

**EXCERPTS**  
**PLANNING AND ZONING COMMISSION MEETING**  
**COLUMBIA CITY HALL COUNCIL CHAMBER**  
**701 EAST BROADWAY, COLUMBIA, MO**  
**June 24, 2021**

**Case Number 162-2021**

**A request by Crockett Engineering Consultants (agent), on behalf of P1316 LLC (owners), for approval of a rezoning of 1.64 acres of M-C (Mixed Use-Corridor) to PD (Planned Development), a three-lot, 10.62-acre PD development plan and accompanying statement of intent for an office and retail development to be known as "Discovery Center", and a design exception to exceed 200% of allowed parking. The request also includes the abrogation of an existing PD plan known as "Aria Boulevard Phase 2", which currently conflicts with the location of the proposed PD plan. The property is located on the northeast corner of Nocona Parkway and Endeavor Avenue. (This case was tabled at the June 10, 2021 Planning Commission meeting.)**

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 rezoning of property from M-C to PD, the Discovery Center PD Plan with the design exception pertaining to exceeding 200% minimum parking, the associated Statement of Intent, and the PD plan abrogation.

MS. LOE: Thank you, Mr. Zenner. Before we move on to questions for staff, are there any recusals on this case? Mr. Stanton?

MR. STANTON: Madam Chair, I'm going to recuse myself from both 162 and 182.

MS. LOE: Thank you.

MR. STANTON: Okay.

MS. LOE: Any additional Commissioners? Seeing none. I would like to ask any Commissioners who have any ex parte to please disclose that now so all Commissioners have the benefit of the same information on the case in front of us. Seeing none. Questions for staff? Mr. MacMann?

MR. MACMANN: Mr. Zenner, how many motions will this be? The abrogation should be stand-alone, shouldn't it?

MR. ZENNER: Abrogation would be stand-alone. You have a -- the design exception. In essence, if you make a -- if you make a motion to approve the PD plan, because the design exception is on the PD plan, that is incorporated into that motion. So you have three --

MR. MACMANN: So the PD plan and exempt -- those four are all together. Right?

MR. ZENNER: Yeah. The PD plan, the design exception, and the statement of intent would all be one. You would have a rezoning motion, M-C to PD, and then you would have the abrogation, so

there's three motions here that I see.

MR. MACMANN: All right. Just want to make sure that it's clean enough and comprehensible when it's kicked upstairs. Thank you very much.

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

### **PUBLIC HEARING OPENED**

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

MR. CROCKETT: Madam Chair, members of the Commission, Tim Crockett, Crockett Engineering, 1000 West Nifong. I'm here tonight. I can -- I have my presentation. You've seen that material before. It was two weeks ago. Very similar in nature. I believe Mr. Zenner has covered all the bases, so I'm not going to bore you with -- with my very similar duplicate presentation. But as -- as Mr. Zenner did indicate, we've worked with City staff to come up with a more workable plan, a better location that -- that suits this site better, and we believe that's before you tonight. And I think that additional time that -- that we agreed to, the Commission requested of us was in good use, and I think that it's a more superior plan that's before you tonight. I would indicate that it is about 26,400 square feet of green space, and that's comparable, roughly, to the size of the footprint of the building itself. And so we believe that that's -- that's fairly comparable. And, again, it's 5 percent over the limit of the -- or, excuse me -- the requirement for the green space, and we believe that that would compensate for the additional spaces. So again, if there's any questions, I'm happy to answer them, and with that, I'll sit down.

MS. LOE: Thank you, Mr. Crockett? Any questions for Mr. Crockett? Mr. MacMann?

MR. MACMANN: Thank you, Madam Chair. Mr. Crockett, can the folks you represent tell us anything more that they couldn't share last time?

MR. CROCKETT: A -- the individuals that I represent -- the company that I represent would very much like to come forward and say who the tenant of the building is. The tenant of the building is not allowing them to do that at this time. So it has not been confirmed to me who that is. I do not know. I would very much like to come before you and say who that is, but due to contractual purposes, they're not allowed to.

MR. MACMANN: And that's fine.

MR. CROCKETT: Sure. Yeah.

MR. MACMANN: I was just wondering if there's anything else that had seeped out.

MR. CROCKETT: I think it would be very -- it would be a much easier sale if I could tell you who it is, if I knew who it was, but I don't, and they would very much like to say, but they can't, so -- unfortunately so.

MR. MACMANN: All right. Fine. I have no more questions for Mr. Crockett.

MS. LOE: Regardless of who the tenant is, I think the plan appears to be much more of an amenity as was described, and I do appreciate the accessible route connecting. I think it's also -- it appears it will be more useful -- used by the tenants just in the change in orientation, so I appreciate that.

MR. CROCKETT: Sure. And we agree with that. We agree with that assessment very much.

And, again, as much as we would like to take credit for it, staff was -- played a big part in that, too. So while I'll stand here and take the credit for you, Mr. Zenner and Mr. Smith did a lot of it, as well, so we appreciate their help on that.

MS. LOE: You're very generous.

MR. ZENNER: Once we're --

MR. CROCKETT: Pat -- that's all you get, Pat.

MR. ZENNER: Thank you very much, Mr. Crockett.

MS. LOE: Any additional questions for Mr. Crockett? Ms. Placier?

MS. PLACIER: Thank you, Madam Chair. Yeah. Just a comment, also, about that green space, because I know I had questioned the strip that was over by the edge before, and I thought it was very awkward, and this is very much more elegant and useful.

MS. LOE: Seeing no more questions, thank you, Mr. Crockett.

MR. CROCKETT: Thank you.

MS. LOE: Any additional public comments on this case? If there are none, we're going to close public comment.

**PUBLIC HEARING CLOSED.**

MS. LOE: Commission comments? Mr. MacMann? Before we go diving right into that, Mr. Zenner -- I'd like to ask Mr. Zenner to put a particular screen up. It may help us discuss things. Mr. Zenner, could you put up the screen with the list of the five things, towards the end of your presentation. There --

MR. ZENNER: This one?

MR. MACMANN: No. The one that's bullet pointed out that has the abrogation -- right there. There we go.

MS. RUSHING: It was the one --

MR. MACMANN: There we go. Thank you, sir. I think this is much more useful to this. I'm just, if I may, just right into my commentary. This is much more useful. I understand the concerns that everyone had last time. I guess my question to you all is do you still have those concerns? It's a -- it's a lot of parking.

MS. LOE: Ms. Carroll?

MS. CARROLL: I do still have those concerns. I agree this is a vast improvement over what we saw last time. I don't approve of exceeding the 200 percent minimum parking requirement. I -- I have concerns due to the amount of parking. I have concerns due to the size of the development. In the past, these haven't been questioned so much because there don't seem to be a lot of neighbors, but we've seen in recent history with the Gans Creek that there are a lot of interested parties not far away from this development node. I -- I think it warrants a look at the Council level at a minimum because this area has been growing rapidly. We have a lot of projects out here, and they're growing in size, they're growing in parking and impermeable surfaces. It's just too much for me.

MS. LOE: Additional comments? Mr. MacMann?

MR. MACMANN: I have a brief comment, and then I'm going to start making motions, if that's okay with folks. To Commissioner Carroll's point, we requested of Mr. Crockett, and we addressed this in the UDC when they kicked up so high over 150 and moved to 25 percent. Something that concerns me, which is -- and you mentioned this with the permeable and impermeable surfaces -- storm water. And we may wish to address this when we're doing -- you know, when we get so much concrete. Maybe an engineer can tell us more about that. All of that said, I'm prepared to make motions. The very first motion I'm going to make is the abrogation, so we don't technically have any point in time where we have two ordinances ruling any given property. In the matter of Discovery Center, Case 162-2021, abrogating the Aria Boulevard Phase 2 PD, I move to abrogate.

MS. RUSHING: Second.

MS. LOE: Second by Ms. Rushing. We have a motion on the floor. Any discussion on this motion? Seeing none. May we have roll call, please, Ms. Carroll.

**Roll Call Vote (Voting "yes" is to recommend approval.) Voting Yes: Ms. Loe, Ms. Burns, Ms. Rushing, Mr. MacMann, Ms. Placier, Ms. Kimbell, Ms. Carroll. Motion carries 7-0-1.**

MS. CARROLL: We have eight -- seven to approve, and one abstention. Motion carries.

MR. MACMANN: Moving on. Rezoning next. In the matter of Case 162-2021, rezoning of 1.64 acres of Discovery -- Discovery Center acres from M-C to PD, I move to approve.

MS. RUSHING: Second.

MS. LOE: Seconded by Ms. Rushing. We have a motion on the floor. Any discussion on this motion? Seeing none. Ms. Carroll, may we have roll call, please.

**Roll Call Vote (Voting "yes" is to recommend approval.) Voting Yes: Ms. Loe, Ms. Burns, Ms. Rushing, Mr. MacMann, Ms. Placier, Ms. Kimbell. Voting No: Ms. Carroll. Motion carries 6-1-1.**

MS. CARROLL: We have six to approve, one no, one abstention. The motion carries.

MR. MACMANN: Last, but not least. In the matter of Discovery Center PD plan, statement of intent, and design exemption -- I don't need to explicate those anymore, do I? That should be sufficient.

MR. ZENNER: That's fine.

MR. MACMANN: I move to approve.

MS. KIMBALL: I'll second that.

MS. LOE: Thank you. Second by Ms. Kimbell. We have a motion on the floor. Any discussion on this motion? I'd just like to comment in response to Ms. Carroll's concerns that, while I share the concerns, I do feel that the giving of the green space in this situation in excess of what is required does mitigate, to some extent, some concerns of the pervious pavement. I also feel as if the need for parking has been identified as a specific need and is not a speculative need. Therefore, it's suiting a specific purpose again. So I do plan to support this. Any additional comments? Seeing none. May we have roll call, please.

**Roll Call Vote (Voting "yes" is to recommend approval.) Voting Yes: Ms. Loe, Ms. Burns, Ms. Rushing, Mr. MacMann, Ms. Placier, Ms. Kimbell. Voting No: Ms. Carroll. Motion carries 6-1-1.**

MS. CARROLL: We have six to approve. The motion carries.

MS. LOE: One vote no and one abstention.

MS. CARROLL: One vote no and one abstention.

MS. LOE: Thank you. So recommendation for approval on all motions on Case 162-2021.

MR. ZENNER: That's correct.

MS. RUSHING: I have just a short question. So since we don't have seven votes in favor for two of the motions. Right?

MS. LOE: Uh-huh.

MS. RUSHING: Then they won't be -- those two wouldn't be on the consent agenda. Would all three come off of the consent agenda? Am I confused?

MR. MACMANN: That's a percentage expression, is it not?

MR. ZENNER: It's a -- it's 75 percent. Seventy-five percent of the members --

MR. MACMANN: Voting.

MR. ZENNER: -- voting, so the abstention --

MS. RUSHING: Oh, okay.

MR. ZENNER: -- the abstention would not count. Given the question, though, and I think the point that Ms. Carroll raised, it is the Commission's prerogative, should you want the items under old business, you can ask. I mean, we -- we can do that. Technically, right now, they are scheduled to go directly to the consent agenda, given that they have met the 75 percent. However, if it is of concern of the Commission as a whole that there be additional discussion, that is something that you could ask -- at the Council level, that is something that you can also request us to do.

MS. LOE: Mr. MacMann?

MR. MACMANN: Neither of the things that Commissioner Carroll voted for reached the 75 percent threshold. Commissioner Carroll, are you happy with -- 75 percent would be --

MS. CARROLL: For it to be off the consent -- consent agenda. But they did have the 75 percent.

MR. MACMANN: We have met that. Yeah.

MS. CARROLL: So we could request for it to go --

MR. MACMANN: Well, I went -- I was going in the other direction. My apologies.

MS. CARROLL: -- to the new business. Do we need a vote on that though? I presumed that's what this was for.

MS. RUSHING: Would that request require a vote or just --

MR. ZENNER: It would. I would prefer that because the standard practice is 75 percent in favor automatically results.

MS. RUSHING: Right.

MR. ZENNER: And at that point, it at least alerts the applicant to be aware that they may need to have presence at the Council meeting. The minutes of this are transcribed, of course, being sent in full. If it is the belief of the Commission that the comments that Ms. Carroll made would be reaching Council in that venue with the minutes, there may not be need. I just put that out there as an option that is available to the Commission should you run into this situation in the future incident, as well.

MS. LOE: Mr. MacMann?

MR. MACMANN: I have a question for Commissioner Carroll. If we were to request that Council put this in old business, would it be both the second and third motions, or just one of them, or how would you want to do that?

MS. CARROLL: I -- that's a great question.

MR. MACMANN: The second motion is the rezone, and the third gives them the design exemption.

MS. CARROLL: The third would be fine with me, the motion with the design exception. My concern with M-C to PD, because those go together to a certain extent, to me, and the creation of more PDs if it's not going to be used --

MR. MACMANN: I just was trying to make it simple as possible for them for bringing --

MS. CARROLL: Yeah. So third -- third is the motion that I would think that Council should see if the Commission agrees with that and would like to, we could have a vote for it.

MR. MACMANN: Commissioner Carroll, I have a suggestion, and this is maybe one for the Chair. Would you like to make a motion to that effect?

MS. LOE: I think it's up to you to decide if you're going to make a motion.

MS. CARROLL: I will make a motion then.

MS. LOE: All right.

MS. CARROLL: I would like to make a motion to bring this off the consent agenda for the PD plan and design exception.

MR. ZENNER: If I may, Ms. Carroll. It would probably be more advantageous just from a process perspective before Council, since all three items are related, all three are on old business.

MS. CARROLL: All right. Then I would like to make a motion to bring all three off the consent agenda.

MS. LOE: We have a motion on -- oh. We have a motion. Is there a second for that motion?

MS. PLACIER: I'll second.

MS. LOE: We have a second by Ms. Placier. We have a motion on the floor. Any discussion on this motion? I see none. May we have roll call, please, Ms. Carroll. So this is a vote to approve removing this case from the consent agenda.

MS. RUSHING: That -- would that be -- are we just asking them to do it?

MR. ZENNER: No. The direction -- we are -- this motion and the vote on this motion is to direct staff. Staff can -- staff, in any other situation, controls the consent agenda placement or old business.

MS. KIMBELL: So this removes it off of the consent calendar and moves it to what?

MR. ZENNER: Old business on Council's -- for Council's second reading.

MS. KIMBELL: Okay.

MR. ZENNER: So I'm going to back up here. As Ms. Smith pointed out this evening, maybe a little bit of education in order here. At the Council level, Council bills are introduced, and they have two readings for an ordinance. All of the items that you just discussed this evening are all to be approved by ordinance. First reading is just a reading of the ordinance title. There generally is no discussion. However, on the Council's agenda, there is a designation associated with bill numbers that do have potential for showing up either on the consent agenda of City Council, which is a defined process, or under old business. This particular item would be identified with the symbolization that it would be an old business item for second reading, at which point it does provide an opportunity for the applicant or for any other citizen that may be interested in addressing the Council in relationship to that bill's content to provide public comment. Otherwise, if an item stays on the consent agenda, it is read twice, if I recall correctly. The bills are called, they're all read, they're called again, and then Council votes as bulk item. There is no discussion. And it is a means by which to expedite the Council agenda as it relates to the volume of cases that they have on their docket. The provisions -- there are provisions that do exist within the Code, however, in the City Code that will allow either a Council member or a citizen to request that an item be withdrawn from the agenda -- from the consent agenda. You basically are just, because you are in a role of a recommending body that is hearing an item and may identify a public concern, you have the opportunity to direct staff to put it onto the consent agenda, not necessarily onto -- or onto the regular agenda, old business, versus the consent. And that's what we're doing here. This is more of a procedural matter in order to just make sure that, one, the applicant is aware of what's going on and what the intent is because you would like Council to be aware, not that our staff report that we provide to them won't identify this as a discussion topic. We will. The minutes will cover it, as well. So, I mean, this is just an additional safety step that Council takes a pause, thinks about it, and then makes their motions. And if anybody wants to speak, as Ms. Carroll, I think, has identified, there's a people in this area that may be concerned about this, but just aren't here this evening. For what reason, I can't speak to. We've posted it, we've done property notification -- newspaper, as well as identified at least the property owners that are with 185 feet. But the property is required to be posted because it was rezoned with a sign, and - - and that was done in advance of the original hearing, and then we were noticing property owners. Property notice in this instance because of the scale of the adjoining properties really doesn't hit a lot of adjacent owners, and that, I think, is where Ms. Carroll's concern comes from is there may be other owners out there that may be adjoining, but didn't get notice, and they may hear about this hearing and want to have an opportunity to speak.

MS. CARROLL: Thank you.

MS. LOE: Any additional comments on the motion?

MS. CARROLL: I mean, that is --

MS. LOE: Ms. Carroll?

MS. CARROLL: Sorry. Yes. That is exactly my concern. There's neighbors that don't get postcards because they're not directly adjoining because of the size of the properties out here, and there's interest in the region.

MS. LOE: Given that we tabled this once already within P & Z, I don't plan on supporting moving this off the consent agenda. Ms. Burns?

MS. BURNS: And I want to say I respect my fellow Commissioner's desire to pull this off. I -- I feel like because of our uncertainty about the entire project, I think our vote should speak first, the seven to one, but I won't -- don't plan on supporting it, either. But I appreciate you taking the time to do this thoroughly. Thank you.

MS. LOE: Any additional comments? May we have roll call, please, Ms. Carroll.

MS. CARROLL: Okay.

**Roll Call Vote (Voting "yes" is to recommend approval.) Voting Yes: Mr. MacMann, Ms. Placier, Ms. Kimbell, Ms. Carroll. Voting No: Ms. Loe, Ms. Burns, Ms. Rushing. Motion carries 4-3-1.**

MS. CARROLL: We have four to approve, we have three no votes, and one abstention. The motion carries.

MS. LOE: The motion -- recommendation -- or it's not a recommendation -- directive to move off the consent agenda. Mr. MacMann?

MR. MACMANN: Just -- Mr. Zenner did a wonderful job of -- of summarizing that, but just maybe for Ms. Kimbell or Ms. Placier, if you haven't seen it. Any citizen now -- any citizen, as long as it's the Thursday before, can request of the City Clerk to have a bill pulled. So just -- just FYI. This is kind of a -- yeah.

MS. LOE: It doesn't take the Commission.

MR. MACMANN: All right. Thank you very much for the time.