

**MINUTES**

**PLANNING AND ZONING COMMISSION MEETING**

**COLUMBIA CITY HALL COUNCIL CHAMBER**

**701 EAST BROADWAY, COLUMBIA, MO**

**MAY 21, 2020**

**COMMISSIONERS PRESENT**

**COMMISSIONERS ABSENT**

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

**I. CALL TO ORDER**

MS. LOE: I would like to call the May 21, 2020 Planning and Zoning Commission meeting to order.

**II. INTRODUCTIONS**

MS. LOE: Mr. Zenner -- or Ms. Burns, may we have a roll call, please.

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

MS. LOE: Thank you.

**III. APPROVAL OF AGENDA**

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

MR. ZENNER: No, there are not, ma'am.

MS. LOE: Thank you. Everyone should have received a copy of the agenda before this meeting. Can I get a thumbs up approval of the agenda?

(Unanimous vote for approval.)

MS. LOE: It looks unanimous. Thank you.

**IV. APPROVAL OF MINUTES**

MS. LOE: We have two minutes to approve. One is the March 5, 2020 work session minutes. Were there any comments or changes to those minutes?

MR. STANTON: I move to approve.

MS. RUSSELL: Second.

MS. LOE: Move to approve by Mr. Stanton; second by Ms. Russell. I'll take a thumbs up approval on that.

(Unanimous vote for approval.)

MS. LOE: It looks unanimous. Thank you. The second meeting minutes we have is the March 19 regular meeting minutes.

MS. BURNS: I move to approve.

MS. RUSSELL: Second.

MS. LOE: Move to approve by Ms. Burns; second by Ms. Russell. I'll take a thumbs up approval on that.

(Unanimous vote for approval.)

MS. LOE: Eight for. I'm abstaining just because I was -- or Mr. MacMann?

MR. MACMANN: Seven. Seven.

MS. LOE: Seven for; two abstentions. All right.

#### V. **TABLING REQUESTS**

MS. LOE: That brings us to our first case which is a tabling request.

##### **Case Number 85-2020**

**A request by VanMatre Law Firm (agent) on behalf of the Donna Jean Armstrong Unitrust (owner) for approval of a five-lot final major plat on property zoned M-C (Mixed Use-Corridor) to be known as Columbia Corners, Plat 1, and an associated design adjustment in Sections 29-5.1(f)(3) of the Unified Development Code to allow a new lot line through a structure. The 12.84-acre subject site is located at the southwest corner of Clark Lane and St. Charles Road. (This item has been requested to be tabled to the June 4, 2020, Planning and Zoning Commission meeting.)**

MS. LOE: Mr. Zenner, may we get a staff report, please.

MR. ZENNER: Nothing additional to add. The item is being tabled to allow for some additional technical corrections to be made to the existing plat, and we just ran out of time. The applicant ran out of time with the pandemic in place, didn't get us the response back; and therefore, we're tabling for the single meeting. We will have the item before you at the next agenda.

MS. LOE: Thank you. The applicant's letter for tabling identified several items would be in hand soon. Did those items come in?

MR. ZENNER: Mr. Smith would have that, and I believe we are -- we have all those materials in currently, back in for re-review, and we will, as I said, have that report prepared for your June 4th meeting.

MS. LOE: All right. Any additional questions for staff? I see none. Mr. MacMann?

MR. MACMANN: I have a motion, if we're there.

MS. LOE: We will entertain that.

MR. MACMANN: Move to table 85-2020 to date certain 4 June 2020.

MR. STANTON: Second.

MS. RUSHING: Second.

MS. LOE: Ooh. We will give that to Ms. Rushing. 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: Mr. MacMann, Mr. Stanton, Mr. Strodman, Ms. Rushing, Ms. Russell, Mr. Toohey, Ms. Burns, Ms. Carroll, Ms. Loe. Motion carries 9-0.**

MS. BURNS: Nine to zero, motion carries.

MS. LOE: Recommendation for tabling is approved.

## **VI. SUBDIVISIONS**

MS. LOE: All right. That takes us to Subdivisions. Our case under Subdivisions is:

### **Case Number 86-2020**

**A request by Crockett Engineering (agent), on behalf of SBSR Properties, LLC (owners), for approval of a 39-lot preliminary plat to be known as the "Cottages at Evergreen Place". The 7.27-acre property is proposed to be platted into 33 single-family lots and six common lots. The subject property is located on the west side of Ballenger Lane just north of Dehaven Drive. On February 11, 2020, the Board of Adjustment approved use of the cottage dimensional standards for this project.**

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

Staff report was given by Mr. Pat Zenner of the Planning and Development Department. Staff recommends approval of the preliminary plat for the Cottages of Evergreen Place.

MS. LOE: Thank you, Mr. Zenner. Before we move to questions for staff, I would like to ask Commissioners if anyone 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. I see none. Any questions for staff? Mr. MacMann?

MR. MACMANN: Thank you, Madam Chair. Mr. Zenner, could we return to the slide that -- I think it's the one previous to this one that showed that barrier up to the north, that orange area. That's a common lot, storm water?

MR. ZENNER: The -- there's a common lot on both ends, on the east and the west end of the property --

MR. MACMANN: Uh-huh.

MR. ZENNER: -- where you see this hatching. These are the -- those are the detention areas that would be provided, and then there is a -- that common lot apparently ends right here on the back of

the property and then it ends at this point right here on the front. So this area here, roughly five lots, is where, because the adjoining uses are residential, there would be no screening required.

MR. MACMANN: That -- could you repeat that last sentence again, please?

MR. ZENNER: Because it's residential, single-family to single-family, there would be no screening required.

MR. MACMANN: If I may, I would like to follow up on that. You have said that most of these homes would justify towards a street of approximately ten feet; is that what you said?

MR. ZENNER: There will be a minimum of 20, given what we understand, but there will be garages with each of them, so -- but they can be as little as ten feet away if they chose not to.

MR. MACMANN: All right. In those backyards, what's the distance to the -- to the back of the house to the next property line; do you know, roughly? Or is that a --

MR. ZENNER: That would be probably an engineer -- engineer question.

MR. MACMANN: Okay.

MR. ZENNER: We don't have floor plans or footprints yet, so I -- I really couldn't answer that for you at this juncture.

MR. MACMANN: All right. I was just trying to get to Mr. Kavanaugh's, and I'll wait for the engineer to come up.

MR. ZENNER: Thank you.

MS. LOE: Any additional questions for staff? I see none. So at this time, we will open up the floor for public comment.

#### **PUBLIC COMMENT OPENED**

MS. LOE: Please give your name and address for the public record. If you are representing a group, you have six minutes; otherwise, we will limit you to three.

MR. CROCKETT: Thank you. Madam Chair, members of the Commission, Tim Crockett, Crockett Engineering, 1000 West Nifong. Again, I believe this is one of the first, if not the first, cottage-style developments that have been approved in the City of Columbia, so it is a little bit different, the rules a bit abnormal to what you're used to seeing. However, it is in compliance with the UDO for this particular use. It is zoned R-2. It is zoned for duplexes and we would rather develop it in an R-1 style development. And so we could put more duplexes on there, but that's not the intent, you know. I think Mr. Zenner did a pretty good job of covering all the aspects of this -- of this proposal. And the majority of the lots themselves back up to green space and the green space backs up to the adjacent properties. To your point, Mr. MacMann, I believe there's only five, maybe six lots that actually abut the neighboring properties. Those lots that abut the neighboring properties are more the depth of a standard R-1 lot, so they're more of 110-, 115-, 120-foot in depth, not the shallow ones that you see internal to the development. So the -- they're more in tune, more in line with the depth of the adjacent residential lots. And so the shallow lots are internal, the deeper ones are on the exterior portion. So we feel that, you

know, the setbacks are going to be somewhat similar to that of the R-1 development adjacent to this development. Again, it went through the Board of Adjustment. We had approval from -- you know, from that -- from that Board for the cottage style. Again, staff comes to you with -- with recommendation for approval, and I'm happy to answer any questions that you may have.

MS. LOE: Mr. MacMann?

MR. MACMANN: Thank you, Madam Chair. Mr. Crockett, I would, first of all, like to thank you for doing -- you and your client for doing the cottage style. I'm looking forward to see how this plays out because price point is going to be a thing.

MR. CROCKETT: Absolutely.

MR. MACMANN: And you may not have one, but do you have a price range yet?

MR. CROCKETT: We're looking at \$150,000, \$160,000, if we can get there. There's a few design challenges that we have to overcome, so we always want to get to that low. We don't know if we can hit that or not, but we're certainly going to try.

MR. MACMANN: Okay. And if I may, would you be open -- I'm of two minds of this and could see from the lots that they're deep, especially if they're justifying to the south there. Would you or your client be open to some sort of screen to address Mr. Kavanaugh's -- and let me tell you why I'm saying that. I want this to succeed.

MR. CROCKETT: Sure. Mr. Kavanaugh, his property is actually bound by the detention structure itself, so the detention basin, which will also have bio-retention in it, so it will be heavily landscaped already. So by default, his -- his home and his structure, the duplex that he lives in, it will already be screened.

MR. MACMANN: I'm just -- I'm with you. I'm just -- his concern could be a concern of other neighbors and certainly could be a concern as we move forward because we don't have any screening standards in these things.

MR. CROCKETT: Correct. We don't have any screening -- I mean, I guess I would like to ask, Mr. MacMann, what kind of screening standards are you asking for.

MR. MACMANN: Minimal.

MR. CROCKETT: Minimal. I mean, I think we could do -- you know, we could do some additional landscaping. I think we could commit to doing minimal, but being R-1 to R-1, I don't want to put a barrier between residents.

MR. MACMANN: And I'm with you, and I don't want to raise the price, either, but I'd like --

MR. CROCKETT: Right.

MR. MACMANN: -- I'd really like to see something like this succeed --

MR. CROCKETT: Sure.

MR. MACMANN: -- because these are sort of -- they were needed three months ago and they're more needed now.

MR. CROCKETT: Right. I mean -- right. And I think if we're talking -- you know, we're -- it's not very wide. If we're talking an extra couple of trees, I think we can -- we can accommodate that.

MR. MACMANN: Six feet, opacity 85, something like that?

MR. CROCKETT: I'm sorry?

MR. MACMANN: Some vegetation.

MR. CROCKETT: Some vegetation.

MR. MACMANN: That's kind of where I was going.

MR. CROCKETT: Ask my client. Shan?

MR. RICH: Not at all.

MR. CROCKETT: What's that?

MR. RICH: Not at all.

MR. CROCKETT: Not at all? Okay.

MR. MACMANN: That's -- I just -- that's fine. I want this to succeed.

MR. CROCKETT: Absolutely. We want this -- we do, too. And, again, not that we're trying to be, you know, standoffish with it, but, again, we are trying to get our price point down as much as possible. And we also want to be residential to residential.

MS. LOE: Any additional questions for Mr. Crockett? Mr. Crockett, is the developer aware of the concerns of the neighbor to the west, about this stub?

MR. CROCKETT: Absolutely. Absolutely. I think -- I believe that's Mr. Tubbesing, and he -- he was present at the Board of Adjustment meeting, and he had some concerns over storm water, obviously, the stub street. And the stub street that's being -- that's being proposed is not -- we're not doing it because we want to. It's because it's a requirement of the City regulations, subdivision regulations for connectivity, and we're very aware of his -- of his concerns and we take them -- take them very seriously.

MS. LOE: Thank you.

MR. CROCKETT: Thank you.

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

**PUBLIC COMMENT CLOSED**

MS. LOE: Commissioner discussion? Ms. Carroll?

MS. CARROLL: I have an additional question of staff. I wondered if you could elaborate on the rationale for the requirement of the stub street in this case.

MR. ZENNER: Looking from the aerial here, if we look at the oblique aerial, you will notice that the development that is to the rear or the land area, I should say, that is to the rear or west of this particular property, and I want to draw your attention to this particular stub street that is right here. As we prepare or we -- we look forward in the development of land that's undeveloped or underdeveloped, the Code has included within it since the readoption of our current Code, the UDC in 2017, but it preceded

actually the adoption, our subdivision Code had the ability to stub or a requirement to stub to adjoining undeveloped tracts of land to create internal road fabric. So instead of having to come out of your main development and get on the main road and go into the next development, you had the ability for Johnny and Billy to play by riding around on the internal subdivision streets. The completion of the roadway, the stub spire would be required as a part of the infrastructure installation of this development, but it would terminate at the property line. When the adjacent property develops, or if -- we always like to think of when -- we have the ability for the connection. That would be further supported by the fact that the roadway here that has not been completed, but which Mr. Tubbesing's property actually gains access off of, as that roadway were to continue north to this developed -- undeveloped pocket of land, we would have the ability to have an internal roadway connection useful for routing of solid waste, police, fire, all of the other services that we offer, as well as it provides an opportunity to potentially increase pedestrian activities between residential developments and reduce the need or the necessity for car trips.

MS. CARROLL: I see. So you're referring to the undeveloped land behind the two R-1 developed properties that are abutting the property in question?

MR. ZENNER: You've got this two -- yeah. You've got this two -- you've got this two-family property here, the R-2 that's here. You've got this that is an R-1, and I believe that you are correct. I believe that is two parcels. It's got a weird configuration to it.

MS. CARROLL: Yeah.

MR. ZENNER: But that is the property that ultimately could be developed. It may develop further. You know, again, if you look at the street stub that is here, what we're proposing or what's being required for the development in question is no different than what was required when this duplex development, duplex combination, the single-family development was actually installed.

MS. CARROLL: Except that the abutting -- the stub street on the duplex that appears to go to undeveloped land, whereas this one goes to a developed -- an already developed R-2.

MR. ZENNER: We come here to the aerial. This currently is an undeveloped. The immediately intervening tract is undeveloped. Now Mr. Tubbesing may own both parcels here, however -- and you'll notice that it appears the driveway comes directly up this common property line. This is an undeveloped tract of land and this is what we would consider, from a planner's perspective, as undeveloped and underutilized. At some point, these parcels may be carved out and this A property back here may develop in the future. And we're looking at ensuring that you have a road network that is a gridded road network much more so than just loop streets and dead ends with cul-de-sacs. It enhances and introduces other alternatives for connectivity, as well as for other traffic circulation and better management.

MS. CARROLL: That's understood. I did review the video from the Board of Adjustment, and it sounded as if the current owner of that property has no intention of selling his property. I grant that that may change in the future, but if both the developer and the abutting owner don't want a stub street there, I

was curious about the requirement, if you follow.

MR. ZENNER: The requirement –

MS. CARROLL: I do understand the connection for utilities and for emergency services as areas across there may develop, and as future properties may be carved off or changes over time.

MS. LOE: Are there any additional questions? Mr. MacMann? Or did you have any additional questions, Ms. Carroll? I didn't mean to cut you off.

MR. MACMANN: I was going to get -- I don't have any questions for the staff. I had just a comment for us. Are we there?

MS. LOE: We are there.

MR. MACMANN: Okay. I would just like to say that, as I've stated before, I would like to see this succeed and I would love staff to give us an update in maybe a year and see how this succeeded because I think this model offers us another housing opportunity, and I think we should keep track of it.

MS. LOE: Any additional comments? Ms. Carroll?

MS. CARROLL: In echoing Michael's comment, I would like to see this succeed. I would also like to see it succeed in a way that is supportable by its neighbors so that other projects like it might succeed in the future. I want to see this succeed in the best possible scenario for the City.

MS. LOE: Any additional comments?

MR. STRODTMAN: I'll go ahead and make a motion.

MS. LOE: Mr. Strodtman?

MR. STRODTMAN: I'll make a motion if it's okay.

MS. LOE: That would be just fine.

MR. STRODTMAN: I move for recommendation on the preliminary plat for the Cottages at Evergreen Place, Case 86-2020.

MR. STANTON: Second.

MS. LOE: Second by Mr. Stanton. We have a motion on the floor. I'm sorry. Mr. Strodtman, you said move for recommendation?

MR. STRODTMAN: Yes. Approval. Approval.

MS. LOE: Approval. All right. Just clarification.

MR. STRODTMAN: It's been a while.

MS. LOE: It has been a little while. I'm a little rusty, too.

MR. STRODTMAN: And it continues.

MS. LOE: Sorry. Is there 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. MacMann, Mr. Stanton, Mr. Strodtman, Ms. Rushing, Ms. Russell, Mr. Toohey, Ms. Burns, Ms. Carroll,**



**Ms. Loe. Motion carries 9-0.**

MS. BURNS: Nine to zero, motion carries.

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

**VII. PUBLIC HEARINGS**

MS. LOE: Moving on to Public Hearings.

**Case Number 76-2020**

**A request by Crockett Engineering Consultants (agent) on behalf of Reliable Community Bancshares, Inc. (owner) for approval to permanently zone 2.1 acres from County C-GP (Planned Commercial) to M-N (Missed Use-Neighborhood), upon annexation. The 2.1-acre subject site is located at the southeast corner of Highway WW and Elk Park Drive. (This item was tabled at the March 19, 2020 Planning and Zoning Commission meeting.)**

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-N permanent zoning pending annexation of the property.

MS. LOE: Thank you, Mr. Smith, for that report. Before we move on to questions for staff, I would like to ask any Commissioner who has had any ex parte on this case prior to this meeting to please disclose that now so all Commissioners have the benefit of the same information before us. I see none. Any questions for staff? I see none. Good report, Mr. Smith. With that, we'll move directly into public comment.

**PUBLIC HEARING OPENED**

MS. LOE: If anyone would like to make any public comment, please come forward and give your name and address for the record. I see none. We will close public comment.

**PUBLIC HEARING CLOSED**

MS. LOE: Commission discussion? Ms. Russell? Sorry. You're way over there.

MS. RUSSELL: Way -- next to the teacher. Since there's no discussion, I'm just going to make a motion. In the case of 76-2020, I move to approve the requested M-N permanent zoning pending annexation of the property.

MR. MACMANN: Second.

MS. LOE: Second by Mr. MacMann. We have a motion on the floor. Any discussion on that motion? I would just like to say that, typically, I'm a bit wary about putting fuel stations next to R-1 when the R-1 is already established, though in this case it's county R-S, and it was a use that was permitted under the existing uses, so I intend to support this.

MR. SMITH: And just a point of clarity. This is just to zone it M-N. It could have a wide range of uses within the M-N. I believe we'll be discussing at Case 77 about a specific conditional use.

MS. LOE: Which is the conditional use. Sorry. Okay. I'm jumping ahead. Any other comments more appropriate to this case? All right. Ms. Burns, may we have a roll call, please.

MS. BURNS: Yes.

**Roll Call Vote (Voting "yes" is to recommend approval.) Voting Yes: Mr. MacMann, Mr. Stanton, Mr. Strodman, Ms. Rushing, Ms. Russell, Mr. Toohey, Ms. Burns, Ms. Carroll, Ms. Loe. Motion carries 9-0.**

MS. BURNS: Nine to zero, motion carries.

MS. LOE: Recommendation for approval will be forwarded to City Council. That brings us to Case 77-2020.

**Case Number 77-2020**

**A request by Crockett Engineering Consultants (agent) on behalf of Reliable Community Bancshares, Inc. (owner) for approval of a conditional-use permit to allow both a Light Vehicle Service and Repair use for a gas station and convenience store, and a drive-up facility as an accessory use to a financial institution (bank) on an M-N (Mixed Use-Neighborhood) zoned property. The 2.1-acre subject site is located at the southeast corner of Highway WW and Elk Park Drive. (This item was tabled at the March 19, 2020, Planning and Zoning Commission meeting.)**

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 conditional-use permit with the following conditions:

1. The conditional uses will be constructed in substantial conformance with the conceptual site plan.
2. Landscaping will shield the view of the building, canopy, ITM, dumpster, and parking lot from residential lots located on the south side of Elk Park Drive using a Level 2 landscape buffer. The location of the buffer will be as shown on the site plan. It will not be subject to the location criteria in Section 29-4.4(e).
3. Landscaping will be provided along the Highway WW frontage consistent with Section 29-4.4(d)(1) regardless of whether pavement is within 25 feet of a street right-of-way or not.
4. Freestanding sign prohibited along Elk Park Drive when across from residential zoning. Building signage prohibited on the south side of the building.

MS. LOE: Thank you, Mr. Smith. Before we move to questions, I would like to ask any Commissioner who has had any ex parte prior to this meeting related to Case 77-2020 to please share that with the Commission so we all have the same information to consider on behalf of this case. I see none. Ms. Burns?

MS. BURNS: Yes. In -- in the photos, Mr. Smith, it looks like WW in certain areas the shoulder curb, it isn't there. Here it is, so the road has been improved. And I apologize if I missed any plans for a sidewalk.

MR. SMITH: Sidewalk would be constructed as normally required, so that is -- is not a central part of the conditional-use part of it, so we didn't require it to be shown, but when they submit site plans, they will. Actually, it may be mentioned on the -- on the site plan --

MS. BURNS: And I apologize if I missed it. Just looking at the photos, I didn't see any renderings or anything indicating a sidewalk, and I just wanted to make sure we had that. Thank you.

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

MS. RUSHING: Who -- what public entity provides the storm water out here?

MR. SMITH: That is the City's storm water, is what I'm hearing. That is a great question. I did not have that ready, but I believe it would be the City storm-water facility.

MS. RUSHING: That's my -- yeah. That's my concern, because it appeared that this area has been used for storm-water detention, and there are two huge manholes out there, plus there's another item that hasn't been addressed that I have questions about is the significant drop between this property and the Elks' parking lot. And then there were some -- there was some white piping sticking up along the edge, the -- the east and south edges of the property. I didn't know what -- what that was for, but -- so I think there are going to be significant storm-water issues, and I was curious what public entity will be keeping -- will be reviewing this development to make sure that this proposed storm drainage detention, which is half of what apparently was there is going to be sufficient.

MR. SMITH: Right. So --

MS. RUSHING: Because -- because, in addition to whatever that area was handling before, you now have impervious cover over three-fourths of that, what looked to me like prior storm drainage detention, which is going to increase the water load and I was just curious if somebody, some public entity is going to be reviewing this to make sure that the provision they're making for storm water is adequate.

MR. SMITH: Yes. So, absolutely. Once it's annexed, the site itself will be reviewed by our site development staff engineers to ensure that it's compliant with our 12A section, which regulates storm water. There could be some coordination with Boone County if that involves any type of work within the street there. Elk Park Drive is -- is a Boone County maintained roadway, but, generally, that's all going to be City regulated if it's onsite. So they -- they will be required to accommodate all the required storm-water regulations. Their staff engineer here -- is here present, as well, so he might be able to answer some of those other questions, as well, about the piping, I think.

MS. RUSHING: And are you aware of what they intend to do to protect that drop?

MR. SMITH: Going to the east?

MS. RUSHING: On the east, yes.

MR. SMITH: I'm not aware of any specific mitigation that's necessary for that as long as the site is graded properly. At this stage, we don't have detailed site design and engineered plans for the site. That would come later, but the -- their site engineer may be able to speak a little bit more to any

challenges that they see that could be due to that grade.

MS. LOE: Any additional questions? Mr. MacMann?

MR. MACMANN: I didn't, but I do now. Thank you, Ms. Rushing. Given Ms. Rushing's concern, I haven't looked at the property recently, but I did look at the topo. Your conditions are site specific as in as its built, and I applaud them. I think they're sufficient to the area. Storm water may facilitate moving some things around. How will that process work?

MR. SMITH: Well, I think there's some flexibility in the site plan approval process if there's some specific reason why we would need to move the storm water there, but if there are significant changes to the site plan, it could facilitate a need to come back and request a revision to the conditional use part -- to the site plan associated with the conditional use. Correct.

MR. MACMANN: Yeah.

MR. SMITH: I think there -- there would be some administrative discussions about what we could allow them to change, based on certain circumstances, but, in general, it needs to be substantially compliant to this site plan.

MR. MACMANN: Okay. Thank you.

MS. LOE: Mr. Toohey?

MR. TOOHEY: So I guess I had a question more about the landscaping on WW. It doesn't seem consistent with the other properties that are already out there. There's already another gas station, you know, half a mile away that doesn't have the same type of landscaping in front of it. So I understand the shielding from the neighbors across the street, but it doesn't seem consistent with what else is out there.

MR. SMITH: Yeah. And I can't speak to, you know, why Casey's was allowed to develop the way it was. It was probably developed under the current Code or whatever it was. I believe that is county property. It is. So they were developed under county regulations. It may not have been a conditional use. It may not have been planned district, so they may not have had landscape requirements when it was developed, so that's really hard to answer the consistency between them.

MR. TOOHEY: And I understand that part. I mean, if it wasn't -- if it's really a requirement and you're just adding it for the conditional use and nothing else out there is consistent with that type of look, then why go ahead and add it as a requirement for this?

MR. SMITH: I don't see a consistency to what exists today as a necessity to apply conditions when it is identified as a conditional use within the Code. I think we look at it on -- on an individual basis, and if there are adverse impacts, we are required to recommend conditions that we think mitigate those adverse impacts.

MS. LOE: Additional questions? Seeing none. We will open the floor to public comment.

#### **PUBLIC HEARING OPENED**

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

MR. BURCHFIELD: Thank you, Ms. Loe, Commissioners. Jay Burchfield, SilverTree Companies, with offices at 302 Campusview Drive, here on behalf of the applicant, which is the holding company for the Bank of Missouri, who currently owns the land. We are the contract holders that will eventually build and develop the facility for Break Time is the convenience store, MFA Oil, and the Bank of Missouri will be the bank. As you heard in the staff report, the facility is there. It's about 5,600 square feet, one building, two tenants in the building, on two acres, so it's a very low-density development. And just for a little background, when we originally put this site under contract and for these two tenants to do this development, we looked at the adjacent land uses. We're currently in the county, zoned C-GP, commercial. The Elks' Lodge next to us is commercial. And the recently or fairly recently, 2009, annexed and zoned the property to the west of us here that you can see here in the purple, the bigger site, zoned PD with multiple allowed uses by right in that statement of intent including a convenience store, a bank, car wash, bar, restaurant, you know, really a number of uses. So we originally went to staff concept review thinking M-C that would be compatible with our county zoning and compatible with the two adjacent uses. Staff had concerns about opening up to open M-C in that for not necessarily this use but had lots of discussion about marijuana-related uses that were on the horizon and other uses that may not be compatible to the area. And so staff suggested we go M-N with a conditional-use permit. And since we knew exactly what we were doing, we even had the site plan basically prepared, that was to be supported and the conditional-use permit to allow those uses. We weren't speculating; we didn't want a broad scope of uses. We wanted specifically this use. We agreed and made the subsequent application for M-N with the conditional-use permit. So over the past couple of months, we've submitted the plan and the application, and I thank Mr. Smith for working with us on several of the plan characteristics that we worked on and negotiated and went through. And so we are in agreement with the staff report as presented, but as Mr. Smith stated, with the exception of that landscape buffering along Highway WW. So we basically object to that -- that wall or that barrier of landscaping along WW for three reasons. One -- first of all, the basic business operation of the convenience store and the bank. Visibility is a key component to the successful operation of those entities and restricting the visibility of 5,000 cars a day on Highway WW has a definite negative impact on those businesses. Secondly, both the convenience store and the bank value the security and safety of their customers, their clients, and their staff. And, you know, bad stuff tends to occur in areas that aren't very visible from the surrounding areas. In fact -- so having sight lines from WW and that fairly constant traffic on WW is a crime deterrent. It's a bad stuff deterrent. In fact, many communities have adopted special code related to banks and, specifically, drive-up facilities of banks so that they can have clear lines of sight, law enforcement, from the right-of-way, from the streets at any given time for that operation. I'm not sure if our Code has any of that. Finally, with regard to buffering, you know, and staff's real intent there on that buffering is buffering and screening to the neighbors across WW. Those neighbors, incidentally, from our gas pumps to the back of a house -- Mr. MacMann, you were asking about that distance -- it's over 250 feet. There is an

exhibit here showing where the back of a house would be in -- in relation to the canopy, 250 feet away across a highway. So we feel that -- and really there are three lots that are really impacted right there in that subdivision. And we have a letter of support from the owners and developers of the Brooks Subdivision, which is that subdivision there supporting our efforts. It's been submitted to the City. So really what we're buffering there with an extensive landscape buffer. I mean, it's -- a -- it essentially becomes a wall that restricts those sight lines and looks at -- it was really just buffering Highway WW because it's really not buffering anything -- nothing gets over 250 feet away into the adjacent subdivision. So again, as it's been stated, you know, the Code, as it is, our pavement is less than -- or more than 25 feet away from the right-of-way, so it would not require that in -- in the Code. We agreed to do substantial buffering along the south side where the drive-through lane comes around, and our traffic directly impacts closer to the residential to the south of us in that exit lane, which we realigned at staff's suggestion. We had it originally come out closer to the west over there. So I'll refer back to these two adjacent sites. If we were to develop on the site adjacent to us to the west, which it's by right --

MS. LOE: Mr. Burchfield, your six minutes is up, so if you can wrap up, that would be wonderful.

MR. BURCHFIELD: I will wrap up. Yes, ma'am. We could develop on the adjacent sites by right without this buffer. We are going to have substantial buffering on the south side. We request -- as a compromise we've submitted just recently this afternoon, we've worked with our landscape architects and engineers, on an appropriate level of attractive, tastefully done landscaping elements along WW that we would propose as the condition in lieu of the condition presented by staff, and I believe that was item number 3. Our engineer, our contractor, attorney, any specific questions, are available, as well. Thank you for your consideration.

MS. LOE: Thank you. Are there any questions for this speaker? Mr. MacMann?

MR. MACMANN: Yes, ma'am. Thank you. Question -- I will comment first. I applaud you for counter offering to the City. Would you be open to -- well, maybe I'll just ask you straight up. Do you want us to play Solomon right now and pick one of these choices, or would you be open to waiting another two to four weeks and coming to an agreement with the City about that landscape buffer for a condition -- for the conditional use?

MR. BURCHFIELD: We would prefer action, please.

MR. MACMANN: Okay. That's where I thought you were. So you want us to play Solomon?

MR. BURCHFIELD: We have this -- we've already, due to the pan-- we're -- we've got some timelines and some things that have to be on schedule, and so --

MR. MACMANN: All right. That's -- that was my question.

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

MR. STANTON: Just to make this clear. So you're willing to -- you're -- what you're showing us is the -- is the counter to what the City wants to do in item number 3 in their recommendation?

MR. BURCHFIELD: Yes, sir. Our original submittal had zero landscaping along WW. The City

is recommending 80 percent and that -- that level that was there, and we would like to go back with a level that is probably somewhere in the middle.

MR. STANTON: But you've got some wiggle room still. Right?

MR. BURCHFIELD: Yeah. And that's -- I mean, this was put together and it could -- you know, we could line stuff up with those lots, those three lots. Yes, sir.

MR. STANTON: Thank you.

MS. CARROLL: Do you have an idea as to what level this is?

MR. BURCHFIELD: I don't. Maybe somebody else does. Okay. Yeah. We had that discussion. Thank you, Tim. Tim -- Tim mentioned that it's close to what the old Code would have required before the UDC.

MS. CARROLL: Okay.

MR. BURCHFIELD: In that Code. So it's -- you know, it's -- yeah. It's landscaping. It's -- it's visually appealing. It's sight-lining. It's not intended to create a barrier, which is important to the operation for the reasons I explained. And they're bermed. These areas are bermed up and landscaped and, you know, they're very nice. I think staff showed pictures of two stores, one of which we build and one of which we didn't, and the Grindstone one, and it's -- you drive by there and it's very nice. And the street trees are there. We will have street trees. Regardless of the discussion about the landscape barrier, street trees are a given.

MS. LOE: Ms. Rushing?

MS. RUSHING: There's no car wash that's going to be associated with this property?

MR. BURCHFIELD: No, ma'am.

MS. RUSHING: Good. Okay.

MR. BURCHFIELD: But they could do one next door.

MS. RUSHING: Huh?

MR. BURCHFIELD: They could do one next door, without any of this.

MS. RUSHING: I lived in a location where there was a convenience store with a car wash, and it was probably a couple of hundred feet away. Stop. Stop. Stop. Please back up. Please back up. It's loud and clear.

MR. BURCHFIELD: Red light, green light.

MS. RUSHING: Yeah.

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

MR. BURCHFIELD: Okay. Thank you.

MS. CARROLL: I have a follow-up question for staff. Is that allowable at this moment?

MS. LOE: It's still public comment period, so no, not right now. You can hold onto it for public -- for Commission discussion. That would be okay.

MR. CROCKETT: Madam Chair, members of the Commission, Tim Crockett, Crockett

Engineering, 1000 West Nifong. I just want to follow up with a couple of answers to some of the questions that were posed by the Commission, as well as cover just a couple of just real brief topics that Mr. Burchfield ran out of time on. First of all, with regards to storm water, Ms. Rushing, this tract is actually kind at the top of the watershed. It's at the top of the hill. Everything to the north drains back to the north, everything to the east drains back to the east, everything to the west goes to the west. This site basically falls from WW to the south and then to the east. So really that was never really used as a detention facility on this -- on this particular site. What you may have seen out there may be some old remnants of some erosion facilities, some erosion-control basins that were built when it was originally graded back in the early 2000s, but it never was used for a detention facility. The detention and storm water for this site, we have preliminarily designed it and it will handle -- will be addressed on our south side, so there is no issue with storm water. We will be in full conformance with the City regulations and, consequently, even the county if we were to have to be under county regulations, as well. But we'll fall under the City in this case, and we can fully adhere to all the City regulations. The pipes that you were referring to, I believe, would probably be the lateral pipes, the sewer laterals that were stubbed up back in the early 2000s when the sewer was built to serve this property, so that's some of the utility work that was built 15 years ago. I also want to talk a little -- briefly about the drop-off that you referred to going down to the Elks' Lodge. You can see by this depiction here, adjacent to the Elks' Lodge, we're going to have a short retaining wall. And so we'll have a short wall, then we'll have some slope -- sloping grade, as well. So don't want to have any impact to the Elks. We want to, you know, be good neighbors and not impact their property, so we can handle the grade without much of an issue. We've graded the site and we can account for that.

MS. RUSHING: Well, also, since you have the roadway going right along that edge, that will help the stability of that.

MR. CROCKETT: Yeah. That is correct. And also if you look at it, Ms. Rushing, the -- the white area, if you will, is some additional landscaped area between our drive lane and the Elks so that all those little -- those little couple of green strips in there, those are landscaped areas on our property. So we're not going to be right on that property line with the Elks, we're going to be set back with it -- from it, probably -- I'm guessing -- probably 30, 35 feet off of the -- off of the Elks' property line. And so we're not -- we're not going to be right on them, we're going to have some green space in there.

MS. RUSHING: Right. But that's a slope.

MR. CROCKETT: It -- yeah. It's a slope, but it's not as steep. It'll be less than what's out there today.

MS. RUSHING: Okay.

MR. CROCKETT: We're going to bank it back so we can maintain it. It'll be less than a three-to-one slope, which is maintainable. We also have other support for this project that was included in the packets, I believe. There were some other developers who have developed residential developments in



this area that are supporting this project simply because they understand the need and the desire to have services in this location. Also lighting. I think that's always a concern when we talk about -- we talk about convenience stores and gas stations is lighting. I would note that all of our lighting will be in conformance with the City of Columbia standards. We're not going to have the spillage that goes over our property line into the neighboring properties. That's going to be certified by an MEP engineer, and that will be as a requirement of the City of Columbia. One of the items out here that does light this area up quite a bit that's already out there today is the signalized intersection. There's already lighting for that signalized intersection that talks about that, and so there's a substantial amount of lighting that's already there from the signalized intersection as well as the Elks' Lodge. And so what we have is -- is not going to be contributing to that situation. And lastly with regards to the landscaping along WW, we talked briefly about the old Code. I just want some clarification on that. The old Code basically required 50 percent of our pavement had to be landscaped adjacent to a right-of-way. And so that's what we basically formulated this after was 50 percent of the -- of the area along WW would have, I believe, a landscaping of between one and three feet, with, I believe, 80 percent opacity after three growing seasons was the requirement, so that's what we kind of modeled the plan that you see before you today after.

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

MR. STRODTMAN: Mr. Crockett, do you know, by chance, how much along WW that landscaping -- how much -- what -- from the pavement to the WW, do you know what that distance is?

MR. CROCKETT: The distance -- yes, Mr. Strodman. I can get you pretty close, I believe.

MR. STRODTMAN: And then, staff, can we flip back pictures? Go back to those pictures of the Grindstone Break Time and the, I think, Petro Mart; can we do that?

MR. CROCKETT: Yeah. Mr. Strodman, roughly, what we're looking at there is between -- between our edge of pavement and the right-of-way for WW. Now, that's a -- it's a 50-foot half right-of-way or 100-foot total right-of-way for WW. So between our pavement and the property line is just a little over 25 feet, and then there's about another 25 feet or so between -- I'm guessing here, ball parking -- between our property line and the edge of pavement. So there's about 50 feet of -- of landscaped area between WW back to the curb and our -- and our pavement back to the curb.

MR. STRODTMAN: So in the two pictures that I had staff bring up, it looks like to me that the one on the left is going to be more what we're going to see on WW. I mean, it has more of a feel of distance and --

MR. CROCKETT: Right. Actually, the one on the left, we're going to have -- we're going to have more landscaping than the one on the left.

MR. STRODTMAN: Right. So I think my point is, I kind of agree with the applicant that the distance is enough. So I was just curious to -- for reference for the Commissioners, just to kind of see the difference between these two examples, as to how much difference it feels along that road when you

have the distance. Thank you.

MS. LOE: I guess, can I -- point of clarification. When -- Mr. Crockett, when you say you're going to have more landscaping than the 1406 Grindstone, is that with what is currently being required?

MR. CROCKETT: That's what we're -- that's what our proposal.

MS. LOE: Oh. With what you're proposing.

MR. CROCKETT: Because really what you have here is, again, this -- 1406 Grindstone was done when I don't believe they had any -- any lower-level landscaping proposed. All they had was some trees. Our trees will be required by the street-tree requirement, so we'll have those out there, and then we'll also have some low-level landscaping and some berms, and our berms will be about three-foot tall landscape berms, so those aren't on that Grindstone depiction that we will have on our property.

MS. LOE: Thank you. Mr. Smith?

MR. SMITH: Yeah. That's approximately 78 feet from pavement to back of the berm at Grindstone, just for a point of --

MR. STRODTMAN: Seventy-eight feet?

MR. SMITH: About 78 feet.

MS. LOE: Any additional questions for Mr. Crockett? Mr. MacMann?

MR. MACMANN: At some juncture, and following upon what Ms. Carroll said, this is a request of you, Madam Chair, we're going to be asked to play Solomon here in a minute, and I think we're going to need to redirect at staff before we make a motion. That -- all right. Thanks.

MR. CROCKETT: Thank you.

MS. LOE: Any additional speakers on this case? Seeing none, we'll close public comment.

#### **PUBLIC HEARING CLOSED**

MS. LOE: Commission discussion?

MS. CARROLL: I'm looking for the clarification --

MS. LOE: Ms. Carroll?

MS. CARROLL: Sorry. I was looking for staff to clarify, are we correct in our assumption that you have not had the opportunity to review the compromise landscaping plan?

MR. SMITH: I would say that's correct, yeah. We received that late this afternoon.

MS. CARROLL: Okay.

MS. LOE: Mr. MacMann?

MR. MACMANN: If I may follow up on that briefly. This puts us in a spot, because my question was going to be could you guys live with it to meet one of your four conditions. And what you seem to be saying is we haven't done the analysis on it completely; is that what you're saying to me?

MR. SMITH: I would say I have not had adequate time to review plans since they were submitted today. So as a -- as a matter of right, I would say that I would not amend my recommendation at that time. However, I will acknowledge that that seems to be somewhere in the middle of no

landscaping and what we're proposing.

MR. MACMANN: All right. Given that, and because we're on -- thank you, Mr. Smith. And given that, because we are on Commission discussion, I think it's viable. I would say that Mr. Smith had some conditions to the CUP, and I think those are valid, and he stated them in such a way that they would be enforceable. You know, the conditional uses and the conditional accessory use are fine if, and if we are to integrate the applicant's concept in here, which I'm not opposed to, I would need that to be somewhat hard -- you know, somewhat -- you know, that's great, and you put it in the picture, but how is it going to play out type thing. So that's my two cents for the moment.

MS. LOE: Ms. Russell -- or Mr. Zenner?

MR. ZENNER: If I may. I think in order to address what Mr. MacMann's concern is, if it is the Commission's desire to take the exhibit that has been presented here this evening and was submitted to us late as a compromise to the item number 3, with that recommendation, you would need to specify that we're going to want to have it categorized and itemized as to what the landscape would consist of in berm height, as well as in plant material and density so we can have it in, I think, the format that our current recommendation is in. So I would also probably point out that a number of the examples that we've had here this evening based on the old Code, the actual differences between landscape requirements, pavement -- or site pavement to right-of-way has changed significantly, so we do have -- there's some disconnects with how parcels have been developed in the past or are even under current planned district approval, such as the parcel to the west of the subject site, it is not exempt from having particular types of landscaping, and I want to make that very clear. If a gas station or a car wash would go on the adjoining site to the west that's zoned PD, it is still going to be subject to required screening. So it's not a free pass and hence the reason for our recommendation the way that it is written is for the purposes of parody and consistency. But we would be willing to entertain an alternative motion to item number 3 with the caveat that it needs to be categorized and made specific for us prior to forwarding any recommendation on that conditional use to City Council.

MR. MACMANN: Madam Chair, can I follow up on that?

MS. LOE: Mr. MacMann, follow up.

MR. MACMANN: I just -- I just wanted to clarify what Mr. Zenner said. It sounds as if our motion would be conditional on negotiations, coordination between you and the client?

MR. ZENNER: Your recommendation would basically be acceptance of the alternative, subject to it being categorized for us to be able to put into the recommendation going to Council. It would not be -- there is no negotiation. If you like what you saw and you believe that it matches with this 1406 Grindstone or is a little bit better than that, that's what they're going to have to prove to use in their calculations, and it needs to be more consistent with the diagram that we had submitted to us late this afternoon and you saw this evening.

MS. CARROLL: Could we put the diagram back up?

MR. ZENNER: Do we have the diagram?

MS. LOE: Ms. Burns?

MS. BURNS: Thank you. What I would suggest is that the applicant has indicated they want to move forward, that we move forward with what we have as recommended. And given the late addition of the compromise buffering, that be presented as a compromise when the City Council takes this up. That way, we can move it forward, and this can be reviewed by staff and reviewed by the City Council.

MS. LOE: Ms. Russell, did you have a comment? You sort of got –

MS. RUSSELL: I was just looking for some verbiage to able to adapt number 3 in the motion.

MS. LOE: Any additional comments? I guess my -- my comment on item number 3 is that I feel as if it's in the requirements for screening are in response to the R-1, and it's overlooking the fact that WW is there and I don't feel that the screening is necessarily appropriate to WW. And I do think as a commercial going on WW, that perhaps there should be a different screening requirement. I fully understand the R-1, however, I'm not sure I agree with staff's recommendation for screening along WW. I do agree with it as screening for R-1, but not as WW, so I don't think I would support this with three as standing, but would be open to negotiating a compromise if the Commission feels we can do that. Mr. Stanton, can you dig out a win-win for us?

MR. STANTON: I think we got it. I just -- we just need to get the verbiage right.

MS. LAMAR: Can I just throw something out?

MS. LOE: You need to give your name and address for the record, please?

MS. LAMAR: Phoebe Lamar, offices at 111 South Ninth Street. There actually is on the screen right now the landscaping plan that was shown in the exhibit that was shown on the screen earlier, and it includes what the plantings are, it includes all of the information as far as the number of plants, it includes all of that information which could be used to incorporate into a motion.

MS. LOE: Thank you. Mr. Strodtman?

MR. STRODTMAN: The only change is along WW. Correct? Everything else in this landscaping picture is the same?

MS. LOE: Ms. Carroll?

MS. CARROLL: Is it possible either from the applicant or from this to read the text with the –

MS. LOE: Well, if understood staff correctly, we don't need to necessarily define specifically the requirements for that. We can -- we can reference the exhibit at this time and staff can create a definition.

MR. ZENNER: Well, I think the exhibit -- the exhibit with the plant materials now has been zoomed in are what the condition would become if that is what you desire.

MR. SMITH: Yes. I think -- I think the condition 3, if that is the one that is open for revision, could be eliminated and an additional condition be that this addendum here be added to the site plan, and that the landscaping is built according to that site plan. The landscape plan would be attached to the site

plan, in essence.

MS. LOE: Mr. Stanton?

MR. STANTON: Okay. I was talking and I got stepped on across the whole thing, so I am making a motion as it relates to Case 77-2020; am I correct on that?

MS. LOE: You are correct.

MR. STANTON: I move to approve -- approve of the conditional-use permit with the final -- with the final conditions of 1, 2, and 4, with an addendum provided by the applicant be subject for review by staff --

MS. RUSSELL: For approval.

MR. STANTON: What, Mr. Zenner? Okay. -- with approval of the addendum by the Commission and further review by staff.

MS. LOE: Subject to approval by staff.

MR. STANTON: Of the approval by staff.

MR. MACMANN: Second.

MS. LOE: Second by Mr. MacMann. We have a motion on the floor. Any discussion on that motion? And just to reiterate, the motion is to approve the conditional-use permit with staff recommendations 1, 2, and 4, as is, and 3 per the amended version presented by the applicant, subject to approval by staff.

MR. STANTON: Yes.

MS. LOE: Discussion? Mr. MacMann?

MR. MACMANN: Just a point of order. I'm sure Mr. Stanton meant to include it, but the accessory conditional use he's also moving the drive-through.

MR. ZENNER: It's all a part of the same motion.

MR. MACMANN: It's all -- it's all just one motion. All right. Never mind.

MS. LOE: Seeing no further discussion, Ms. Burns, may we have a roll call, please.

MS. BURNS: Yes.

**Roll Call Vote (Voting "yes" is to recommend approval.) Voting Yes: Mr. MacMann, Mr. Stanton, Mr. Strodman, Ms. Rushing, Ms. Russell, Mr. Toohey, Ms. Burns, Ms. Carroll, Ms. Loe. Motion carries 9-0.**

MS. BURNS: Nine to zero, motion carries.

MS. LOE: Recommendation for approval will be forwarded to City Council after review by staff. This brings us to our last case for the evening.

#### **Case Number 84-2020**

**A request by Stacy Bryant-Wimp (members), on behalf of JSAE Enterprises, LLC (owner), for a conditional-use permit (CUP) to allow for an accessory dwelling unit on property zoned R-1 (One-Family Dwelling District) and addressed 507 S. Greenwood Avenue.**

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

Staff report was given by Mr. Pat Zenner of the Planning and Development Department. Staff recommends approval of the requested conditional-use permit to allow an ADU on property addressed as 507 S. Greenwood Avenue.

MS. LOE: Thank you, Mr. Zenner. Before we ask staff 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. Seeing none. Are there any questions for Mr. Zenner? Mr. MacMann?

MR. MACMANN: Just one, and you guys will think I'm crazy. I'm going to support Pat on something. I drove by this house kind of by accident looking for another location the other day. And after we got our packet, and I went back and looked at it, and I looked at the specific issues raised by the person who had concerns. And I knew there were and there are throughout the area, they're certainly not stacked up, there were quite a few garages of notable size, significantly bigger than my home throughout the area. I think that point is moot, and I think we should just consider the ADU portion rather than it being out of scale or out of place because it's not.

MS. LOE: Ms. Burns?

MS. BURNS: I think it was noted in the documentation that the applicant is not the owner or the occupant of the house. And I believe under the current ADU standards, you can't have two -- you couldn't have for rental either the primary residence or the ADU. You could have one, but not both; is that correct?

MR. ZENNER: The ADU -- the ADU is an accessory dwelling unit to the principal residence, so I believe that is a correct statement that you're making, Ms. Burns. The applicant has indicated that they, while not living in the home right now, it is being renovated, that they will be living in the home and they were seeking the ADU approval for additional living space for their family or guests. Now, when you use guests, that is a very possible distinction at some point that that could be used for something other than your family.

MS. BURNS: Right. And --

MR. ZENNER: We don't -- we don't investigate that. The ADU, however, you're allowed an ADU as a rental if you claim it as a rental and you cannot have a ADU and the residential structure, if I am correct -- and I'd have to go back and look at those regs -- both as in the rental program, so it's one or the other.

MS. BURNS: I looked at it and that's how I read it. I was just looking for confirmation given that -- and I guess we'll wait for public comment. Perhaps the owner is here is going to give us more information, so I'll wait for that. But I guess my concern was, since we're -- we don't have a lot of information about who owns it or who is going to occupy it, that we weren't going to run into two rental situations, and now you've clarified that would not be allowed.

MR. ZENNER: We would have to evaluate that on the type of the rental application being made, and if both properties, the residential structure, the principal structure and the ADU came up, one of them is going to have to give, but that would be handled through our Office of Neighborhood Services as part of rental conservation and compliance with the ADU ordinance.

MS. BURNS: Thank you.

MS. LOE: Additional questions for staff? Mr. Strodtman?

MR. STRODTMAN: Mr. Zenner, I think I'm just going a little bit of Mr. MacMann. If we -- if we did nothing with the ADU, the building itself is what we see is there, the two-story structure, on the bottom left, that -- that structure will be there regardless of the ADU. That's already under construction, approved to be built with the windows in the second story and -- and it will look like a ADU is up there even if we don't approve it. I mean, that structure -- I think Mr. -- to Mr. MacMann, the structure itself I don't think is part of the discussion. It's more is -- is a one-bedroom allowed upstairs or not, because the structure itself is there. Right? I mean --

MR. ZENNER: That is correct. So the upper story does not need to be --

MR. STRODTMAN: You know, because the driveway is -- the driveway didn't change because of the ADU. The -- the garage size, the building is still the same. I mean --

MR. ZENNER: Yeah. The -- in essence, to make the dwelling unit a dwelling unit, you would have to put in a kitchen, the bath. There is a bath in the structure at this point. And then you would have to have a sleeping space. You could create this as a 764 square foot efficiency, if you wanted, with no bedroom walls, or you could make it a hobby room, you could make it a workout space. You could do a lot of things to finish off the upper story short of making it a habitable living -- a dwelling unit. So, yes. The structure, if you chose not to approve the CUP, the permit that's been issued for the construction of the structure in the lower left-hand corner is valid permit. There would be other mechanisms by which we would not allow it to be converted to a dwelling unit through the building code process to ensure that we don't issue a 220 outlet for a stove or other aspects that would make it a dwelling unit, legally. Let me put it that way.

MR. STRODTMAN: Thank you.

MS. LOE: Additional questions for staff? Seeing none, we'll open up the floor to public comment.

#### **PUBLIC HEARING OPENED**

MS. LOE: If anyone would like to make public comment on this project, please come up and give your name and address for the record. We do limit comments to three minutes, typically.

MR. BECK: Okay. My name is Jim Beck; I live at 500 South Greenwood. I was kind of surprised that the gentleman said that the owner straight to the north was in -- had no problems with --

MS. RUSHING: Could you speak into the microphone, please?

MR. BECK: Okay. I was kind of surprised that the gentleman said that the owner straight to the

north of the property, John and Chris Rose, did not have any problems with this because I'm here kind of on -- on their behalf and my own in that we're concerned and maybe -- maybe we're concerned not correctly, but that they could eventually convert the rest of structure to a living -- to really a second house rather than just an additional living unit. Is that possible or is it restricted to just the 800 square feet?

MS. LOE: It's -- as an ADU, it's restricted to 800 -- 800 square feet, maximum for the dwelling unit. And I believe one of the letters mentioned going to an R-2 situation where both would be rented, and I believe that's what Ms. Burns is discussing. That would be considered upzoning. There are no R-2 properties in this neighborhood, and that's a completely different consideration.

MR. BECK: Okay. Well, then -- then the other thing he said was that it's -- I think you said it is your impression that they intend to live in the house. At the -- or somebody said that. At the meeting in March, there was, like, a 5:30 meet and greet thing or something on this thing, and the owners told me that they intend to make the house an Airbnb property. So there's going to be -- if the house is going to be a rental house, from what my understanding is what -- what -- at that time, and their son is intended to live upstairs above the garage. So I don't really know what mechanism, assuming all that happens, there's only one rental unit and then a somewhat owner-occupied unit, then what's the mechanism if the son moves out that they rent that, how does the City become aware of that, and how is that regulated, because now there's no regulations on Airbnbs, from what I understand.

MS. LOE: Those are in process at this time.

MR. BECK: Right. But how -- but my -- so my question is, how do you -- how would you regulate if they have the Airbnb in the house and then they have this other living unit that's been approved tonight or whenever, and then they start to rent it later, because -- or the future owners start to rent it or whatever, because, you know, plans -- real estate does change hands and plans do change on people.

MS. LOE: But rented units are regulated in the City. What's under discussion right now with Airbnbs is how those will be regulated, but they will be regulated.

MR. BECK: But I just -- okay. But then I just want to make it clear that that's what my understanding is from the owners is it's intended to be a rental house from the beginning.

MS. LOE: If they choose to rent it, it will fall under the regulations and those questions are outside the purview of this Commission.

MR. BECK: I understand. I understand, but there was a discussion that the owners intended -- someone said up here that the owners intended to live in the house, and that's not my understanding.

MS. LOE: All right. So this Commission is dealing strictly with whether or not the conditional-use permit for an ADU, and we -- we are not privy to exactly how the owner will use it.

MR. BECK: I just think you ought to have -- that you ought have that correct information.

MS. LOE: Okay.

MR. BECK: Somebody brought that up, it was a topic of discussion. It should be understood what's correct and what's not correct. That's my whole point.



MS. LOE: All right.

MR. BECK: Okay. That's all I have.

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

MR. BECK: Thank you.

MS. LOE: Any additional speakers? I see none. We will close public comments.

**PUBLIC HEARING CLOSED**

MS. LOE: Commission discussion? Ms. Burns?

MS. BURNS: I have concern supporting this given that the applicant didn't appear before us tonight to answer some of these questions. And if we have neighbors coming forward with additional information or correspondence that is contrary to what -- the information we have received, I am -- I am so surprised that the applicant did not appear to answer questions and flesh out more of what we're discussing right now.

MS. LOE: Ms. Carroll?

MS. CARROLL: I agree with Tootie. I am surprised that the applicant isn't here. I am supportive of ADUs in general. I can relate to the neighborhood concerns given the size of the garage, but as that's permitted and as Mr. MacMann and Mr. Strodman pointed out, I -- I don't feel that that's our consideration. The -- the nature of the three big garage, while there are other very large garages in that area, I don't frequently see three-bay that are as visible. That still by right and going to happen whether we approve the ADU or not, and that changes my consideration quite a bit.

MS. LOE: Mr. Toohey?

MR. TOOHEY: What they're going to do with the property is immaterial to what we're deciding here. I mean, if they want to rent the property, that's part of their bundle of rights. Whether or not they're going to rent both properties, we just found out -- or both dwellings is impossible, so there is mechanism to deal with that if that were to happen. But how they're going to -- which property they're going to -- or which one they are going to rent is immaterial to what we're deciding with this case.

MS. LOE: Ms. Russell?

MS. RUSSELL: On a different topic, when I drove out there, this picture does not do justice to that area. They've been very careful about preserving trees around it, and it does look and have the feel of the neighborhood, so I plan to support it. It meets all the criteria for ADU. If they're going to try and rent both sides, we have a different mechanism for that, and ADUs, we're not there yet, so I plan to support it.

MS. LOE: Ms. Carroll?

MS. CARROLL: I also wanted to point out that the goals of Columbia Imagined to increase density by ADUs include rental of an ADU, and that is the mechanism by which that allows affordable housing. And so I'm not opposed to renting ADUs. I think that's a benefit to the neighborhood and to the community at large.

MS. LOE: Mr. MacMann?

MR. MACMANN: I'm seeking other commentary because I have a motion.

MS. LOE: We're looking for a motion.

MR. MACMANN: I have a motion. In the matter of 84-2020, I move to approve.

MR. TOOHEY: Second.

MS. LOE: Mr. Toohey, second. We have a motion on the floor. Any discussion on that motion? Ms. Rushing?

MS. RUSHING: I -- I think Ms. Carroll pretty much said -- Commissioner Carroll pretty much -- why do I keep doing that. Yeah. Carroll. I had a woman who worked with me at the City of Warrensburg whose last name was Carroll, and I want to call Valerie Barbara all the time, so -- but I agree pretty much with what she said. This case is disturbing to me because I read the letters and I'm, like, yeah. You know, I can see that. The -- the garage is huge. of course, it looks worse now because it's under construction and I assume it will fit in more with the neighborhood once it's finished. So you're looking at this huge -- and you do -- we have to rely on what the applicant says, that she's the owner, and that it will be used as an ADU and it meets the requirements of an ADU, so I don't see that we can do anything but approve it. And then if it turns out she's not the owner and it's not going to be -- the main house isn't going to be owner occupied, those are all issues that we're not looking at today. I -- you know, I don't -- I don't like it, but I -- I think --

MS. LOE: Any additional discussion? 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. MacMann, Mr. Stanton, Mr. Strodman, Ms. Rushing, Ms. Russell, Mr. Toohey, Ms. Carroll, Ms. Loe. Voting No: Ms. Burns. Motion carries 8-1.**

MS. BURNS: Eight to one, motion carries.

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

#### **VIII. PUBLIC COMMENTS**

MS. LOE: It brings us to public comments. We have no public left, so we'll move on to staff comments.

#### **IX. STAFF COMMENTS**

MR. ZENNER: All right, folks. Well, we've got another meeting coming up. We're finally back into business and, you know, I love being in the driver's seat, as you know, but I'm not talking as much -- trying not to. June 4. We are going to have a regular meeting at 7:00 p.m. We do have five items on that agenda. We also are going to have a work session, and I would like to talk to you a little bit about work session topics and some things that have happened since we've gone into early hibernation over the

last several months given the pandemic itself, and some information that we haven't provided you all. You did receive, of course, the Building Permit Report, and at least for the positive side of it, if you noticed, as we provided you the month year over year for the comparison between February of '20 and February of '19, March to March, and then April to April, our numbers on the permitting side are actually not looking bad, and we are looking at another month here in the month of May that we are going to have a likely higher single-family building permitting activity and revenue collection as it relates to our permits than what we saw in the prior year. So at least from the construction industry perspective, at least for residential homes, maybe the pandemic hasn't impacted them is what our conclusion is. The remaining portion of the year, however, is going to be interesting. We are awaiting my next submittal deadline, which will be the beginning of June, to determine what cases we will have coming up in July. What I can tell you is while we have five cases on your June 4th meeting, those drop to two on June 18, and then I don't know what to expect after that. We are still doing a fairly brisk amount of concept reviews. We did a whole barrage of them before we went into pandemic mode at the end of March, and then held several virtually while we were in the pandemic recess, at least for meeting within our building. We're hopeful to see some of those projects come back as live action items that will come to the Commission for the purposes of being able to be acted upon and then feed the building and permitting machine that keeps the general fund funded. We also had cancelled our March work session, and on that agenda is item -- was item B, and that is the 2021 Capital Improvement Program. I think my memorandum to you all summarized what we would like to try to achieve, and that would actually be what the purpose of your June 4 work session would be about is going and having you all look at the dashboard now that exists for the CIP, which I think gives a great amount of control for you all to drill down on particular topics within the actual -- within the CIP itself. As I pointed out, if you're currently not funded, you most likely are going to be pushed off into out years, and really what we may want to focus our attention on this year to provide Council a little bit of recommended guidance is what projects maybe that are currently in the queue that have funding or that may be in the next three to five year segment could be maybe reoriented to help with the recovery efforts as we move out of the pandemic itself. Creation of new programs right now or new projects is probably going to be very unlikely here over the next several years just due to the financial impact that the pandemic has created. I'm asking for the review because it's part of your regulatory structure and it's part of what your responsibilities are as a commission. I realize it puts us under some pressure to not have our standard bearers from our departments, but given the limitations we have to meet here in the inn, it's challenging to get everybody in the same room. Now we will hold work session over in 1A and 1B at what I refer to as the United Nations table. I'll have to get a bullhorn to talk to the people on the opposite end of the room. We are in a racetrack design. Twelve of us can fit around that table and we can communicate maybe by smoke signal. But that is what I hope to address at least on the 4th so we can turn around a memo to our Finance Department shortly after our meeting with some of your ideas and your recommendations or observations as it relates to the projects. The

actual printed document is, as I said, 50 pages now. It's significantly slimmer, so, hopefully, you all can read through that if you would like or use the dashboard through the link that I gave you, and that will allow you to segment projects by Council Ward or by particular business line here within the City, and you can see where projects are being proposed. Really cool tool. Finally, the last thing I want to talk about is some potential work program items. Just before we left due to the emergency, we got hot and heavy with the idea and the concern as it related to your attendance policy. I -- and it's not something that has fallen off my radar. I've had a couple of folks provide me some information on some alternatives. If you would like us to continue to have that discussion, I will give you fair warning at this point that your rules of procedures have never previously been reviewed or approved by City Council, and that is a mandated requirement now under the UDC. So with that being said, if you want to discuss amending your attendance policy to extend the total number of absences you may have, we have to be cognizant that Council will have an opportunity to look at the list of your rules of procedure and tinker should they desire to do so. Give that some thought and we can talk about that at the end of the June 4th work session because I'm not sure you all may want to go there because unintended consequences may be worse than the intended consequence right now as we exist. Finally, if any of you followed the Council meeting on Monday, and I believe Mr. Teddy is still here, there was a report presented to City Council in regards to our favorite topic, short-term rental. And there was a recommendation or a report presented that was in advance of the return of short-term rental to the Council at their June 1st meeting, and that meeting would have been with your denial recommendation. And we were asked, well, what, Council, do you want to do, and what is staff's suggestion. Well, given all of the events that we've had happen here, the staff recommended a six-month possible delay. Well, according to what I have been told, the Council said they -- they looked at that as a minimum. It's, at this point, unlikely that sort-term rental is going to come back, so what we were also asked to ask of the Commission is, what would you all like to do with it. And as we had handed this off to Council with your recommendation of denial, and if I recall correctly, it was an eight-one vote, there was a lot of concern and I know I've received also other documents as to how we could potentially work the document over. I know we're all exhausted with the topic itself, however, I will not tell you that it may not come back to you from Council with a request. We have also not been given any indication that you can't discuss it on your own. This Council may turn around and ask you when they finally do bring it back, well what were your real reasons for denial. Again, that is a work session topic that we could handle in the future if you would like so we can better articulate in a work session setting, not necessarily a public hearing, and unpack what your issues were with the changes that were brought back before you when Council asked you to hold a hearing with more of the members present. That is entirely left up to you as a Commission, so -- or I want to deal with the CIP. I'm going to have to probably bring you back the comprehensive plan very quickly because we need to get back on target with that, and we need to start making some progress forward, and that may be the June 18th meeting unless I hear from you all here this evening that you want to discuss a different topic and then what I would be

looking at is just pushing back the comp plan to probably July. But at this point, we are business as usual. We will be -- unless I am told otherwise, we will be providing a meal service on the 4th and 18th. It will be box meals. We will be doing nothing communal for quite some time, I have a feeling, so no Hy-Vee chicken or anything else that we used to get or Noodles & Company Pad Thai. So, you know, ultimately, we are -- we're going to get back to our business and we need to start doing the -- the tasks that Council has placed before us. So with that, I need to know at least a general sense, how would you like us to structure the next couple of work sessions to try to get us all back on track with doing -- doing the business of the Commission?

MS. BURNS: I would like to, at least in work session, review our attendance policy and what you've received from various Commissioners, understanding that we might not -- I don't know by opening up in work session, does that open us up to the review? Okay. So I guess I'd like to discuss that to see how strongly people feel about reevaluating that. That's all I have.

MS. LOE: Mr. MacMann?

MR. MACMANN: I'd like to get back to the comp plan on the 18th. We put Rachel off two and three and four months at a time -- two and three, four times. I think we should give her her due, and the comp plan, its due, and just address it.

MS. LOE: Mr. Stanton?

MR. STANTON: I concur with my fellow Commissioners, but you've got to address this short-term rental thing because the case that we just discussed, it -- people are going to keep existing in the gray area, and then the gray area is going to get more complicated.

MS. LOE: Ms. Burns?

MS. BURNS: In watching the City Council meeting, I believe that the Council decided to move the short-term rental discussion until December.

MR. ZENNER: Six months.

MS. BURNS: Right. So -- and I think the comment was made that no short-term rentals were occurring. I think we could get through our more pressing business, but I would like to talk about it prior to December.

MR. ZENNER: I can work that in.

MR. STANTON: Your last statement got me together because my experience now, I've been an essential worker. I've worked harder during this pandemic than I did before, but it -- it's because there wasn't a lot of traffic. There wasn't a lot of things in the way, so we got a lot of infrastructure stuff done because everybody was in the house. So if this is a hibernating time for short-term rentals, this is the best time to discuss it because we don't have a political pressure because they're not -- not active right now. And if we -- so that pressure for us to really just get it done real quick isn't there because that -- that market is kind of slowed down right now, so this is the best time to discuss it.

MS. LOE: Fine with me. Mr. MacMann?

MR. MACMANN: To use a phrase from Pat or whomever brought it up, we can probably take some time just to unpack and see where we're at, and to counter what Council has said. I've been -- well, to second with Anthony, I've been working like crazy. Everyone is wanting work done. There are a lot of bed and breakfasts that are still going, and it boggles my mind. I know of three of them that are occupied right now, and I'm just like, whatever.

MR. ZENNER: Based on what I'm hearing, we'll, June 4, CIP, June 18, comp plan, and I'm going to probably pencil in not only June 18, but the first meeting in July, which would be July 8th, if I'm correct. And then we go ahead and I will pencil in for the end of July, and you need to be keeping in mind, folks, we've all been around the horn on this once or twice, and we're getting into the period of time where we get accused of making observations and recommendations or discussing code when nobody is here. So July, August are normally -- June, July, August are normally months that we would try to keep them off the table in case there are interested individuals that want to be in the room when we're having the discussion. Again, I could put it at the end of July to begin the discussion, but we also need to be cognizant, and I'm sure you all are, we have not been asked by Council at this point to do anything to the ordinance that is pending before them. We have been asked, I think in not so many words, to give them a better explanation of what your issues were, so if they send it back, they send it back with maybe a better understanding what you all had an issue with with either counter discussion, so that when we start, if we have to start over, we at least have a better understanding of what's going on. So I think what I would view these meetings of the UD-- of the short-term rental ordinance is more or less us fleshing out what the issues were and how see potential changes that may be made, providing that to them more in a report, not a revised ordinance. It goes back to them in a report and it says given the -- given the opportunity to sit back, capture our thoughts, here's what our observations were with what you asked us to vote on. That would be how I would present this, and I think we can probably have meaningful discussion as to alternatives at that point. Tonight's conversation as it related to the -- to the ADU, I agree. I think we are going to continue to be hitting the edge, that band, as to what ends up happening, and we would probably have to have some closure to the item at this point. And it is in Council's ball court. It, of course, to them is not necessarily as an important task right now given the other pressing issues that we have. But if that's okay with you, that would be the next four work sessions, in essence -- the two in June and then our two in July, and then we can reevaluate towards the end of July as to where we want -- what we want to look at. The attending policy, what I would suggest at that point, maybe more of a second meeting in July or an August meeting as it relates just before we maybe -- because September would be when you do your elections. And as you all are aware most likely, Commissioners MacMann's and Strodman's terms end May 31st. Council has not made any appointments at this point. And as such, we have been informed that we could be graced by the presence of both of our astute colleagues until a replacement is named, at which time the replacement would serve the unserved time of the Commissioners themselves. So if you have summer vacations planned, if you travel anywhere,

please let Ms. Loe and myself know so we can schedule those in assuring that we have quorums, and they're under no obligation to serve, but I've heard from both of them that, provided their schedules afford them the opportunity to do so, they will be here. I greatly appreciate that. Again, it is nice to be back, have a meeting, hopefully, coming back to a more normal with us, whatever the new normal is, and it may be this large group for a while, and we won't put our people on the end, so she feels like she's by the teacher. So with that, that is all I have to offer here for this evening. I thank you for your attention, for your commitment to being here, and we will produce for you a June 4 agenda for both work session and regular meetings.

MS. LOE: Thank you, Mr. Zenner.

**X. COMMISSIONER COMMENTS**

MS. LOE: Ms. Burns, then Mr. MacMann.

MR. MACMANN: Ms. Burns has it.

MS. BURNS: Pardon me?

MR. MACMANN: You had your hand up first, please.

MS. BURNS: Oh, yes.

MS. LOE: I said Ms. Burns first, then you.

MR. MACMANN: Oh.

MS. BURNS: I'll be brief. I -- I welcome Mr. Strodman and Mr. MacMann to continue on this Commission. I -- I just wanted to say I feel sorry for them that they're in the same predicament that Ms. Russell and I were in last year when qualified applicants applied, and City Council chose not to appoint qualified applicants. And I -- I'm sorry for those that had expected to cycle off and I appreciate your willingness to continue.

MS. LOE: Mr. MacMann?

MR. MACMANN: I have a motion.

MS. RUSSELL: Surprise.

**XI. ADJOURNMENT**

MR. MACMANN: I move we adjourn.

MS. RUSSELL: Second

MS. LOE: Second by Ms. Russell. We are adjourned. Good to see everyone.

(The meeting was adjourned at 9:14 p.m.)

(Off the record.)