about. As we stated when we talked about the scheduling of the West Area Plan, we do likely a joint meeting for scoping purposes sometime before the end of this calendar year, and then probably meet as a group after we have acquired data and done some data analysis first quarter of 2020 is the anticipated time frame. But we were not going to engage in anything until we had gotten indication from the County that the County's Planning Commission would also be participating within the study area. So some of this is still a little bit in flux, but I wanted to keep you advised that we are actively pursuing forward, trying to get all of the pieces put together to be able to make effort to complete the area plan as has been requested. And the other thing that I will bring to your attention for the October 10th meeting, we will be discussing again, or re-engaging, I should say again, into the comprehensive plan five-year update criteria. The next meeting for work session will be more of a recap of where we have been and where we need to go yet so we all can get refamiliarized and bring Ms. Carroll into some of the discussion that we have had previously, as well. We do need to be able to get through the amendment process or what we do need to consider for amendment before the end of this calendar year in order to be able to stay on track with what we need to do for the updating process so we meet our milestones within the comprehensive plan itself. No new meetings are going to need to be scheduled for that. We believe we'll be able to cover it all as a part of our regular work session program. If there are any absences between the October 10th meeting and the end of the calendar year, please let me know as soon as you know those conflicts so we can properly prepare for any potential meeting cancellations that we may have to have. I know we get into the silly season in November, moving through the end of December. This year, with Thanksgiving being the last Thursday of the month, we do have two meetings in the month of November unlike in past years where we have not had a second meeting. So if you going to be gone either the week prior to Thanksgiving and all of Thanksgiving week, we just need to know so we have quorum. Otherwise, that is all we have to offer for this evening. We thank you very much. I believe, Ms. Loe, you may want to make

announcements this evening on what we did discuss in work session as it relates to the election of our officers, and my congratulations to those that have been reelected for another year of service.

MS. LOE: Thank you, Mr. Zenner. Yes. We do want to congratulate Ms. Burns on being reelected as our secretary. Mr. Toohey, congratulations on being reelected as our vice-chair. And I am honored to have been reelected as chair of the Planning and Zoning Commission for another year. Thank you, everybody.

**X. COMMISSIONER COMMENTS**

MS. LOE: Are there any Commissioner comments?

MR. MACMANN: Do you want to finish it out?

MS. RUSSELL: No. You can, but I have something.

MR. MACMANN: Okay.

MS. LOE: Ms. Russell?

MS. RUSSELL: I just need to remind you that I will not be at the October 10th meeting.

**XI. ADJOURNMENT**

MR. MACMANN: That said, I have a motion.

MS. LOE: Yes, Mr. MacMann?

MR. MACMANN: I move that we adjourn.

MR. STRODTMAN: Second.

MS. LOE: Second by Mr. Strodman. We are adjourned.

(The meeting was adjourned at 8:53 p.m.)

(Off the record.)