

**MINUTES**  
**PLANNING AND ZONING COMMISSION MEETING**  
**COLUMBIA CITY HALL COUNCIL CHAMBERS**  
**701 EAST BROADWAY, COLUMBIA, MISSOURI**  
**September 23, 2021**

**COMMISSIONERS PRESENT**

Ms. Sara Loe  
Ms. Geuea Jones  
Mr. Michael MacMann  
Ms. Valerie Carroll  
Ms. Robbin Kimbell  
Ms. Peggy Placier  
Mr. Anthony Stanton

**COMMISSIONERS ABSENT**

Ms. Tootie Burns  
Ms. Joy Rushing

**STAFF PRESENT**

Ms. Rachel Smith  
Mr. Patrick Zenner  
Ms. Rebecca Thompson, Legal

**I.) CALL TO ORDER**

MS. LOE: We are going to call the September 23rd, 2021 Planning and Zoning Commission meeting to order.

**II.) INTRODUCTIONS**

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

MS. CARROLL: Commissioner Placier?

MS. PLACIER: Here.

MS. CARROLL: Commissioner Kimbell?

MS. KIMBELL: Here.

MS. CARROLL: I'm here. Chairperson Loe?

MS. LOE: Here.

MS. CARROLL: Commissioner Stanton?

MR. STANTON: Here.

MS. CARROLL: Commissioner Burns?

(No response.)

MS. CARROLL: Commissioner Rushing?

(No response.)

MS. CARROLL: Commissioner MacMann?

MR. MACMANN: Present.

MS. CARROLL: Commissioner Geuea Jones?

MS. GEUEA JONES: Here.

MS. CARROLL: We have seven, we have a quorum.

### **III.) APPROVAL OF AGENDA**

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

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

MS. LOE: Thank you.

MS. GEUEA JONES: Move to approve.

MR. MACMANN: Second.

MS. LOE: Moved by Commissioner Geuea Jones, seconded by Mister -- or Commissioner MacMann. I'll take a thumb's up approval on the agenda. Looks unanimous.

(Unanimous vote for approval.)

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

MS. LOE: Everyone should have received a copy of the last meeting minutes. Does anyone have any corrections or changes to those minutes?

MR. STANTON: Move to approve the minutes.

MS. KIMBELL: Second that.

MS. LOE: Moved by Commissioner Stanton, seconded by Commissioner Kimbell. I'll take a thumb's up approval on the minutes. We have six for, seven -- six for and one abstention. Thank you.

(Six in favor, one abstention.)

### **V.) SUBDIVISIONS**

#### **Case 272-2021**

MS. LOE: All right. That brings us to our first case for the evening, which is Subdivision Case 272-2021, A request by Crockett Engineering, on behalf of BC Investments of Columbia, LLC for approval of a five-lot preliminary plat to be known as "Waco North." The plat consists of 42.64 acres and will establish the future right-of-way alignment for the westward extension of Waco Road from its current terminus at Arbor Pointe Parkway which will permit further final platting actions on the property to the south, which is part of the Tuscan Ridge subdivision. May we have a staff report, please?

MR. ZENNER: Yes, you may, ma'am. As described, this is a 42.64-acre tract of land located west of the end of current Waco and west of the elementary school here off of Arbor Pointe Parkway. This is a preliminary plat seeking approval of a five-lot subdivision. We sent out advance postcards on the 25th of August, there were nine total. And we have had one general inquiry from the public as it relates to this particular action. This is the oblique aerial. Immediately to the southwest is the fairground property and the Atkins softball complex. And immediately to the east of the subject site is the elementary school, Alpha Hart Lewis, if I recall correctly. And then the development immediately to the west -- or to the east and north is existing, it's a little bit further along than this aerial photograph shows. Immediately to the southeast is the Sutherland Park; that is a city facility. And then the residential subdivision that you

can see in the very southern portion of this photograph south of the park is Tuscany Ridge. That is one of the first phases of Tuscany Ridge as it was previously platted. The property to the south of Tuscany Ridge was platted in 2006 and it's had two final plats associated with it. What we saw there on the southern portion of the last slide was the first phase. There was a phase further to the south of it that has been platted and we currently are in review on plat three at this point. The property to the south does not have roadway access. So the larger tract of land where the notch is on the property here is actually a second phase of Tuscany one -- or Tuscany plat one, preliminary plat. It is an approved preliminary plat and is still a valid development plan; however, it cannot be developed at this point -- I apologize. Not that big piece, it's this piece. This piece is actually Tuscany, the unplatted -- the undeveloped and incapable of being developed portion of Tuscany plat one because it doesn't have road access. So this plat will extend Waco Road and have -- creating the access necessary in order to allow that property to be further developed, which is anticipated at this point, generally pursuant to the existing preliminary plat that was approved back in 2006 -- '5, '6. Ironically it is -- that is possible based on the fact of how our old development regulations read. And we have reviewed the preliminary plan, we've had conversations with the applicant as it relates to their proposed development and everything is on the up and up. So when it does come back in, the Planning Commission will not see it since it is going to basically be platted as consistent with that approved preliminary. So it will go directly to the City Council. But this plat creates that public road right-of-way that's necessary in order to allow that to happen. This is the prelim-- or the preliminary plat that is being proposed before us. This property was previously platted -- or preliminarily platted. However, that preliminary plat expired under our old subdivision regulations due to inactivity after seven years. So this new preliminary plat is required. You will note the area to the south of the subject site is a series of small lots. Those lots -- there are a total of five lots within this, one of which is the roadway and then there are four other lots. The larger lot to the north of the road is actually a future development tract that would need to be final platted and probably preliminarily platted again to show a lot layout and then subsequently final platted in order to create the lots. The road right-of-way that is shown here on this graphic will, in essence, be platted in order to open up opportunity for the development to the south, that part of Tuscany one. And in that platting action, you will see the creation of the additional three lots that are identified -- actually four additional lots plus the road right-of-way. The fourth lot, which is on the easternmost side of this graphic closest to the existing end of Waco, would be combined with the Tuscany one property at the time of its platting. And that would also incorporate the road that will return into the property. And then we have the second return as we move westward. And finally, the third return that comes off of the future extension of Waco, which is tying in Grand Canal, which is an existing -- or proposed public street within the Tuscany one plat that provides north/south connectivity between Waco and potentially Stark Lane further to the south and east off site -- I apologize, that's Venetian Parkway, which is the north/south westernmost connection. There is a development agreement that has been discussed with the applicant in order to set terms and responsibilities for the extension of Waco as it relates to the development of the southern tract and that to the north. That development agreement

includes a series of cross-section requirements and improvement standards that need to be met to ensure that the Waco connection functions as a arterial between the US 63 interchange to the west moving back to the Paris Road corridor. So there is some upsizing of road right-of-way, there's some exchanging of infrastructure costs, there's a component right now of Waco that was not built as part of Alpha Hart Lewis's construction. So all of those issues are what are rolled into the actual development agreement in order to provide equity between the developer's contributions and what the City would ultimately be engaged in. It has no real bearing on this preliminary plat. The development agreement obviously is an instrument that council and the applicant would be negotiating and finalizing the terms on. There is no residential right-of-way access that would be allowed off of Waco since it is an arterial, or off of Venetian, which is an internal collector. The original preliminary plat identifies Venetian in that fashion; however, we wanted to make clear that the out parcels or these common lots that will be left -- lots one, two and three, in essence -- none of those are capable of having direct driveway access to them for residential purposes. Now, if they were used for some other purpose permissible, they may be able to have driveway access, but they are severely encumbered by other environmental impacts and most likely will act as a buffer to this major arterial roadway that will be running to the north of the principal development to the south and there will, likewise, probably be some type of screening and buffering on the north side of the roadway at the time that that development is presented. The project is compliant with our regulations. The development agreement will establish the criteria by which the applicant needs to make the improvements to ensure that they are meeting our access requirements, both fire and standard access requirements to the larger Tuscan one to the south and any further development of the property to the north of the public road right-of-way will require additional plotting action on it, both likely -- both preliminary and final platting before any development to the north can occur. With that, we recommend approval of the project and I'd be happy to answer any questions I can.

MS. LOE: Thank you, Mr. Zenner. Before we move on to questions for staff, I'd like to ask any Commissioner who has had any ex parte related to this case to please disclose it now so all the Commissioners have the benefit of the same information on the case in front of us. Seeing none, are there any questions for staff? If there aren't, we will open up the floor to public comment. If you can please give your name and address for the public record. We do limit public comment to three minutes if you're speaking for yourself and six minutes if you're speaking for a group.

MR. CROCKETT: Madam Chair, members of the Commission, Tim Crockett, Crockett Engineering, 1001 West Nifong. I believe Mr. Zenner did a comprehensive staff report for this. Again, I would just like to reiterate that really the purpose of this preliminary plat is not necessarily for development of this property, but just for the -- the fourth -- the coming of the final plat of the granting of the right-of-way for Waco Road. So that's really what it's for. Waco Road will provide access to the property to the south, but that property also has access coming from -- from its south direction as well. So it's not going to be the sole access for that -- for acc-- excuse me, Waco is not going to provide the sole access for the development of that property. It will have access in other locations as well, but it will

provide for connectivity of that entire area. And so with that, I'm happy to answer any questions that the Commission may have.

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

MR. CROCKETT: Thank you.

MS. LOE: Thank you. Any additional speakers on this case? If there aren't, we will close public comment. Commission comment? Commissioner Stanton?

MR. STANTON: If my fellow Commissioners do not have any other comments, I'd like to entertain a motion. As it relates to Case 272-2021, Waco North preliminary plat, I move to approve --

MR. MACMANN: Second.

MR. STANTON: -- yeah, move to approve the preliminary plat.

MR. MACMANN: Second.

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

MS. CARROLL: Commissioner Placier?

MS. PLACIER: Yes.

MS. CARROLL: Commissioner Kimbell?

MS. KIMBELL: Yes.

MS. CARROLL: My vote is yes. Chairperson Loe?

MS. LOE: Yes.

MS. CARROLL: Commissioner Stanton?

MR. STANTON: Yes.

MS. CARROLL: Commissioner MacMann?

MR. MACMANN: Aye.

MS. CARROLL: Commissioner Geuea Jones?

MS. GEUEA JONES: Yes.

MS. CARROLL: We have seven votes to approve.

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

## **VI.) PUBLIC HEARINGS**

### **Case 140-2021**

MS. LOE: That brings us to our public hearings for the evening. Our first case is Case 140-2021, a request by A Civil Group on behalf of Boone Development, Inc. for a major revision to the Arbor Falls PD (Planned Development) to be known as "Arbor Falls PD Number 4." The new PD Plan includes a revised site layout, a revised statement of intent reflecting a change in use from multi-family units to one-family detached dwelling units, and revised design parameters. The proposed PD also revises the onsite amenities previously approved under the Arbor Falls PD including, but not limited to, removing the previously shown clubhouse and pool. The request also includes design adjustments from Sections 29-

5.1 and Appendix A of the UDC. The property is zoned PD (Planned Development) and is generally located north of Highway WW and south of Pergola Drive addressed as 5730 Pergola Drive. (This case was previously heard at the August 19, 2021 Planning Commission meeting and seeks reconsideration with a revised PD Plan and Statement of Intent.) May we have a staff report, please?

MS. SMITH: Yes, Madam Chair. As you mentioned, this is Case 140-2021. It's a major amendment for Arbor Falls. It's PD Number 4 because this is the fourth revision to the initial Arbor Falls PD plan that was adopted in 2006. This is about one-fifth of that initial development. The remaining is mostly built out. We'll talk about that a little bit more in a moment. The request this evening is in three parts; a revised plan development plan, statement of intent, and then three design adjustments. We will be asking for two discrete votes this evening. One on the PD plan and then one to cover the design adjustments. I will note that at the August 19th meeting, the PD plan failed to get vote of approval by this body, but the three design adjustments did get unanimous vote recommending approval to the City Council. But for a good clean record on the revised plan, we will ask for two votes once again this evening. I've sent two sets of postcards and four sets of letters, as this request has changed a little bit over time, as well as we've had a couple of different dates this has been heard so we've allowed -- or we've alerted all 33 adjacent property owners at each step of the process. At this point, the Arbor Falls HOA has provided a revised and updated letter of support for the present plan under consideration. They had presented a letter of support at the last meeting as well. This evening, in particular, we are going to look at a plan that removes the previously shown detached garage storage units on their own separate lot. We're going then with a revised lot layout from 34 single-family homes to 37 single-family homes and there are a couple small changes to the statement of intent, as well as the lot layout that are to accommodate that change. And to orient ourselves to the larger site, this is the club at Old Hawthorne right here. That Linksides is the golf course community at Old Hawthorne. This is a particular about one-fifth or so portion of Arbor Falls here more greatly that we're dealing with tonight. This is Pergola Drive right here. And this is East Fulton Gravel, which is HH through here -- or WW, excuse me. So as I mentioned, you're looking at a revised PD plan since the August 19th meeting. Really the primary change is remove those garage units that some commissioners voiced concerns about in terms of the operation and maintenance and who would be using them. So they are no longer shown on the plan at all. And then revised revisions to SOI and design adjustment worksheets. So this is a 2006 plan for this site. Initially it showed seven ten-condo unit buildings and this evening we're looking at 37 single-family home sites. So the revision here is both in terms of units -- so going from 70 units down to 37 -- and then also the dwelling unit type. So going from multi-family condo units to single-family homes. Quickly background. PD plans may serve as a preliminary plat, like the request that you just heard, which lays out the preliminary lot layout, particularly street layout as well as utility connections. This does do that. You will see -- or the council, I should say, will see a final plat to make all of these 37 lots should this be approved. It would require a final platting action. And then design exceptions are just kind of inherently included through the PD process. They do not require a separate vote, but we do identify them on the PD

itself. Those are deviations from zoning-related matters and then design adjustments are deviations in subdivision-related matters. They are also shown on the PD plan but they require a separate vote. Okay. So just initially, the Arbor Falls area overall, a picture was -- was zoned planned development for a 6.6 dwelling units per acre. This evening the 37 units, 7.5 acres or so comes to be about 4.9 dwelling units per acre so that would be considered compliant with the initial zoning for the area. Additionally, single-family was a permitted use type under the initial 2006 zoning. As I mentioned, there have been other PD plan revisions to Arbor Falls in the intervening years. This was that generally four-fifths that has been developed. We have seen a trend going towards slightly higher home coverage on relatively smaller lots. There seems to be a desire within this particular area to have fewer yard maintenance and to enjoy the amenities that are provided by the golf course community and all the recreation types of events without having as much personal space. They rely more on those public shared types of spaces. Within our existing zoning code, this body has spent some time talking about existing residential zoning categories. We don't really have a good fit for this model. It's a little bit smaller lot with a little bit bigger home on it and so the PD plan, or Planned Development, zoning process does allow us to look at these differences versus what our traditional zoning code would permit. And throughout this process, I have tried to make it very clear for the sake of transparency for folks in this area and folks who might be buying in that if this amended plan is approved by the City Council, that the previously shown clubhouse and smaller pool shown on the 2006 PD plan would never be built. So all of these residents within this area do have access to the larger Old Hawthorne recreation amenities, including the big pool and the big clubhouse, but if this plan is approved, that they would not have the smaller site that was originally envisioned in 2006 for these residences. I will note though that through this process I have heard no concerns to the loss of these amenities, but I just want to make sure that everyone is aware that if approved, it will go away. And it's pretty close. So we're looking at this site right here. And you can see the tennis court, swimming pool and clubhouse here so for most folks, it would be a comfortable walk to get to these existing amenities. Okay. So big picture, we previously were showing separate garage storage units on what was generally this lot area. So now we see instead of 34 single-family lots, we see 37. There's a few lot changes within here, but for the most part, the street layout and this cul de sac street are largely the same. Also, the last plan did show a conceptual concept for a wellhouse to do irrigation for this larger common lot greenspace through here. That is maintained on this plan. We've worked with the applicant to come up with some parameters for that. So you'll see on the SOI that they can have up to 400 square feet for the wellhouse and any structural buildings that are to maintain this greenspace. That's not atypical in HOA situations with greenspace to have a garden shed for instance, or in this case, a well house. Additionally, they are showing two United States Postal Service cluster mailboxes, so one here where you kind of pull in and then also one on this common lot down here. I do want to note per the SOI on the plan, because USPS has their own citing requirements, that will be the governing citing requirements for those facilities. We've talked in the past a little bit about these patio-style homes. And that's just the idea of having a little bit larger home on a little bit smaller lot relative to other types of home

sites. This is already seen within the area so these are up here on even slightly smaller lots than what is being proposed this evening, but fairly similar idea of -- you can see that the home site relative to the lot has relatively high coverage. And their correspondence that was included in the packet, the applicant has some market and other related information to this effect. So this is effectively just reduced setbacks from what we typically see in the single-family zone. And I have notes coming up here in a moment to compare apples to oranges on that. And as I mentioned previously, the PD plan process does allow this more customized zoning to get a different output than what our traditional zoning categories otherwise allow. You will see a slight name change. So previously we were showing this cul de sac street as Elan Drive. In this plan, they are showing it as Roman Drive. At the last minute, we've heard that that is also not an approved street name so we will keep trying. So the cognizant body that approves street names is the Public Service Joint Communication body, so E911. They have very strict rules on road names. And so on the final plat, we will run that through for the road names. Once again, this is not an uncommon thing that up until the point of final platting, they don't lock in your road name so they can change. But for the sake of transparency, I just want to note that we are showing this as Roman Drive, it was previously Elan Drive, and it will ultimately be something more creative that is approved at the final platting stage. So we're looking at three design adjustments. And as I mentioned, those are the deviations from what our subdivision requirements are. They are shown on the plan and they do require a separate vote. These three -- start with Roman Drive. Roman Drive is 305 feet in length. That is five feet beyond what our code would otherwise permit for cul de sac streets. It is showing a six-foot sidewalk along both sides of this cul de sac, as well as all streets. And I will talk a little bit about this in a moment because I do think it's a mitigating factor to help meet the criteria for approval of the design adjustment, but they are showing a five-foot pedestrian connector going from the end of the cul de sac across this greenspace to connect Talco Drive to provide -- really to provide better pedestrian connectivity from east to west throughout the site. And so that is intended to help mitigate the negative impacts of connectivity, at least to pedestrians, by having a cul de sac that exceeds the required amount. The second design adjustment is that between this node right here and then this connection to the existing Talco right here, this section of Hailey Drive is a little bit longer than what the code permits; so it's about 20 feet. It is 620 feet [sic] than what would otherwise be allowed by 29-5.1(c)(3)(K(ii)). And that's about, once again, connectivity. Fewer automobile trips, more direct transport. And then kind of bigger picture, this area does have private streets as shown. That is not uncommon at Old Hawthorne. It is not uncommon at Arbor Falls. The idea here is that in PDs the developer does get to propose slightly different deviations to what other public streets might require, but that there are trade-offs in that then those maintenance requirements of those streets are then passed on to the HOA or the developer, so there's some give and take. There were some concerns by this body regarding the use of private streets at the last meeting that this plan was reviewed at. I will note that every iteration of this plan has been reviewed by both the fire department and the traffic engineer. At this point they do not have any concerns with the way the streets are designed. They generally match what's already out there. It's functioning pretty well. There has been no request to devolve the private ownership



or maintenance of these streets to the public at this time. And also, the traffic engineer notes that there's been a little bit of a challenge doing maintenance just for everybody who maintains streets right now due to some supply chain and labor-related issues that folks are experiencing. So this design adjustment, because it's requesting a private street design, does have some corresponding design adjustment requests from right-of-way dedication, street widths, et cetera as described in 29-5.1(c)(4) and as enumerated in Appendix A. We are retaining two design exceptions from the previous plan. The first one is probably the most impactful one. Those are reduced setbacks when we compare this design parameters versus -- via the Statement of Intent versus what would already -- would be already permitted under the existing R1 zoning. So under the existing R1 single-family zoning district, which is the same use type that we're proposing under this plan, we see setbacks of 25 foot front, 6 side and 25 rear. On the proposed plan and per the Statement of Intent, we are showing setbacks of 20 front, rear 20, and then side of 5 and then corner side yards of 12.5 rather than 15. Additionally, they're requesting that the lots are a little bit smaller, so 5,000 square feet versus the minimum of 7,000 that's already permitted by the code in the straight zone. So the impact here is a little bit smaller lot. And then with those reduced setbacks, you're allowed to have a slightly larger building envelope than what would otherwise be permitted in the R1 zone. The second design exception is from 293-3.3(i)(1)(i). This would allow that well structure on that HOA lot, as well as the USPS boxes. It has to do a little bit with the citing requirements. So to allow the USPS requirements to trump anything that our code might say about the citing and then also to allow that wellhouse or a combination of HOA greenspace maintenance buildings to go up to 400 square feet. So the third plan I think is what we're at at this point, has been reviewed by staff. So in addition to planning, staff, fire department and traffic engineer, it went through the full review of city surveyor, building and site, stormwater, et cetera. We also reviewed the information provided by the applicant via the Statement of Intent worksheets, those design adjustments worksheets and then the letter of information regarding the design exception request. We looked at the five criteria in the UDC to approve those design adjustment requests. We think that overall, that connectivity via the six-foot sidewalks on all streets and that additional five-foot wide connector from the end of Roman Drive to the existing Talco Drive does help mitigate some of the potential concerns with those design adjustments. Because this is unique zoning and unique requests, are requir-- are requested to get a unique sign type. We do believe the existing PD zoning is appropriate to remain on the site and does provide the process to get to the end result that the applicant is asking for. And once again, I did mention that the private streets were re-reviewed and found to be acceptable by both fire and traffic. And in that updated letter of support from the Arbor Falls HOA, they do have some comments about their requirements to maintain the streets as well. So with that this evening, we are recommending approval of the revised Arbor Falls PD Plan Number 4 that is before you this evening. We would ask that you make separate votes on the three design adjustments. They are enumerated here on your screen. And then we'd also ask that you would do a separate vote on the Arbor Falls PD plan itself, which does incorporate the associated design

exceptions that we discussed this evening. I'm here and happy to answer any questions that you might have, and the applicant is here as well.

MS. LOE: Thank you, Planner Smith. Before we move onto questions for staff, I would like to ask any Commissioner who has had any ex parte related to this case to please disclose that now so all Commissioners have the benefit of the same information on the case in front of us. Seeing none, are there any questions for staff? Commissioner MacMann?

MR. MACMANN: Thank you, Madam Chair. Planner Smith, if they want to eliminate this building or make it bigger, do they have to apply for a design adjustment or something?

MS. SMITH: For the well house?

MR. MACMANN: The greenspace, the well house.

MS. SMITH: They get up to 400 square feet. So if they want to go above that, they would have to come back and get an amendment. We do allow some phasing of PD plans so if they don't want to build it right away, we don't have necessarily a time crunch on that. I do know they're talking to the existing developed areas to the east. Those folks might be interested in having some irrigation as well so that kind of went into that conversation.

MR. MACMANN: I just -- that was a little point of order for me; how does that go? All right. Thank you very much.

MS. LOE: Any additional questions for staff?

MS. CARROLL: How many units were in the 2006 PD plan?

MS. SMITH: Seventy for this area.

MS. CARROLL: That's what I thought. Thanks.

MS. LOE: That was Commissioner Carroll. Any additional questions? Seeing none, we will open up the floor to public comment.

MR. GEBHARDT: Good evening. My name is Jay Gebhardt, from A Civil Group. I'm really here just to answer questions. I hope this time around I have a plan that meets your all's approval and recommendation. So if you have any questions, I'd be glad to answer them.

MS. LOE: Questions for Mr. Gebhardt? Commissioner Geuea Jones?

MS. GEUEA JONES: I just want to say thank you for your patience and for working with us and the community. I -- I know it's been a process, but I acknowledge that you've been working and appreciate that.

MR. GEBHARDT: Thank you. Appreciate it.

MS. LOE: Any additional comments or questions for Mr. Gebhardt? I see none. Maybe three time's a charm, Mr. Gebhardt. Any additional comments? If not, we will close public comments. Commission comments? Commissioner MacMann?

MR. MACMANN: I may have jumped the gun. I'm ready to make a motion -- motions if we have no questions. This is rather convoluted so there may be questions.

MS. LOE: Commissioner Carroll?

MS. CARROLL: I do not have questions. I did have a comment. And I'm going to sound like a broken record here. We have a stated Columbia matching goal to move towards more compact development. And this represents a move from 70 RMF units to 37 single-family units.

MS. LOE: Commissioner MacMann?

MR. MACMANN: I would respond to that. Yes, two things though. I think had there been the demand for that 70-unit structure, they would have built it. And this does have what I want. It has smaller lots, five vis-a-vis seven, and it has smaller setbacks, which is in ways we want to go. Now, Mr. Gebhardt's having to do this with a PD plan, but he's not far off -- this has nothing to do with you, Jack. He's not far off from where some of the rest of our things want to go. So 70 to 37, yes, but it's bigger than it could have been -- or, you know, more dense than it could have been.

MS. CARROLL: I'm in agreement. 2006 is a long time in the age of a PD plan. Seventy units seems like they may not be relevant. I just have to be aware of my decision-making process.

MS. LOE: I believe those original units were also multi-family; whereas, these are single-family. And one of the things that we've been keeping our -- or we've been including in our discussions is Columbia's low rate of owner-owned housing. So this is something we need in this community. And I agree with Commissioner MacMann that it's an innovative model that we are currently working to -- or evaluating accommodating in our code. So I appreciate it being developed under the PD. Commissioner Stanton?

MR. STANTON: I agree with all my colleagues. And density comes in many shapes and sizes and definitions too. So keep that in mind as we go through our case as well.

MS. LOE: Any additional comments? Commissioner MacMann?

MR. MACMANN: I'm ready when you are. Planner Smith, I'm going to need your assistance here. You want me to start with design adjustments, go to design exceptions and then go to the plat?

MS. SMITH: We do not need to do design exceptions separately.

MR. MACMANN: Because they're in the plat.

MS. SMITH: Yeah. And if there seems to be agreement on all three design adjustments, it would be okay to do them all as one.

MR. MACMANN: All right. With that in mind, I'm going to take a non-- I'm going to take a little survey here. Does anyone -- let me ask this question. Does anyone have any objection for me making one motion for all of these design adjustments? I would be more than happy to do that. With that in mind, I'm going call these out. In relationship to design adjustments relating to Case 140-2021, design adjustment to Section 29-5.1(c)(3)(F) relating to the cul de sac amendments longer than called for, and for allowing that; in relation to 29-5.1(c)(3)(K(ii) relating to street length without an intersection break; and in relationship to 29-5.1(c)(4) and Appendix A of the UDC to allow private street on common lots varying from public street width/right-of-way and design standards -- design and dedication standards, I move to approve these three plan adjustments.

MR. STANTON: Second.

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

MS. CARROLL: Commissioner Placier?

MS. PLACIER: Yes.

MS. CARROLL: Commissioner Kimbell?

MS. KIMBELL: Yes.

MS. CARROLL: My vote is yes. Chairperson Loe?

MS. LOE: Yes.

MS. CARROLL: Commissioner Stanton?

MR. STANTON: Yes.

MS. CARROLL: Commissioner MacMann?

MR. MACMANN: Yes.

MS. CARROLL: Commissioner Geuea Jones?

MS. GEUEA JONES: Yes.

MS. CARROLL: We have seven votes to approve.

MR. MACMANN: If there are no more questions, I would like to make a motion, Madam Chair. In the matter of the pre-- or the matter of the plat for Case 140-2021, I move to approve the PD plan and associated SOI for Arbor Falls.

MR. STANTON: Second.

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

MS. CARROLL: Commissioner Placier?

MS. PLACIER: Yes.

MS. CARROLL: Commissioner Kimbell?

MS. KIMBELL: Yes.

MS. CARROLL: My vote is yes. Chairperson Loe?

MS. LOE: Yes.

MS. CARROLL: Commissioner Stanton?

MR. STANTON: Yes.

MS. CARROLL: Commissioner MacMann?

MR. MACMANN: Yes.

MS. CARROLL: Commissioner Geuea Jones?

MS. GEUEA JONES: Yes.

MS. CARROLL: We have seven votes to approve.

MS. LOE: Three times was a charm.

MR. GEBHARDT: Yes.

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

**CASE 271-2021**

MS. LOE: That brings us to case 271-2021, A request by Haden and Colbert on behalf of Nan Erickson for the assignment of M-C (Mixed Use-Commercial) upon annexation for approximately .9 acres identified as tax parcel 17-204-10-00-point -- sorry, 037.00.01. I still messed that up, but it's in the record. The site is unimproved and currently zoned County C-G (General Commercial). The property is located on the southern frontage of I-70 Drive SE directly southwest of the I-70 and St. Charles Road interchange. May we have a staff report, please?

MR. ZENNER: Yes, but I won't read the tax parcel over. This is a parcel of property that is .9 acres located at the southwest corner of the I-70 and St. Charles Road interchange immediately to the north of the Phillips 66 gas station at the intersection of Bull Run and St. Charles Road. The applicant is requesting that assignment of M-C zoning be applied to property upon annexation. We have publicly noticed this property on -- with public information cards on the 25th of August. There were four postcards sent out to property owners within 185 feet of the property, and that we advertised publicly within the Tribune on the 7th of September. Same four letters were distributed with that public notification of this hearing. And we have had one general inquiry as it relates to the request before us this evening. Here is the oblique aerial that shows you an area of relatively rural development at this point. However, this aerial is a little bit aged. If any of you have been out recently to the Lake of the Woods/St. Charles intersection, that is a new Schnucks' shopping center, so that lake doesn't exist. And we do have commercial development occurring in that particular location. Immediately to the southeast is the Holiday Inn and to the west of the Holiday Inn is a building under construction right now, which is a gym. And then immediately to the southeast of it, you'll notice the large black roof. That is the Equipment Share headquarters and its campus that goes to the east of this graphic. And then, of course, to the southwest, as we move southwest, we've had some recent activity as it relates to a request for an annexation of the mobile home park -- or I should say annexation or rezoning of the mobile home park, which was not successful; as well as to the west of the subject site here in red, we have had a series of rezoning requests for conversion of an existing planned development to M-C and the property to the further west of that being annexed, permanently zoned M-C from an agricultural classification. The property to the south of St. Charles Road has also been recently brought into the city within the last two years and zoned accordingly. This particular area is also part of the East Columbia Area Plan. It is one of the few areas that have been identified within the East Columbia Area Plan as actually suitable for M-C or corridor node commercial. This particular area, while significantly zoned with commercial uses, as this aerial shows, is highly undeveloped at this point. But I'd point out the fact that the East Area Plan identified this particular location generally as appropriate for highway commercial or auto-oriented type of development. The site is unimproved today. It is currently zoned county C-G, which is our equivalent to M-C. It does have that adjacent C2, the interchange is visible from 70; however, it will have access issues according to MoDOT

to I-70 Drive Southeast. And MoDOT is stated within the staff report as indicating that access to this particular parcel will need to be achieved through an adjoining property. It may not have the ability to gain access directly to I-70 Drive Southeast. I would imagine the ultimate determination of that will be at the time a site plan is actually submitted for development of the property and a defined access point is identified or proposed. Access may need to be shared between the adjoining parcel to the west, which was previously a planned district property and has now been rezoned to M-C. Sanitary sewer is capable to be able to be obtained, as well as other public utility infrastructure to serve this site or this development within the area. Surrounding area are generally county C-G. A lot of the development that's further down off of St. Charles Road corridor is in the county, is currently county C-G or we have M-C zoning. So M-C is basically almost everything now to the east of this particular location. We have some M-N that is further to the southwest of the property as we come down St. Charles Road that has recently been requested to be rezoned. And we are holding firm to the node being really the central point of M-C, as well as the outer road, I-70 Drive Southeast. The area in context with I-70 frontage is consistent with generally what we would consider M-C appropriate. And as I pointed out, the East Area Plan identified this particular property or this particular area as acceptable for M-C type zoning as well for more regional commercial draw commercial than we would expect. Given the findings that we have been able to identify within not only this area plan, but consistency with providing -- with the comprehensive plan, we are recommending approval of the project. And I am happy to answer any questions that you may have.

MS. LOE: Thank you, Mr. Zenner. Before we move onto questions for staff, I'd like to ask any Commissioner who has had any ex parte related to this case to please disclose that now so all Commissioners have the benefit of the same information on the case in front of us. Seeing none, are there any questions for staff? Commissioner MacMann?

MR. MACMANN: Just real quick. Mr. Zenner, while you brought it up, do you feel that the East Area Plan is functioning as you all had hoped it would?

MR. ZENNER: I would say that the majority of the actions that have come before this Commission, yes, it is. I can't speak to how the County's Commission, both Planning and Zoning and the County Commissioners, have utilized the plan in applying zoning changes. You know, we focused through that plan on trying to be generally environmentally responsible as we proceeded with development. The development of this area plan when it was conducted, the east area is the most rich environment within the corporate limits or the greater city limits for infrastructure and road infrastructure and ordered support development. And we identified a series of triggers or evaluation metrics by watershed as we drafted the plan. So when I speak to the fact that this interchange and this particular location within this watershed was identified for this use, that is a quite unique finding. It is not -- that is not universal across the balance of the area plan. So when we get requests like this at this particular location, yes, very consistent. I have not seen yet a proposal where we've looked at something that's maybe more residential in nature like we had recently with Old Hawthorne North and that we may have

further to the northeast of Old Hawthorne to be inconsistent with the plan either. I think the plan's functioning and the infrastructure that exists supports what's being proposed.

MR. MACMANN: Thank you, Mr. Zenner. Sorry to take that rabbit hole there. I just felt I needed to bring that up.

MS. LOE: Commissioner Geuea Jones?

MS. GEUEA JONES: Is the lack of I-70 Drive Southeast access, is that the same as basically not having any street frontage? Are we creating an island parcel here?

MR. ZENNER: Not necessarily the way that I understood the comments of MoDOT to have been provided to our staff. Mr. Kelly was the planner assigned to this. Unfortunately, he's out sick. It's not uncommon that you may have access restriction apply to particular properties on certain roadway types. The ability to negotiate between the commercial development that is to the south and gain access, I think some roadway planning issues as it relates to the I-70 -- or I should say the Stadium Boulevard extension and its intersection with St. Charles Road and potentially the extension of Bull Run further to the northwest -- so roadway plans that we have seen that have not fully materialized have -- this intersection has been designed in order to actually be brought up to I-70 Drive to remove the jug handle. And I think that that's part of where MoDOT's comments are coming from. They would much rather prefer to ensure that if we were going to be providing access -- and there is some topographic relief in this site where this small house is right in this particular area, which is actually I believe the stream channel, being able to get back into to facilitate this connection. Now, how much that impacts the existing gas station, and if I'm not incorrect the carwash that's here, both of which are in the county, I'm not quite sure. But that's an overall -- you know, that's a -- as the Stadium extension plan, if it were to proceed forward or portions thereof, some of those other roadway planning issues will come into play and may make the property more readily accessible in a location that is better overall. As an aside -- not that I need to go on, but as an aside, this was actually a parcel that was originally permitted, licensed -- identified as a licensed location in the first round of medical marijuana permitting parcels with no access, with no utilities. That location and that license has since been transferred from this site, but it would have presented a problem at that point. And I think while this is maybe a preemptive zoning action that may be combined with what's to be west in a development plan that's more realistic, it is appropriate, nonetheless, even though the access is somewhat still an unknown. This is currently a -- it's county -- county commercial property. Might as well bring it into the city and if we can make use of it with the rest of the property to the west, vacate when we can.

MS. GEUEA JONES: But to sum up, that's a problem for a different day?

MR. ZENNER: Exactly. We'll deal with that through a site planning site. Not -- I mean MoDOT is going to tell us where they're going to allow the access. And it could be temporary, it could be conditioned. I don't know.

MS. LOE: Additional questions for staff? Seeing none, we'll open up the floor for public comment. If you could please say your name and address for the public record.

MR. COLBERT: Good evening, Madam Chair and members of the Commission. My name is Caleb Colbert. I'm an attorney at 827 East Broadway and I'm here tonight on behalf of the applicant. So just to touch on a couple of quick items. I won't reiterate everything that Mr. Zenner gave in his staff report. But again, the property is in the county, zoned commercial -- zoned general-commercial in the county. If we annex the comparable commercial zoning district in the city, it is the M-C corridor zoning. So we're really not asking for a rezoning so much as we're asking for an M-C zoning to be assigned upon annexation. Essentially those are parallel zoning districts. As far as the access, it is an issue that we resolve when we actually build out the site. At that point we'll have to go to MoDOT. But the background on it is there's a deed restriction. And that deed restriction says that if that intersection that is to the south of our property that Mr. Zenner identified, if that has been built out, then we don't have direct access on an outer road. However, in the interim, we can have direct driveway access onto that outer road. It has to be permitted through MoDOT, but it's just a question of timing. Their preference, as Mr. Zenner indicated, would be to come from the south, but it's just a question of which comes first. But they're not going to landlock us at this point. With that, I would be happy to answer any other questions that you have about our request.

MS. LOE: Any questions for Mr. Colbert? Commissioner MacMann?

MR. MACMANN: I just wanted to thank Mr. Colbert and his client. This area has been developing and I'm glad to see -- after sitting for a long time and I'm glad to see some motion out here. And I understand the Equipment Share forms a nice anchor to people who are reinvesting in the St. Charles corridor. I think that's a positive thing. And I note this may be speculative but getting it ready to go, so to speak, is a good idea. Thank you very much.

MR. COLBERT: Thank you.

MS. LOE: Any additional questions? I see none. Thank you, Mr. Colbert.

MR. COLBERT: Thank for your time.

MS. LOE: Any additional comments on this case? Seeing none, we will close public comment. Commission comment? Commissioner MacMann?

MR. MACMANN: My fellow Commissioners have no other questions or concerns? They do not. I'd like to make a motion. In the matter of Case 271-2021 to assign permit zoning upon annexation from county C-G to M-C, I move to approve.

MR. STANTON: Second.

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

MS. CARROLL: Commissioner Placier?

MS. PLACIER: Yes.

MS. CARROLL: Commissioner Kimbell?

MS. KIMBELL: Yes.



MS. CARROLL: My vote is yes. Commissioner Loe?

MS. LOE: Yes.

MS. CARROLL: Commissioner Stanton?

MR. STANTON: Yes.

MS. CARROLL: Commissioner MacMann?

MR. MACMANN: Yes.

MS. CARROLL: Commissioner Geuea Jones?

MS. GEUEA JONES: Yes.

MS. CARROLL: We have seven votes to approve.

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

#### **274-2021**

MS. LOE: That brings us to our last case for the evening, Case 274-2021, A request by Crockett Engineering on behalf of White Oak Investment Properties, LLC for a conditional use permit to permit operation of a bar in the IG (Industrial) Zoning District. This request would allow Logboat Brewery to expand the existing tasting room/bar as part of a proposed expansion of the brewery facilities. The 1.08-acre subject site is located on the northeast corner of Fay Street and Hinkson Avenue. May we have a staff report, please?

MR. ZENNER: Yes, you may. As indicated, this is the conditional use request by Logboat Brewery for expansion of their existing tasting room -- their existing tasting room/bar, as well as it would also allow for expansion of bar operations on the site related to the planned expansion of the brewery facilities. The property is zoned IG. It has been recently been brought before you to consolidate zoning and -- consolidate the lots shown in the highlighted area, as well as unify the zoning, which was -- is currently MN and IG, all into a single IG parcel. Related with this is a planning action that was heard at the last Planning and Zoning Commission meeting for 509 Fay Street, which is the triangle in the parcel immediately to the northwest. That is a facility that will be part of the topic of discussion this evening as it relates to meeting certain health, safety and welfare related issues associated with the proposed conditional use. We have sent out public notice, both in the way of information postcards, as well as advertising. 8/25 sent out 21 postcards to surrounding property owners and neighborhood associations. And then we advertised in The Tribune on the 7th of September and the same 21 property owners and neighborhood associations were notified. We have one letter submitted in support of this particular request. And that is in addition to the letters of support that were submitted previously as it related to the proposed rezoning and platting action. As well as we have the one previously submitted letter of opposition to the proposed rezoning and platting actions. Oblique aerial to give you the context, which I'm sure most of you are familiar with. To the west is the facilities for Columbia College, their athletic complex and then their athletic fields, as well as their academic campus and their most recently constructed dormitory facility. To the north of the railroad tracks is some ongoing redevelopment activity. And then immediately to the west of the parcel is what is referred to as The Mule Barn, one of our four historic

preservation overlay properties that we have within the city. And immediately to the south of the subject site is Walt's there at the corner of Rogers and College. And then a new building, the old Necropolis building that used to host the Halloween hauntings that Mr. Bot (phonetic) has recently redeveloped. And immediately to the east is the BreakTime gas station there on the corner of Paris Road and College. And then further to the north is a mixture of residential structures and office uses. Immediately to the north of this property is Hangar; the medical folks that deal with prosthetics. The area in question is generally referred to as the Arcade District here within the City of Columbia. It is an eclectic mix of night life and other industrial type uses. The area was previously zoned M-1 and when it was reclassified through 2000-- in 2017, the option of the UDC that M-1, industrial zoned property, was converted to IG. And the bar use that has been in place prior to 2017 was converted from a principal permitted use in the M-1 and now IG to a conditional use in the IG. The existing tasting room, however, was automatically granted a conditional use permitted as a result of the transition clause within the UDC since it was previously permitted. There was no action required by the applicant to have that grant of the CUP made. However, it is a nonconforming use. And as such, we can't expand the nonconforming use without properly approving a conditional use permit to allow for such expansion. So hence, the reason why this application is before you this evening. And as I noted, the application will allow for the tasting room and the bar area that is currently inside the existing structure to be expanded as part of the actual proposed brewery floor expansion, as well as the interior space expansion of where the current activities occur. And if any of you have been in that space, it's almost the size of like a railroad car. And can't get a lot of activity, but they use the outside of this property quite significantly. And based on the site plan included in your package, you will probably notice a container -- a trucking container bar space out on the patio area. That would be basically part of what this conditional use would also accommodate. It would allow for that type of bar expansion to occur not only internally within the structure, but also to allow it to exist on the outside. So this is the site plan I was referring to that was included in your packet in our published materials. This is the layout of the proposed expanded building. And you will notice that the expansion here includes roughly a 12,000 square foot expansion, if I'm not incorrect, which is this area here with a proposed loading dock and access to College Avenue. The platting action did result in some additional road right-of-way being acquired to be dedicated as part of the plat. There was a comment that was made during the original zoning hearing as well as the planning discussion that a 25-foot setback would be applied to both front and rear of this property. Unfortunately, that was a misstatement on my part as a part of the hearing. After review of the M -- or the IG requirements, it was the conclusion of the Director that the 10-foot rear yard setback, which is the standard for the IG zoning district, was the applicable and the appropriate standard and that was what was stated in those staff reports. So my commentary was somewhat contradictory to that decision and it has been verified, in fact, with a 10-foot rear, which this site -- because it is predominantly accessed from Fay Street -- not predominately; it is fully accessed from Fay Street -- is their principal frontage. And the Director made the determination, based on that being their principal frontage, that the front was 25 off of Fay and the rear is 10 off of College. He did

acknowledge in his conclusion, however, that typically we would look at the higher order street being the front, but in this particular instance because the building existed and had a primary frontage and its focus to Fay, the Fay Street frontage took a precedent in his mind and that is why we have this determination. What I will tell you is, is the site is still required to meet all of the landscaping and screening standards associated with the UDC along College Avenue frontage pursuant to the changes we made to the tree trim requirements. And the conditions that are proposed and were placed in front of you -- the revised conditions, specifically revised condition number four I believe addresses the concerns that were previously expressed about the loading area and the loading dock that is shown on this site plan. And I'll get into that detail here a little bit later in our presentation. But this is basically the proposed layout. The existing loading dock actually is here off of Fay Street. You may or may not have noticed that on your plans when you reviewed the packet. This is the principal point of distribution and receiving of product. And the applicant can explain here this evening how the flow of manufacturing or production occurs within the actual production space. And then, of course, the main entry to the actual tasting room and whatever event space may be here that surrounds the expanded bar facility really all comes in here off of Fay through the main entry of the building today. The outdoor space, while they do not own these properties, it is our understanding that they do utilize them in coordination with the current property owner for expansive outdoor activity. And if you noticed in the aerial photography, it looks like there was a big roundtop tent. That's used for special events. Fitting into the eclectic nature of this particular location, the use is quite a staple here, as many are aware. So part of this whole conditional use and part of the expansion requires that we have to have additional parking. The site is woefully under-parked right now. There is a pronounced parking issue within the area and the applicant's well aware of that. And as we proceeded to advise them how to move forward with both zoning, platting and now this conditional use, we said you got resolve that problem. So what the applicants have proposed is that they are going to create a parking lot in the triangular gravel lot that exists here today, which is addressed as 509 Fay Street. And this was the plat that we had addressed at our prior Planning Commission. They are going to utilize this as a parking area. The CUP approval criteria that was laid out in your report and has been subsequently revised proposes conditions that are designed and intended to mitigate the impacts of the expanded operations of Logboat in its production facility. Those criterion and conditions have been created after reviewing the typical criteria for considering a conditional use permit that are found in Section 29-6.4(m) of the UDC. And as discussed in the staff report, we've identified the rationale behind each of the criteria and how we, as the staff, believe they have addressed that criteria or this use addressed the criteria either through just general consistency with the comprehensive plan or other objectives of the code or -- or just meeting general regulatory requirements. The existing Logboat Brewery facility requires a total of 38 spaces. The UDC requires one space for every 150 square feet of bar/patio area. But there are only 17 spaces currently on the property. So we are definitely under-parked and we are nonconforming. The proposed development with the additional parking at 5-- 509 Fay will have 62 parking spaces in total when we are done. That off-street parking and that plat that we recently

approved brought -- or will bring the site into compliance. As part of the conditions associated with approval of the conditional use we were looking at, well, how do we ensure public health safety and welfare is maintained? The proposed off-site parking area will be required to have sidewalks along Fay Street and will actually have 45 spaces within it individually. It is our understanding that the applicant is considering dis-- considering or in current negotiation with the City of Columbia for a right-of-use permit to utilize some of the Colt Railroad right-of-way potentially for parking expansion, an occupation of an area that we currently are not using for railroad purposes, which would increase actually the number of parking stalls in 509 Fay, which would further reduce any impacts that the property and its expansion would actually create on the neighborhood. Furthermore, as we evaluated the other criteria within the conditional use criteria, we identified particular ways in which, through conditions which are possible to be applied to the site, that we could mitigate the impacts that would be created by the expansion of the use and the introduction maybe of an additional bar space, as well as just the increase in area for manufacturing for the brewing facility itself. Those conditions are here in front of you. These are what were originally in the staff report published. The first condition is being revised at the request of our law department. It -- to add some clarity, an option within it -- and I will read through the revised criteria. This basically is that we have a parking agreement. And the revision is to add parking agreement or a restrictive covenant applied to the property at 509 Fay Street to ensure that it is tied to this conditional use and its requirement for having parking in perpetuity associated with the operation of the bar facility and Logboat's operations. If there was a parking agreement developed, that would be involving not only the property owner, but potentially an adjacent owner and would fall under our shared parking requirements that are permissible within the UDC as they exist. To provide public safety, health and welfare, we are requiring -- or would require and recommend approval -- recommend the Commission consider as part of their approval if they're desiring to do so, that an ADA compliant crosswalk with appropriate signage be constructed and installed by the owner at a location on Fay Street that our city traffic engineer has reviewed and approved to ensure that the flow of pedestrians can move to and from the site and the parking area. Way finding signage is installed by the owner to direct their patrons to that off-site parking so we mitigate the impacts of on-street parking on Hinkson or Fay in and of itself within the area to the -- to the minimal amount we can. And then Item Number four, which is proposed to be significantly modified as before you is relating to the loading dock and how that loading dock can actually be incorporated into the operations and what the intention and the permissible usage of that loading dock would be. As discussed as part of the zoning change, there was a concern expressed about the impact of the loading dock being on the Benton Stephens side of the building and its proximity, of course, to the College Avenue right-of-way. And so we have discussed today with the applicant some of their concerns with how the language was originally proposed here in the staff report and before you and offered to the applicant the revision that you have in front of you this evening, which provides some very significant criteria by which I think the intent of how the loading dock would be used and what we would consider an acceptable usage would mitigate the impacts to the neighborhood, mitigate impacts to the usage of

College Avenue, and also protect the property owner from unauthorized parking within that driveway that would be created. And we further have acknowledged the fact that when you look at a use that is IG, this last condition basically takes into account that the applicant is almost self-imposing upon themselves a restriction that is not otherwise required in the IG zoning district. As many of you are aware, the IG does not have a height limit. So this fifth condition is related generally to the expansion of the footprint of the building. And I want to make this very clear because it's the expansion that would be subject to the restriction. The existing portion of the building that is being -- that will be retained and added onto would still have the ability, because it has historically been zoned IG, to potentially be able to be modified as the applicant sees fit. And I believe they will address that this evening as well. We were very concerned about how tall that building could get as it approached College Avenue as it approached the Benton Stephens neighborhood. In our property further to the north on Fay Street that was recently -- it was in the process of redevelopment with the mixed-use building, it went through a Board of Adjustment process, sought a variance to be able to get an increase in height in the application of the pedestrian standard, meaning that it had no required front setbacks, got a reduction in its parking and got a bump in its height. The -- up to 45 feet and then sought the variance to be able to get a little bit extra height due to the elevator, penthouse and some other things. The proposed 50 feet here as the maximum on the expanded footprint is not inconsistent with what that property to the north on Fay Street has. While it is going to be -- that would permit a height of a building that is different than what is in the immediate vicinity, i.e., The Mule Barn or anything to the south, it is far less permissive than what could happen with no condition at all. And given what is to the west over on the Columbia College campus, is probably not wholly inconsistent with some of the elevation changes that we see on that campus's property either. We are -- we believe that this is a reasonable exercise of control. It -- it basically caps what was unlimited with something that is very consistent with what may develop in the future within this particular area through redevelopment or rezoning actions. So the fifth condition that we have added would be that there would be a building height on the expanded footprint of the building to not exceed 50 feet. In conclusion, we believe that the proposed off-street parking helps bring this use into compliance on the conditions associated with how the public will access that, protects the public's health and safety. We feel that the CUP conditions that are proposed, as initially proposed and now revised, further mitigate any of the impacts specifically as it relates to the off-site parking, how the pedestrians are going to move, the height of future structure, as well as the usage of the eastern side of the future expansion in its delivery and loading area; especially its impacts potentially upon College Avenue, as well as the Benton Stephens neighborhood. So in conclusion -- or with our recommendation, we believe given the changes that have been proposed, the conditions that are being offered, we are comfortable recommending approval of the requested CUP for the expanded bar use on the property, subject to the amended CUP conditions. And as I said, I will share those with you and the public at this point. I want to go back to the slide here so you can see them. The Commissioners have in front of them this evening a red colored 8.5-by-11 sheet of paper that shows the changes in red. And for the public, I will read the revised condition number one.

The applicant shall cause to be recorded, after review and approval by the City's Law Department, either a shared parking agreement pursuant to Section 29-4.3(d)(2)(iii) or a restrictive covenant on the land at 509 Fay Street that establishes that the parking lot at 509 Fay Street is tied to this development. And when we speak of "this development," we mean the CUP and the bar use expansion. And then the revision to Item Number four or condition four reads as follows, Any loading dock and delivery area associated with the proposed brewery operations expansion located along College Avenue shall not be used for the shipping of finished products or the receiving of raw materials used to produce finished products at any time. Such loading dock or delivery area, however, may be used temporarily, when properly permitted, to facilitate the delivery or maintenance of existing or new brewery-related equipment subject to the following: No maintenance or repair activities shall occur within the delivery area at any time. The loading dock door shall remain closed except when needed for receiving of equipment or to move equipment out of the brewery facility for maintenance or repair. Onsite signage shall be installed along the College Avenue frontage to direct routine deliveries to the appropriate loading dock location on Fay Street to ensure no unnecessary standing of traffic occurs with -- along or within the College Avenue right-of-way. And finally, a barrier shall be installed outside of the right-of-way of College Avenue to ensure the delivery area driveway is blocked to unauthorized use. The remaining three conditions as shown on the screen before you are unamended and that would be our recommendation for the Commission's consideration. If you have any questions, I'll be more than happy to answer them or the applicant is here tonight as well.

MS. LOE: Thank you, Mr. Zenner. Before we move on to questions for staff, I'd like to ask any Commissioner who has had an ex parte related to this case to please disclose that now so all Commissioners have the benefit of the same information on the case in front of us. Commissioner MacMann?

MR. MACMANN: I just -- I felt this might be the appropriate time to add that there was a neighborhood meeting and this issue was discussed. Can I share that very quickly?

MS. LOE: Uh-huh.

MR. MACMANN: There were seven persons present at the meeting. Six were in favor with two caveats and one was opposed with one caveat. Those in favor were concerned about the parking. And those opposed didn't want any alcohol-based new businesses. So just sharing what I heard. There was six for and one opposed. We just had that last night so I thought I'd share that. Thank you.

MS. LOE: Thank you. Any other ex parte comments? Seeing none, are there any questions for staff? Commissioner MacMann?

MR. MACMANN: Thank you, Madam Chair. Mr. Zenner, the 50-feet applies to the new building or any construction to within 10 feet of the College right-of-way. Is that a correct way to interpret that?

MR. ZENNER: That would be correct. And the dimensions that are shown on the plan show that the building from the travel lanes of College will be approximately 41 feet.

MR. MACMANN: I just -- that was -- the concern was where that would be and how that would go.

MS. LOE: Commissioner Geuea Jones?

MS. GEUEA JONES: I -- I -- I want to point out one thing. That is that it's actually 37 feet at one point from the travel lane.

MR. ZENNER: Based on the taper?

MS. GEUEA JONES: Yeah, based on the taper. That's -- I know it's only three feet, but when we're talking about greenspace that -- and neighborhood feel and that sort of thing, that can be a difference. I know you said the Director determined the 10-foot setback was appropriate here. Would there be a possibility, whether it's through tonight's process or something else, for one of the conditions to be a 25-foot setback off College?

MR. ZENNER: That is entirely left up to the Commission, if that's what you desire to do. I --

MS. GEUEA JONES: But it's possible to include that?

MR. ZENNER: You -- if you want to condition that, I would suggest -- I will defer to our law staff. There needs to be a rational -- I would imagine a rational nexus associated with that in order to apply the condition. The one thing I can point out -- and this was brought to my attention by the applicant today -- or the representation, College Avenue is a state right-of-way. So the existing portion of College Avenue that was in existence prior to the approval of the plat is theirs. They control that. The added area that was dedicated as a part of the plat, the additional right-of-way, is ours. And the landscaping -- landscaping within that area would be potentially permissible. So there's more area to landscape than it may appear on the plan, but you've got not only the additional right-of-way that was dedicated -- because College Avenue roadbed and its improvements is fully built out. We have been given no indication by MoDOT that they expand -- they intend to expand that right-of-way. We acquire additional road right-of-way in order to ensure that if there is ever a need to expand the right-of-way, we have that instead of doing acquisitions. So again, the -- the actual physical improvement of the building does set somewhat significantly back from the road right-of-way. And there is the ability to mitigate probably the prominence of the building because of its scale through some landscaping. And I would say that that is as -- that is also an area that you may want to explore versus applying a setback that would be contrary to typically what's in the zoning code. But that -- again, it's entirely your decision unless the law -- our law staff has something else to add.

MS. GEUEA JONES: And then I don't see a measurement here. What's the setback from the property line to where their patio and sidewalk and such are? Because that's -- I know that that's all greenspace now, but they don't own that. So looking at just the property that they own, that -- it looks like that sidewalk and patio come within five feet of the property line; is that right?

MR. ZENNER: So on the site plan, if we go back to that -- so the new right-of-way line that was acquired as part of the platting is here. The street tree planting requirements require that all of the street trees be in the public right-of-way, not outside of it, so --

MS. GEUEA JONES: I'm talking about like where it does that --

MR. ZENNER: You're saying here?

MS. GEUEA JONES: No. I'm talking about where there's the property they don't own.

MR. ZENNER: Oh, they don't own. Okay.

MS. GEUEA JONES: And then there's a sidewalk that runs along that side of the building.

MR. ZENNER: Here?

MS. GEUEA JONES: No. Next to the -- yep, there.

MR. ZENNER: This?

MS. GEUEA JONES: Yes.

MS. LOE: There's no sidewalk there.

MS. GEUEA JONES: That's not -- that gray isn't a sidewalk?

MR. ZENNER: That gray is concrete. It's probably an access out of the doors that you see leading out of the expanded area. It is not a direct connection. So this -- this sidewalk terminates here, does not go all the way out to the existing sidewalk here on College.

MS. GEUEA JONES: Uh-huh.

MR. ZENNER: So the sidewalk network will follow what is currently existing and come around.

MS. GEUEA JONES: What I'm getting at is they are pouring whatever that impermeable surface is almost all the way up to that property line.

MR. ZENNER: And Jesse Stephens of Crockett Engineering may be able to -- better capable of answering that question.

MS. GEUEA JONES: All right. I'll save it for him. Sorry, Pat. You're -- yeah, it's fine.

MS. LOE: In follow-up though on the landscaping comment --

MR. ZENNER: Yes, ma'am.

MS. LOE: -- currently all we're seeing is street trees. There is no landscaping screening identified under the amended conditions -- or the conditions at this point.

MR. ZENNER: And we would rely upon what the general requirements of the code have for -- for screening. We're not creating a -- we're creating a driveway, not necessarily a parking area. If the parking area -- if there were a parking area there within 25-feet of the right-of-way, we would have a different standard that would apply. The street trees are the mandated required landscaping in that particular area. Now, again, if the Commission would like to apply particular landscape standards similar to what we would normally have for a parking lot, for example, a six-foot wide landscape strip with four types of plant material, then that is, again, wholly within the control of the Commission.

MS. LOE: So just to confirm, mandated based on staff's interpretation, no landscaping other than street trees?

MR. ZENNER: That would be based on what I'm looking at here. I have not reviewed -- I mean, again, that becomes -- that's a very site-specific plan submission requirement that we would look at, our arborist would look at. Is there other required landscaping needed? I'm not aware because we're just



building a building here. It's not -- the building's not required to be buffered by landscaping. You could do that.

MS. LOE: So just -- just to comment on why I was looking for that and why I e-mailed you about it was because there were concerns expressed from the Commission about buffering the project on the College Avenue side from the multi-family properties across the street and the neighborhood across the street. And the assurance that we would have the 20-foot-five [sic] setback that would provide a buffer was part of the information that reassured us that we were getting some buffering. So I think that's why it's coming back up with this conditional use. When you commented on the clarification about double fronted yards, I did look up through yard -- or through lot, which is I believe how our code defines it. And I'm not sure that it's something that's special to IG, but under a definition of through lot, it does say that if a lot is a through lot, the Director has the ability to identify which side -- which street side will be identified as the front side. And it sounds to me as if that is what action was taken in this case. That said, I still have some concerns that College Avenue is a major street. Other lots and businesses front College Avenue and I'm not sure I feel comfortable about having the back of a building face them. I'm not sure that's being a good neighbor. And I still have some concerns about buffering for the family uses across the street. So I'm just going to put that out there and -- Commissioner MacMann?

MR. MACMANN: To rejoin you a little bit I had a little discussion with Commissioner Geuea Jones. I think we may want to discuss it with ourselves and with them and then finalize it.

MS. LOE: Uh-huh.

MR. MACMANN: We might have some solutions along your lot thing.

MS. LOE: Yeah. I'm just throwing these out during questions just so everyone because I -- because it sounds to me like several of us have some of the same questions. All right. Any other questions for staff? Commissioner Placier?

MS. PLACIER: Yes. The concern that has to do with the other side, the Fay Street side where the loading dock now is. And I think that addresses some of the problem on the College side, not wanting to have loading dock area looking out on neighborhood. But now it's on the side where these pedestrians are crossing from this new parking lot. So how do you envision that working?

MR. ZENNER: As the condition is written and as the traffic engineer has been consulted, the location of the pedestrian crossing will be in such a place that it is not creating a greater public safety hazard than currently may exist today with no pedestrian identified crossing. The entry of a loading facility in a semi-industrial location, that conflict can exist anywhere. It is something that we are attempting to mitigate as best we can through, you know, responsible design. And that's identify a place where somebody has to -- has the ability to cross in a safe location, that's marked. So as the delivery driver is driving their vehicle, if a person is within that pedestrian walkway, they're aware that they're cross-- it's a crossing. You know, you can try to herd people to a particular location. And we see this on College Avenue further south, Broadway, where we have put up barriers and we have put up lights that stop traffic in order to allow college students to move east to west. I -- I mean that's the approach that

we're taking here. We believe that it is the most reasonable approach. The traffic engineer thinks that it is appropriate and the condition exists today. We're actually improving the condition by identifying where the pedestrian crosswalk will be. We're adding a sidewalk on the opposite side of the street to keep them out of the road. I mean there are a number of improvements that are being made here I think that would help mitigate the expanded use of the pedestrian traffic that exists today that's not compliant or managed effectively.

MS. LOE: Commissioner Placier, you'll -- one of the conditions is that -- Item two, that they add an ADA compliant crosswalk. But based on the site plan, they only identify one accessible parking lot in the parking at the site. That means at least two accessible parking stalls are going to have to be located in the off-site parking lot. That means they're going to have to have a fully accessible route, not just a crosswalk from the parking to the front door. So it's going to be more than just -- it's going to have to be a pretty built-out walkway. I mean full curb cuts, ramps.

MR. ZENNER: Yeah. And that's understood with the redevelopment of the parking lot site. There is no sidewalk on it today. So all of that will need to be constructed and partially -- part of the redevelopment here will require then that we have that accessibility to the existing sidewalk on Fay that actually is now within the public road right-of-way per the final planning.

MS. LOE: Any additional questions for staff? If not, we'll open up the floor to public comment. If you can give your name and address, for the record. Let me -- you have three minutes if you're speaking for yourself; six minutes for a group.

MR. STEPHENS: I'm Jesse Stephens with Crockett Engineering, 1001 West Nifong. Pat, I do have a PowerPoint.

MR. ZENNER: They'll switch you in the back.

MR. STEPHENS: Okay. Thanks.

MR. MACMANN: Jesse, could you pull your mic down a little bit when you do start speaking? There we go. Thank you.

MR. STEPHENS: Will do. Thank you. Okay. Thank you for letting -- hopefully I can answer some of the questions that have popped up here as we go through this. Pat spoke correctly. It's 1.08 acres. Of that, we're actually giving up .11 acres as part of the replatting action in our previous requests. We basically are going up to about 27,000 square feet of total usage. The breakdown you see in that fourth bullet point more or less is how the facility will break down in terms of production, retail. And that's the basis for coming up with the increased parking demand. Keep in mind that we're still going to have a large amount of greenspace of the property that we lease from the Diggs' family. That will continue to remain as-is. So one of the questions was about setback off of College. So if you take a look at the blue identified areas, those are the houses that existed prior that were recently demolished. Our building facade is going to be further back from College than those houses were by about eight feet. We've given up a pretty significant amount of right-of-way that will become city right-of-way, not MoDOT right-of-way. And within the scope of the code, we intend to landscape that significantly. You've already seen the CUP

site exhibit. The things that we've talked about so far, the access off of College, the existing parking, the - the patio bar. If you had a particular questions about kind of the function of that, we do have the owners of Logboat here that can discuss. So this is a picture of how the existing corridor along College is landscaped now. Logboat takes great pride in their landscaping and they fully intend to landscape all around their property extensively. Here's an isometric of the proposed building looking to the southeast. So this kind of shows you proposed loading dock. The intent is to come in there and landscape that area to -- to return the fence back to the building, put a couple of windows in there that you can kind of see the tank, the operation and has some visual interest. This is the isometric looking -- looking from the intersection College and Hinkson. This is kind of an overhead shot of all the different features, the existing brewery, cooler, their cellar expansion and then their proposed patio improvements. And that's taking an overhead look, looking the other direction. So I'm open to answer any questions. We -- we're agreeable to all the conditions that have been presented thus far. I would be willing to talk with Logboat. Additional landscaping along College is not going to be an issue for us. So I'm happy to answer any questions.

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

MR. MACMANN: Yes.

MR. STEPHENS: Yes, sir.

MR. MACMANN: How amenable are you to take the College setback from 10-feet to the right-of-way to 25-feet to the right-of-way?

MR. STEPHENS: That would create some significant problems.

MR. MACMANN: Such as?

MR. STEPHENS: For the layout of this building and the tanks that they plan on installing. It would reduce what they're wanting to do in terms of overall operation, so it would be highly problematic.

MR. MACMANN: Okay. I thought the building was 37 feet from the centerline, but we have to subtract from that the right-of-way and the 10 feet. Right?

MR. STEPHENS: Right. That's correct. Our original unde-- our understanding was of the 10-foot setback, but the fact that we were giving up so much right-of-way, we probably would have pursued our design adjustment further in terms of not granting all that if -- if --

MR. MACMANN: Jesse, could you help me? What was your right-of-way surrender on College there?

MR. STEPHENS: It's anywhere -- and obviously it --

MR. MACMANN: Yeah. It does a thing, yeah.

MR. STEPHENS: Do you mind if I go back? I can tell you that

MR. MACMANN: I suppose your folks are quite concerned about that?

MR. STEPHENS: Right. So we've -- I mean we've given up anywhere from probably ten feet on the north end, closer to 15 or so feet on -- I can tell you that if the original right-of-way line were to exist, we'd be approximately 26.5 feet off the original right-of-way line. So we would -- if not -- without giving up right-of-way, we would have met that.

MR. MACMANN: Let me redirect a little bit. The fenestration that you guys did is good. Would you be amenable to even more fenestration?

MR. STEPHENS: In terms of like the --

MR. MACMANN: On the College side.

MR. STEPHENS: I don't know that I can speak to that, but I can confer with the Logboat folks and -- what exactly are you thinking?

MR. MACMANN: Well, I'm a little bit grasping at straws. The surrounding neighborhood is concerned about potential height in the future and --

MR. STEPHENS: Sure.

MR. MACMANN: -- as Chairperson Loe said, having a blank building back --

MR. STEPHENS: Right.

MR. MACMANN: -- to a public street is kind of being a bad neighbor. But the fenestration does make a difference. The landscaping does make a difference.

MR. STEPHENS: Sure.

MR. MACMANN: So I'm looking for other solutions.

MS. LOE: I can interject. M-N has a fenestration identified, which is 50 percent of the area between three and eight feet above grade windows or other transparent materials. So -- to allow views into the building. That's M-N. So I don't know if we need to go quite that much, but just -- just to give a baseline.

MR. MACMANN: Well, I may be speaking out of turn. I'm trying to address -- I agree with him. There's no room for them to go back any further. But I'm trying to address the concern.

MS. LOE: I agree. I think the fenestration -- I was very happy to see that. I'm just -- we're going to need to agree on something and I'm throwing that out as a baseline requirement that the M-N already establishes for what they want for neighborhood buildings. The height of the building I think is another item that we're just wondering about getting that close to College Avenue.

MR. STEPHENS: Sure.

MS. LOE: How high is the building in the plans or --

MR. STEPHENS: So the -- so the existing building -- if you want me to go back to one of the isometrics, that would probably be easier. It gives you the best -- the best look right there. So depending on which side of the building you measure from, because the grade does change across the building, there's anywhere from -- approximately 35 feet would be the max height anywhere you would measure on it right now.

MR. MACMANN: That's back by the dock. Right?

MR. STEPHENS: Exactly. Or the grade drops off there. Obviously the grade's going up on along College. We got a couple concerns when they were putting in an elevator tower. The other concern that the owners have is they have yet to source all of their tanks. There's some concerns about getting them in the building, getting them stood up and the clearance height that would be used. So the

50-foot is basically -- while we don't think it will be that tall, until that stuff is sourced, we know we're safe there. I think you're probably looking at a building that's, you know, shorter than that.

MR. MACMANN: But your 50 feet would include elevator towers and utilities on top of the building?

MR. STEPHENS: Yes. Correct.

MR. MACMANN: Because a lot of times -- that's a freebie. If it's 30-- you know what I'm saying?

MR. STEPHENS: Sure.

MR. MACMANN: But that's including all the freebies on top of the building?

MR. STEPHENS: Right. We're presuming max things sticking up would be less than that.

MS. KIMBELL: Would you mind going back -- going -- the other drawing that you have there?

MR. STEPHENS: Okay.

MS. LOE: Commissioner Kimbell. I'm sorry. The recorder can't see your name so if you can let me call on you, that would be great.

MS. KIMBELL: Thank you.

MR. STEPHENS: Yeah. This is the -- this is the isometric kind of looking at the loading door coming off College. And so I mean what's there, we've shown some trees and some landscaping in front of there, but I mean you saw -- you saw what they've done with what they have now. I mean the intent is more of the same so -- but I think -- I can talk with the Logboat folks. I'm sure they're agreeable with one and four categories.

MS. KIMBELL: So the tanks that are behind those, what are those?

MR. STEPHENS: Those would be on the -- over the existing loading dock for grain storage and for spent grain. So for them to bring the grain in for their brewing operation and for -- it goes back out.

MS. KIMBELL: Okay.

MR. STEPHENS: Right now that existing tankage is basically in the footprint of what they're planning on building. So it's got to move. And we think that we're going to create some visual interest and have a nice industrial vibe in that location.

MS. KIMBELL: And your holding tanks are looking -- could have potential of being 50 foot in height?

MR. STEPHENS: They would be -- that would be the max height.

MS. KIMBELL: Max height.

MR. STEPHENS: Right. From -- from -- from lowest ground elevation, wherever we want to measure to, to highest point.

MS. KIMBELL: And you're waiting for that to be sourced out to get the exact footage of how tall they're going to be?

MR. STEPHENS: Well, that and the fact that there's clearances on how you can tilt the thing up, how much room is needed for all the mechanical piping up above it. It's quite an elaborate mechanical process.

MS. KIMBELL: It sounds like it.

MR. STEPHENS: To say the least.

MS. KIMBELL: Okay. Thank you.

MS. LOE: Commissioner Geuea Jones?

MS. GEUEA JONES: So I'm very concerned about the 25-foot set-off. And I know it seems like 15 feet in the scheme of things, why do we care? Here's why I care. You don't own the lot you lease that is the bulk of the greenspace that you use. So if in 20 years Logboat is still going strong, doing great things and needs an even larger space, you've got to move. So now we have this giant industrial space next to a separate lot. And if those things get separated, now instead of having greenspace all around this building and it looks real cool and modern and whatever, it's right up to property lines and they're both getting built out. Do you see what I'm saying? So I guess what I'm trying to figure out is how can we help you get your expansion without turning this into what could very easily be two impervious surface full lots? Because you've got -- between that big patio that's an expansion of what I think is already there, your expansion there, putting in the driveway, I don't know what the percentage is, but it's probably -- probably 80 or so of it is -- is completely impervious surface, not including the lot you don't own. So I --

MR. STEPHENS: Sure.

MS. GEUEA JONES: That's what -- that's where I'm trying to figure out -- like adding more windows, for those of us who speak English, more windows on the College side is -- is great for the neighbors. But in the future you're still -- even at 37 feet from pavement, that's still not a lot of greenspace up against a major street and neighborhood.

MR. STEPHENS: Sure. I will say this. I've looked at -- extensively at most of the properties up and down College within that area. What we're proposing, it is significantly further back than almost all the houses. Walt's bicycle shop, if -- if that particular same standard was applied where they had to give up the amount -- that right-of-way that we've basically voluntarily given up, they'd be out of their right-of-way. So that's -- that's an issue all the way up and down College.

MS. GEUEA JONES: There's a giant difference between a house that's close to the street, a one-story cottage basically, versus what's up here on the screen. Like those are two very different feels. And -- and part of the reason that I think the Commission was okay with replatting action is because we like the business, we like what y'all are doing there. Part of that is not being intrusive on the feel of the -- of the surrounding neighborhood.

MR. STEPHENS: Sure.

MS. GEUEA JONES: I think you're towing that line pretty close of getting to be intrusive. Sorry.

MR. MACMANN: If I may.

MS. LOE: Commissioner MacMann?

MR. MACMANN: Thank you. You reminded me of something. Because we had this issue before and I actually have one friend who was north of this and another person who owns some property across the street. He's right. We have front doors of businesses 12 feet from the patio. My solution or

my guidance or direction whatever it be would be to make that public facing College side as amenable and as inviting and less industrial, so to speak, that we can. I mean the tools that we have -- I appreciate their construction limitations. They really can't go any further back. Will there be fenestration or landscaping? Although if we have fenestration and trees, it seems kind of -- it seems kind of counterproductive. It may go a long way to sort of doing the right thing. And they have done a good job with the fence in the past. We're talking ourselves -- we're taking some of your time, but that's fine. We're trying to work out the best solution for everybody here.

MR. STEPHENS: Sure.

MR. MACMANN: Maybe you guys can tell me -- so we don't break the quorum here, protocol. What's the terms of the lease for the Diggs' family for that property? Is that a five-year lease, year-to-year lease or how does that work?

MR. STEPHENS: I don't know the terms of that, but would you be able to answer that question? Do you want him to --

MR. MACMANN: He would have to come and announce himself to answer that question. He can just tell you and you can tell us.

MR. SHARP: Pardon me. My name is Andrew Sharp, a founder of Logboat. I believe the terms -- all that recently changed, but I think it's on a perpetual ten-year lease. And they don't want that to ever go away, that greenspace, so.

MR. MACMANN: They did say as much in their support for the project. And is that renewable at your all's discretion or their discretion?

MR. SHARP: We pretty much play by their cards.

MR. MACMANN: Their means?

MR. SHARP: Yeah. They're owners in Logboat and they were -- you know, whenever we started this, it was -- we talked to them and they -- you know, it was just a crummy old building and he didn't even want to show it to us. So he's tried to keep as much greenspace there and he loves landscaping. If it was up to me, it would be a greenhouse, you know, completely glass. But we have to be cognizant of the budget, so.

MR. MACMANN: Does that help at all, that this is a long-term plan?

MS. GEUEA JONES: I'm not sure ten years is that long term.

MR. MACMANN: Medium term.

MS. LOE: Commissioner Geuea Jones?

MS. GEUEA JONES: Do you need the second delivery bay door?

MR. SHARP: Yes.

MS. GEUEA JONES: Yes.

MR. MACMANN: That's where the tanks come in.

MS. GEUEA JONES: That's where they want the tanks to come in, but they're going to have to build the building around the tank anyway. And they can't move product in or out of those doors. That's in the CUP. You can't move product in or out of it.

MR. SHARP: No. It's just for giant stainless steel tanks that are going into the production hall.

MS. GEUEA JONES: And how times do you replace those?

MR. SHARP: We've done it -- we've done five expansions in seven years. So it will be one time a year that we would bring multiple tanks in. We really haven't gotten rid of any tanks for the most part, so not much will be going out. It will mostly be tanks coming in. One time a year, I would imagine.

MS. GEUEA JONES: So you're eating up -- you're adding to the industrial nature of that side of the building and eating up more greenspace for the one-time a year deliveries because you can't get them in any other way?

MR. MACMANN: Because they can't --

MS. GEUEA JONES: Yeah, they can't take them through the existing building. It won't work. Yeah.

MS. LOE: Any additional questions for this -- before you leave, just real quick, Commissioner Placier?

MR. STANTON: Kimbell.

MS. LOE: Sorry, Kimbell.

MS. KIMBELL: You said that the owners -- or the people that own the two lots in front also have a vested -- in Logboat? They're part of the ownership of Logboat too?

MR. SHARP: They are part, yeah. They are ownership. Began when we bought the original 504 Fay Street building in exchange for a portion of equity.

MS. KIMBELL: Okay. Thank you.

MS. LOE: Commissioner Placier?

MS. PLACIER: Well, just a comment. When I see this view here compared to the fears of the Benton Stephens people who came, that they were picturing Dumpsters, loading docks, you know, constant traffic, I was kind of relieved by this. So, you know, I can't imagine looking out my front door and thinking what an eyesore, this is awful. But, you know, it could be better. It could have more landscaping. But it's less nightmarish than imagined last time.

MS. LOE: Commissioner MacMann?

MR. MACMANN: I don't want to speak for Peter Norgard too much. Peter is the president of the Benton Stephens neighborhood association. Peter spoke of unknowns when he spoke before council. He very briefly spoke to me about unknowns. Sometimes people come up -- when people come up to this, they're not obligated to be truthful. I know that sounds kind of weird, but it's the case. At some point we're going to have to trust these guys to do something right, you know. Like this doesn't look too bad?

MS. LOE: Well, at the last meeting it was intimated that this Benton Stephens association would



be reviewing this plan, but I believe this falls outside of the overlay zone and they aren't actually reviewing it.

MR. ZENNER: That is correct. I was not able to make that statement towards the end of the last meeting. After reviewing the Benton Stephens overlay map, Benton Stephens is on the east side of College Avenue. It does not extend to this particular area.

MS. LOE: That said, there were comments made about reaching out and talking to the community. Was -- were any efforts done to --

MR. SHARP: Yeah. Tyson had several exchanges with him and they've been e-mailing back and forth.

MS. LOE: And the response?

MR. SHARP: I think it's -- you know, from Tyson's perspective, it was overwhelmingly positive. I think he said he would come to their neighborhood meeting and he invited them to the brewery. But I wasn't on those e-mails. I just know that he reached out that evening and had several exchanges with him, but I don't know the context.

MS. LOE: All right. Good to know. Any additional questions for this speaker? Before you step down, just for record, can you give us your address?

MR. SHARP: My address is 1509 Paris.

MS. LOE: Thank you. Any additional speakers for this case? If not, we're going to close public comment. We've sort of been getting into Commission discussion already, if you hadn't noticed so we'll see how this goes. Commission discussion. Commissioner Carroll?

MS. CARROLL: Moving onto this Commission discussion. Here's my two cents from a long-range point of view. I do frequent this area quite a bit. I have a spouse that is employed at one of the adjacent buildings and has been since 2008, before Logboat was in. I've watched the existing conditions unfold as this has gotten built out and I've seen them improve. There's quite a bit more traffic. The traffic and the parking conditions are something that I agree is a problem. I do think that these conditions go a long way to addressing them. I see an ADA compliant walkway as an enormous advancement for this area and I think it will be much embraced. As far as the concerns about Dumpsters and loading, there were Dumpsters and loading in Hinkson Drive and it was not a good situation prior to people moving in and beginning to address those concerns so that they could operate their businesses responsibly. And I've seen that improve with Logboat. I've seen that improve with Ozark Mountain Biscuit Bar next door. Over the years, each of these have gotten better. And I did live just maybe a block down from here back in 2008 as well. As far as trusting them to do something right, I get it. It's a big, big leap. I see aspects of this plan that improve the conditions. I think their current zoning is appropriate for the things they want to do there. So that -- that's what I'm weighing here.

MS. LOE: Commissioner Geuea Jones?

MS. GEUEA JONES: I really regret the fact that this CUP was separated from the zoning change in Commission scheduling. And I -- I'm not saying that anyone did that on purpose, but I feel like we

voted on the zoning change with a very different understanding of this project, including the setbacks that we thought existed, including the fact that this CUP has consistently been described as an expansion of the tap room, which is not -- I mean they need the CUP because they are going to still have the tap room, but that's not what's being expanded. So I'm -- I'm finding myself in a position where I don't like this project, but because we've already voted on the zoning, my choices are approve this project or let them do all industrial with no tap room. And I -- I don't like being put in that position. But it's where we are because they were separated into two meetings. So if I had my druthers, I would add the condition of the 25-foot setback and call it a decent compromise. If we're doing fenestration perhaps on the Hinkson side as well so that you don't have that long blank space there on the corner. But yeah, I'm -- I don't think I would have voted to zone this IG if I would have known this was the plan, for whatever that's worth.

MS. LOE: Additional comments? Commissioner MacMann?

MR. MACMANN: These guys have been an anchor and they've been a good neighbor. It's perhaps not as optimal as it could be. And what I'm thinking is when I make the motion for this, and I will vote to approve, I'm going to add on that -- your fenestration that you're showing on College is part and parcel and the conditions that Mr. Zenner of staff has laid out here. And if you guys have any problem with that, you can go back to Pat. But I'm -- I am ready to make this motion. I think it's -- these guys have proved to be a good neighbor. We don't know -- we don't know what's going to happen in 40 and 50 years and that cut-out is odd. The Diggs have owned property there for a couple generations at least, if not three. If they want to keep it, they want to keep it. Unless there are any other questions, Mr. Zenner, could you go back?

MS. LOE: I do have comm—

MR. MACMANN: I'm sorry. I'm sorry.

MS. GEUEA JONES: Mr. Stanton as well.

MR. STANTON: No, I don't.

MS. LOE: So I just wanted to say that this is ostensibly what I expected to see based on the proposal that came in with the zoning change, though I did expect a bigger setback based on the discussion that was on the floor. How -- I don't -- based on what's in our code, I understand the 10-foot setback and understand the Director's prerogative to establish that so I don't see any reason to challenge that. However, I do believe that I would like to establish some parameter for the fenestration. Very happy to see it. Knowing that you still have some M-N zoned neighbors next to you that could be developed as M-N and that they do require 50 percent opening between -- Mr. Zenner is going to challenge me here.

MR. ZENNER: Which section of the code are you reading it out of?

MS. LOE: I am reading it out of M-N, mixed use neighborhood districts. I'm in the funny -- I have to go online in here, so.

MR. ZENNER: Because we -- in the standard -- design standard section of the code, which is in 29-4.6(c), the transparency standards that would apply to a use -- ground floor of a structure categorized as a food and beverage service, which the bar/tasting room would fall under that category, has a

transparency standard of 20 percent. That is what's dictated by the code. And it further points out where that fenestration begins and ends based on building height. That's the section I'm looking at right now that would provide a benchmark that the design would have to meet. And depending on what Mr. MacMann's or your motion may be, if you're wanting the College Avenue side to meet that standard, that would allow the College Avenue side to be quantified. If, in order to address Ms. Geuea Jones' concern about a blank wall along the Hinkson side, you could wrap the same type of transparency standard along the Hinkson side. But that's -- that would only be an option if the Commission desired to do that. I would strongly recommend using though this particular provision in the code to establish that benchmark and let the applicant, through their design drawings when final construction plans are complete, show that they've met that requirement.

MS. LOE: All right. So we could say -- that's saying 20 percent?

MR. ZENNER: That's 20 percent. And it has to be at -- so 50 percent of the amount needs to be -- 50 percent still provided -- shall be provided so that the lowest edge of the transparent materials is no higher than four feet from grade above -- I apologize -- above the street level. So no lower than four feet above the lowest street level -- the grade of the street level.

MS. LOE: And I'm less concerned about providing -- well, we do want some real visual access so yes, I would stick with that.

MR. ZENNER: Yeah. And that's designed to ensure that if you're, in this particular location, four feet up from the ground is the lowest edge of the glass and then the glass would be moving up, or the transparent material, as shown in the drawing.

MS. LOE: Right. I believe your X metrics were showing the glass coming all the way down because your intent is to show some site lines into the room anyway. So yeah. So that doesn't sound like it would be an issue with where you're going with that anyway. All right. So if we can stick with that, I just wanted to comment on the Hinkson -- on the side yard setbacks, I don't support putting any fenestration requirements because there are no side yard setback requirements for these buildings. And you're basically requiring them to build fire walls if you're dictating them to go a certain distance from -- I mean they could build up to the side yard setbacks. So if you're telling them they have to put windows in, now they're having to do rated windows, and I'm not going to go down that road. So fenestration, ten-foot setback I would -- I think I will compromise, Mr. Zenner. I see your hand, Mr. MacMann. I'm just trying to summarize --

MR. MACMANN: No, I was going to answer your questions.

MS. LOE: -- all my points. Okay.

MR. MACMANN: The nature of my motion would be as follows: I would add Number Six Amendment. Mr. Zenner and Legal, Number six Amendment with the fenestration on the College side of the property will be substantially similar to the rendering provided by Crockett Engineering as determined by the needs of M-N zoning. Does that cover that?

MR. ZENNER: I believe that I -- my rationales were referencing the fenestration requirement of the code and the specific section is to avoid tying into an architectural rendering that may change based upon the construction. We need to tie it to a 20 percent requirement as required by Section 29-4.6-- 29-4.6(c)(2). That would be the section in which we would then specify the criteria of 20 percent no -- the lowest edge being no greater -- no less than four feet from the adjacent street right-of-way -- height of the adjacent street right-of-way.

MR. MACMANN: You say no less than? So it has to be four feet and up?

MR. ZENNER: Four feet and up, that is correct.

MR. MACMANN: You guys plan to do more than that though. Right? You have like two feet and up or so so you can see in the building. Is that what you guys were thinking?

UNIDENTIFIED SPEAKER: Around four feet.

MR. STEPHENS: It will be at least -- yeah, four feet is not a problem.

MR. MACMANN: All right. I wanted to make sure. We're getting something for everybody here.

MS. LOE: We're just going to stick by what's in the language. If they exceed that, great.

MR. ZENNER: So the condition -- if I can recap the condition then. So the Condition Number Six would be fenestration along the College Avenue side of the subject site shall comply with the requirements of Section 29-4.6(c)(2) of the Unified Development Code.

MR. MACMANN: That I can do.

MS. LOE: All right. Mr. MacMann can do that. Because of the fenestration, because of the narrow setback, I'm not inclined to require additional landscaping. That said, there is area for it with the right-of-way. So if someone else wants to jump in on that.

MR. MACMANN: They have a street tree requirement, do they not?

MS. LOE: There is a street tree requirement. I said additional -- additional landscaping.

MR. MACMANN: Like Class I, II or III? Is that what you think?

MS. LOE: Commissioner MacMann, if you want to speak, raise your hand.

MR. MACMANN: I'm sorry. I'm just -- sorry. My apologies. It's late and I'm trying to get structure.

MS. LOE: You're ending up dragging us out. All right. I see no takers on landscaping. Commissioner Geuea Jones?

MS. GEUEA JONES: Not on landscaping, but -- I'm sorry to keep banging this drum. My reading of the IG setback standards is 20 feet if adjacent to an R district. I know it's across College, but I'm just saying whether it's a side or a rear yard, those are both 20 feet if they're adjacent to a residential district.

MS. LOE: That was my question at the last meeting. That it's not adjacent across the street.

MS. GEUEA JONES: It's not adjacent across the street, but I'm just pointing out I am not happy with that ten-foot setback, windows notwithstanding.

MS. LOE: I was not happy at the last meeting so I understand.

MS. GEUEA JONES: I -- if I thought there was appetite for it, I would make that amendment and let us vote on it separately, but I don't think there is, so.

MS. LOE: Commissioner Placier?

MS. PLACIER: Well, you asked if there were any takers for more landscaping. Yes, but I'm not sure how that would be worded in the motion.

MS. LOE: So the applicant has indicated that they are already landscaping. We do have some landscaping standards that are established within the UDC. And as Mr. Zenner has pointed out, there are some for parking areas. They don't have a parking area, per se, they have the loading dock. And we could -- or loading bay. We could look at applying or pointing to one of those standards. Am I going down the right path, Mr. Zenner?

MR. ZENNER: You are. And as I am reading the general provisions for a landscape plan, it does make reference to the loading and unloading area, which the loading dock would likely be qualifying to meet those standards. This is a detail that is generally going to be reviewed by our city arborist as it applies to the plan and then basically assigned a required screening standard. I can't answer the question specifically. And I would -- I would respectfully ask that we rely on the building permitting process in order to apply the appropriate regulatory standard in this instance.

MS. LOE: As required for a loading area?

MR. ZENNER: However, the city arborist would apply that, so -- because I can't speak for him. And there are no comments that he -- to that effect at this point.

MS. LOE: All right. So we're going to simply include that the Commission considers this to qualify as a loading area and should be landscaped per whatever requirements are identified. Have you got that, Mr. MacMann?

MR. MACMANN: No, but that's okay.

MS. GEUEA JONES: I've got it. I've got it.

MS. LOE: Additional comments? Commissioner Kimbell?

MS. KIMBELL: I would just like to say I appreciate the work that they did. They came back. To me, the visuals are great. That helped me. The questions about the height, about the grain bins -- for the lack of a better word -- distillery, that was all very helpful. So I appreciate all the work that you've done. That wasn't necessarily to the Commission, but I do appreciate everyone's input here too, so thank you.

MS. LOE: This is an interactive process so it's nice when we have someone to interact with. All right. If you can just get the ball rolling, Commissioner MacMann?

MR. MACMANN: Thank you. Commissioner Geuea Jones is actually putting this down for us as we speak.

MS. LOE: Is she going to read the motion?

MR. MACMANN: She can if she wants to, but that would be kind of painful to her given her stance, wouldn't it?

MS. GEUEA JONES: I'm going to have to vote yes anyway, so that's fine. Loading dock located on College Avenue. Mr. Zenner, is there a specific section to reference?

MR. ZENNER: In regards to?

MS. GEUEA JONES: Loading dock landscaping

MR. ZENNER: I mean it would be required to comply with the landscaping provisions of Section 29-4.4(c) of the Unified Development Code.

MS. GEUEA JONES: Thank you. All right.

MR. MACMANN: Madam Chair, I believe Ms. Geuea Jones is going to make this motion.

MS. LOE: Are you sure?

MS. GEUEA JONES: I'm sure.

MS. LOE: Commissioner Geuea Jones.

MS. GEUEA JONES: In the matter of Case Number 274-2021, 504 Fay Street conditional use permit, I move to approve -- I'm sorry. Staff, do you want one motion or seven?

MR. ZENNER: No. You can do one motion with all the conditions listed.

MS. GEUEA JONES: Okay. I move to approve the following conditions: Condition Number One as stated on the addendum provided by staff to the Commission on this night related to the shared parking agreement located at 509 Fay Street; condition Number Two, related to an ADA compliant crosswalk and appropriate signage; Condition Number Three, related to signage directing patrons to off-site parking; Condition Number Four, as provided in the addendum -- or as provided by staff in the addendum to Commission this night related to activities at the loading dock located on College Avenue; Condition Number Five, related to the height of the building; Commission -- or Condition Number Six, as discussed by this Commission related to fenestration along College Avenue consistent with the standards in 29-4.6(c)(ii); and Condition Number Seven, requiring landscaping standards on the loading dock located on College Avenue consistent with Section 29-4.4(c).

MR. MACMANN: Second.

MS. LOE: Motion by Commissioner Geuea Jones, seconded by Commissioner MacMann. Any discussion on this motion? Seeing none, Commissioner Carroll, may we have roll call, please?

MS. CARROLL: Commissioner Placier?

MS. PLACIER: Yes.

MS. CARROLL: Commissioner Kimbell?

MS. KIMBELL: Yes.

MS. CARROLL: My vote is yes. Chairperson Loe?

MS. LOE: Yes.

MS. CARROLL: Commissioner Stanton?

MR. STANTON: Yes.

MS. CARROLL: Commissioner MacMann?

MR. MACMANN: Aye.

MS. CARROLL: Commissioner Geuea Jones?

MS. GEUEA JONES: Yes.

MS. CARROLL: We have seven votes to approve.

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

MS. GEUEA JONES: We didn't have to do the conditions in the CUP separately, did we?

MS. LOE: That was --

MS. GEUEA JONES: Yep. Sorry. I thought we needed one more, but I think you're right.

MS. LOE: I think it was all the conditions for the -- yep.

**VII.) PUBLIC COMMENTS**

MS. LOE: That concludes our cases for the evening. Any additional public comments? Thank you for your participation.

**IX). STAFF COMMENTS**

MS. LOE: Any staff comments?

MR. ZENNER: There is a meeting coming up and it is on October 7th. And you do have business items that we will be covering. Only four of them though. So as the year drags on, the cases get smaller -- or the number, the volume, I should say. They may not get any less complicated, but they're getting fewer. We have a final plat with a design adjustment off of Scott Boulevard. This is related to a recent permitted zoning and an annexation request at 2570 South Scott Boulevard. And then you a two-fer, a rezoning request and an associated final plat for 2219 Green Valley Road. This is on the south side of East Broadway across from the Broadway Marketplace Shopping Center and forward of the apartments that are there on the south side of Broadway. And then we have one public hearing to amend a Statement of Intent off of Dorado Drive, which is located off of -- it's a cul de sac street located off of St. Charles Road. It is to basically add a school -- private school to an existing planned district. And this is the property that is operated by the Wendlings as their original early learning center associated with their other day care and early learning centers that they have here in town. So we can give you perspective or your perspective as to where these properties are located, there's our Scott Boulevard property just immediately north of the water tank site outside of Thornbrook and then our Green Valley Drive site. This is -- that's the same map for both the rezoning and the final plat. And then the Dorado Drive property there off of St. Charles Road. It's currently improved with an early child learning center, but they're looking to expand the options available to the property to add in a private school. Those are the items that are on your October 7th planning Commission agenda. We will be offering Commissioner training at our October 7th work session so be prepared for that. And then we will reconvene at the end of the month to discuss phase three or round three text changes as well as discuss options associated with the more recently assigned request by council to evaluate the parking standards of the UDC itself, specifically to deal with schools as well as automobile repair facilities. That is all we have for this evening. Thank you very much for your attention.

MS. LOE: Thank you, Mr. Zenner.

**X.) COMMISSIONER COMMENTS**

MS. LOE: Commissioner comments?

**X. NEXT MEETING DATE – OCTOBER 7, 2021 @ 7 PM (tentative)**

**XI. ADJOURNMENT**

MR. MACMANN: Move to adjourn.

MS. KIMBELL: Second.

MS. LOE: First, I would like to congratulate Commissioner Carroll on being re-elected secretary and Commissioner Geuea Jones on being elected vice chair. Congratulations. And we're adjourned.

(Meeting concluded at 9:25 p.m.)