



# City of Columbia, Missouri

## Meeting Minutes

### Planning and Zoning Commission

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Thursday, October 7, 2021  
7:00 PM

Regular Meeting

Council Chambers  
Columbia City Hall  
701 E. Broadway

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#### I. CALL TO ORDER

MS. LOE: I would like to call the October 7, 2021: Planning and Zoning meeting to order.

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

MS. CARROLL: Commissioner Kimbell?

MS. KIMBELL: Here.

MS. CARROLL: I am here. Chairperson Loe?

MS. LOE: Here.

MS. CARROLL: Commissioner Stanton?

MR. STANTON: Here.

MS. CARROLL: Commissioner Burns.

MS. BURNS: Here.

MS. CARROLL: Commissioner Rushing?

MS. RUSHING: Here.

MS. CARROLL: Commissioner MacMann.

MR. MACMANN: (Not present).

MS. CARROLL: Commissioner Geuea Jones?

MS. GEUEA JONES: Here.

MS. CARROLL: Commissioner Placier?

MS. PLACIER: Here.

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

MS. LOE: Thank you.

**Present:** 8 - Tootie Burns, Sara Loe, Joy Rushing, Anthony Stanton, Valerie Carroll, Sharon Geuea Jones, Robbin Kimbell and Peggy Placier

**Unexcused:** 1 - Michael MacMann

#### II. INTRODUCTIONS

#### III. APPROVAL OF AGENDA

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

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

MS. GEUEA JONES: I move to approve.

MR. STANTON: Second.

MS. LOE: Moved by Commissioner Geuea Jones, seconded by Commissioner Stanton. I'll take a thumbs-up approval on the agenda.

(Unanimous vote for approval.)

MS. LOE: It looks unanimous. Thank you.

**Move to approve**

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

##### **September 23, 2021 Regular Meeting**

MS. LOE: Everyone should have received of the September 23rd, 2021, regular meeting minutes. Were there any additions or edits to those minutes? If not, I'll take a motion to approve.

MS. GEUEA JONES: I'll move to approve.

MR. STANTON: Second.

MS. LOE: Moved by Commissioner Geuea Jones, seconded by Commissioner Stanton. I'll take a thumbs-up approval on the minutes.

(Six votes for approval; two to abstain.)

MS. LOE: We have six to approve and two to abstain.

**Move to approve.**

#### **V. PUBLIC HEARINGS AND SUBDIVISIONS**

##### **Case # 283-2021**

A request by Engineering Surveys & Services (agent), on behalf of Christopher and Tracy Bach (owners), for approval of a one-lot final plat of approximately 2.3 acres to be known as the "Bach Subdivision" and an associated design adjustment to Section 29-5.1 of the UDC related to construction of public improvements. The subject property is addressed as 5170 S. Scott Boulevard north of Steinbrook Terrace and west of S. Persimmon Road.

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

Staff report given by Ms. Rachel Smith of the Planning and Development Department.

Staff recommends:

1. Approval of the requested design adjustment to build a private driveway in lieu of a public street per 29-5.1 of the UDC.
2. Approval of the final plat of Bach Subdivision, subject to technical correction prior to forwarding to City Council.

MS. LOE: Thank you Planner Smith. Before we move on to 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? If there aren't, we will open the floor to public comment. If anyone has any public comments, we would welcome those.

**OPEN PUBLIC HEARING**

MS. LOE: If you would come up to the podium and give your name and address for the record? If there's no public comment, we'll close public comment.

**CLOSE PUBLIC HEARING**

MS. LOE: Commission comment? Commissioner Burns?

MS. BURNS: If there's no Commission comment, I know that Ms. Smith asked for two motions on this, so I would like to make a motion. I'd like to make a motion in the case of 20 -- or I'm sorry -- 283-2021, Bach Subdivision final plat, for approval of the final plat of Bach Subdivision.

MS. RUSHING: Second.

MS. GEUEA JONES: No. Design adjustment.

MS. BURNS: Oh. This is a design adjustment. I'm sorry. Let me withdraw that motion and start with another. In the case of 283-2021, Bach Subdivision, recommend approval of the requested design adjustment to build a temporary access drive in lieu of a public street per 29-5.1 of the UDC.

MS. RUSHING: Second.

MS. LOE: We have a motion by Commissioner Burns, seconded by Commission Rushing. Motion on the floor. Any discussion on that motion? Seeing none, Commissioner Carroll, may we have roll call, please.

**Roll Call Vote (Voting "yes" is to recommend approval.) Voting Yes: Ms. Kimball, Ms. Carroll, Ms. Loe, Mr. Stanton, Ms. Burns, Ms. Rushing, Ms. Geuea Jones, Ms. Placier. Motion carries 8-0.**

MS. CARROLL: We have eight votes, the motion carries.

MS. LOE: Thank you. Commissioner Burns, do you want to make the second motion?

MS. BURNS: Yes. Thank you, I would. In the case 283-2021, Bach Subdivision final plat, I'd like to recommend approval of the final plat of Bach Subdivision.

MS. RUSHING: Second.

MS. LOE: We have a motion on the floor made by Commissioner Burns, seconded

by Commissioner Rushing. Any discussion on this motion? Seeing none.

Commissioner Carroll, may we have roll call, please.

**Roll Call Vote (Voting "yes" is to recommend approval.) Voting Yes: Ms.**

**Kimball,**

**Ms. Carroll, Ms. Loe, Mr. Stanton, Ms. Burns, Ms. Rushing, Ms. Geuea Jones, Ms.**

**Placier. Motion carries 8-0.**

MS. CARROLL: We have eight votes, the motion carries.

MS. LOE: Thank you. Recommendation for approval will be forwarded to City Council. That brings us to our second case for the evening. Are we doing these next two concurrently or separately?

MS. SMITH: I'd do them separately.

MS. LOE: All right.

**Motion #1 - In the case of 283-2021, Bach Subdivision, recommend approval of the requested design adjustment to build a temporary access drive in lieu of a public street per 29-5.1 of the UDC. VOTING Yes: Kimball, Carroll, Loe, Stanton, Burns, Rushing, Geuea Jones, Placier. VOTING NO: None. Motion carries 8-0.**

**Motion # 2 - In the Case # 283-2021, Bach Subdivision final plat, recommend approval of the final plat of Bach Subdivision. VOTING Yes: Kimball, Carroll, Loe, Stanton, Burns, Rushing, Geuea Jones, Placier. VOTING NO: None. Motion carries 8-0.**

### **Case # 287-2021**

A request by Haden & Colbert (agent), on behalf of Dan Hagan and The Hagan Trust (owners), for a rezoning from R-1 (One-Family Dwelling District) to M-OF (Mixed-Use Office) of approximately 1.65 acres located south of E. Broadway, north of Green Valley Drive, and west of Broadway Village Drive. The request includes three parcels. The western parcel is improved with a single-family dwelling addressed as 2215 Green Valley Drive and the eastern parcels are undeveloped.

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

Staff report was given by Ms. Rachel Smith of the Planning and Development Department. Staff recommends approval of the rezoning of the subject site from R-1 to M-OF.

MS. LOE: Thank you, Planner Smith. Before we move on to Commissioner 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 Geuea Jones?

MS. GEUEA JONES: Hi. Green Valley, what is the plan for that on expanding it,

improving it, anything, because it's -- it's kind of narrow and --

MS. SMITH: So the plat will dedicate the required 25 feet of additional right-of-way that is required. Other than that, there are no capital improvement program expansion projects for the road itself that I'm aware of.

MS. GEUEA JONES: So it will be like that for a while even with the right-of-way dedication. And, yeah, I think that's it. Thank you.

MS. LOE: Commissioner Rushing?

MS. RUSHING: Well, she took one of my two questions. That was a question that I had. And this is just to verify. I am assuming that there is no possibility of access off of Broadway?

MS. SMITH: Correct.

MS. RUSHING: Okay.

MS. LOE: Commissioner Kimball?

MS. KIMBALL: Would you mind explaining to me again the level three?

MS. SMITH: Sure. Yeah. I had it in the staff report, too, if you have that available to you. So level three transitional landscaping screening buffer would be required to transition from anything that is single-family use, so that would be the R-1 to the west. So level three buffer is a ten-foot-wide landscaped area and eight-foot-tall screening device.

MS. LOE: Commissioner Carroll?

MS. CARROLL: You said in your staff report that you contacted the director of PedNet about this, given the proximity to the Hinkson Creek Trail, but I didn't get a whole lot of context as to what information they could provide, if there's any best practices that they shared for protecting the trail.

MS. SMITH: Yeah. So Mr. Simonson called me. We talk regularly on various things, so we -- we did talk about users of the trail. So construction definitely has impacts. Right? So there might be some detouring, there are also best practices in terms of how to handle driveway approaches. He offered some more technical advice and he said he would look into it and offer more if this is approved. Should construction be on the table, he was happy to provide more concrete examples. He's researching another site that has used a similar driveway approach trail kind of connector. We also talked, too, a little bit about signage could be pretty important here, and that kind of thing, but it was a very informal conversation.

MS. LOE: Any additional questions? If not, Planner Smith, back on Green Valley Drive, you mention in your report that the right-of-way won't be dedicated in front of the R-1 to the west of this property. What about the right-of-way on the south side of the

street?

MS. SMITH: So the platting action only incurs the dedication of right-of-way for property under the plat. Right? So on the south side of the road, that property is already platted.

MS. LOE: But do we have a right-of -- I mean, what is the right-of-way on that side?

MS. SMITH: Oh. I -- that, I do not know.

MS. LOE: That's -- what standard is that street built to at this time? I mean, it almost functions as a one-way street.

MS. RUSHING: A lane.

MS. LOE: Yeah.

MS. SMITH: It's definitely -- we call it unimproved, yeah.

MS. LOE: And there's no curbs, there is --

MS. SMITH: Correct.

MS. LOE: So -- and there's no, as you indicated, there's no intention of improvement?

MS. SMITH: There is no CIP project at this time.

MS. LOE: Okay. And we may not have right-of-ways besides what's getting provided in this project?

MS. SMITH: Yes. I would be happy to report back. I don't recall what the right-of-way on the Broadway Village Subdivision plat was. It was done in, I think, '79.

MS. LOE: All right. I'm -- I'm looking at the final plat for the next case, and I'm not -- I mean, obviously, they're not required to show it, but -- there again. Yeah. All right. I was just wondering what opportunities there were for improving the drive because we would be adding traffic. You mention in your report that the new plat would require to show buffering. What about stream buffering? I mean, I understand right now that the lot to the west is probably less than an acre, but once this is consolidated, it will be over an acre?

MS. SMITH: So the stream buffer is off of this property. It would be a little bit to the west.

MS. LOE: I believe that a -- I understand. However, stream buffer plans shall include field delineated and surveyed streams, springs, seeps, bodies of water, sink holes, and wetlands include a minimum of 200 feet into the adjacent property. And I believe the stream, Hinkson, is about 200 feet from the northwest corner of the proposed site.

MS. SMITH: So this did go through review. I'm happy to check with the building and site storm-water folks to make sure that there's not an oversight. But as far as I know, there was no stream buffer that was required to be shown on this plat.

MS. LOE: I understand the stream buffer is only 100 feet, but -- and this is where I was getting a little confused because the stream is -- does appear to be within 200 feet of the site. Our stream buffer plan requirements do require streams on adjacent plots to be shown on the stream buffer. It doesn't say the stream needs to be on this plat itself.

MS. SMITH: Understood. Yeah. I'd be happy to follow up with them.

MS. LOE: And then one of the other items that need to be shown are steep slopes greater than 15 percent for areas adjacent to or within 200 feet of streams, wetlands, or water bodies. And that was my other concern in that the sloped area on the northwest corner of this site again falls within that 200 feet of Hinkson Creek. And it wasn't clear to me in Chapter 12(A) what exactly -- what provisions apply because I agree, this is not within the 100-foot stream buffer, but we are requiring it to be shown on the stream buffer plan. So then I looked for steep slope, and we do identify as a sensitive area. So this raised a red flag for me, and I just wanted some clarification on what it means.

MR. ZENNER: At this point, many of the standards and requirements you're referring to --

MS. LOE: Uh-huh.

MR. ZENNER: -- are related to the actual construction plans and land disturbance plans that will be coming forward, not necessarily associated with a final platting action, which is what this is. If this were a preliminary plat, you would likely see certain other notations on the preliminary plat. And so everything that you've just referenced in Chapter 12(A), all of that gets verified at the time of construction plan approval. If there was the need to delineate a stream buffer or something else, which is what Ms. Smith was referring to, that would have been identified as part of our planning -- our plat review for the final plat and would have been a notation on the plat. So apparently, based on the final plat requirements, not necessarily construction requirements, there has been no identification by our review team that said that there was anything new that needed to be added to the final plat -- those types of notations. That doesn't negate the fact that the construction plans will likely have to comply with 12(A), because it is over an acre, it is going to be considered redevelopment, and all of those other provisions are going to come into play at that point. We just don't have those plans at this juncture.

MS. LOE: All right. No. I -- I appreciate that. My concern, and where it might impact my decision on the rezoning, is this is an unusual shaped site. It struck me that that steep slope on the north side impacts the usable area. And if our ordinances influence the -- how that steep slope needs to be used, I may not feel it's appropriate to upzone it where a larger use is appropriate.

MR. ZENNER: And I think that the land analysis mapping process, unless there is -- my recollection, I don't recall that there is. The land analysis mapping process suggests that anything that's over five acres, a land analysis map is required at that point, which would identify all of these other features as a part of a concept review for platting --

MS. SMITH: Yes.

MR. ZENNER: -- at which point, we would point out the limitations that would likely come into play. So, again, I think this all ties back to the fact that a construction plan, an actual physical development plan that would be subject to other requirements in our other portions of Code, it just hasn't -- it hasn't reached that level yet. And I realize that doesn't answer the question or address your concern as to how it's going to be addressed, but, at this point, without knowing how the building may be placed on the site and how they will either be impacting or not impacting those features that may exist, we really can't answer that question. At this point, it's going to be constrained by the regulatory process because it's going to have to comply with the regulatory process.

MS. SMITH: Yeah.

MS. LOE: Just because you opened that door, Mr. Zenner, I did -- I did read the section on the land -- the use plan and noted the five-acre limit. And I was -- I felt like I was sort of falling between the one acre and the five acre and trying to figure out that information. Does this still need to meet those requirements for sensitive areas?

MR. ZENNER: To the extent that the property can, and I think the acknowledgment with the way that the Code is written -- and, again, I'd have to go back and I'd have to look at how we envisioned this when it was -- this provision was created for tracts five acres and greater. I think to the extent possible, all of our other standards that come into play - - stream buffering, tree preservation, and other factors -- since this parcel is over an acre, as well, tree preservation comes into play because it's greater than -- it's greater than 10,000 square feet, actually, so it would come into play. I can't say for certain that all of the mitigation factors, really the land analysis map is more to identify at the time of platting. So when we, as a staff, consult with an applicant, we're telling them you've got this, this, and this on your project site. Really, you need to try to avoid that, or you're going to need to do X, Y, or Z if you want to include that in the developable lot. So in this particular instance, I -- I would probably tell you that, no, what you read in the land sensitive -- sensitive analysis that's required for five acres or greater may not be directly applicable to this 1.28 site, but it is still going to have to meet a whole slew of other requirements that are -- that while are not as clearly probably focused at preservation components of those features, are going to impact the preservation of those features because they need to be addressed and acknowledged.



MS. LOE: Thank you. Any additional questions or comments for staff? If there aren't, we're going to open up the floor to public comment.

**OPEN PUBLIC HEARING**

MS. LOE: We'd invite you to come up and make your comments at the podium. We need your name and address for the public record. We do limit you to three minutes if you're making a comment for yourself. If you're speaking for a group, we will give you six minutes.

MR. COLBERT: Good evening, Madam Chair, 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 to ask for your support of our rezoning request. So I won't rehash a lot of the written material that was part of your packet for this evening, and I won't cover everything that Ms. Smith covered in her report, but I do want to hit just some of the highlights. So the purpose of our request is to facilitate the construction of an attractive professional office building. Mr. Hagan has owned the -- the property there that's at the corner for over 40 years, and over the course of time, folks have approached him about putting commercial uses there, strip centers there, that sort of thing. He's turned all those down because he doesn't believe that's an appropriate use of this location. Broadway is a highly visible, heavily traveled area. He thinks for an entrance to downtown Columbia, we should have an attractive office building. So, ultimately, that's what he would like to build on the site. So working backwards from there, we look at the zoning districts and we try and get to that proverbial win-win. Ultimately, we feel like the mixed-use office district provides that. Of the commercial districts, mixed-use corridor, mixed-use neighborhood, mixed-use office, office is by far the most restrictive. When we talk about the uses that are going to be allowed here, it -- it really comes down to office and residential uses. We can't have any sort of commercial -- commercial strip center. We can't have vehicular-type business, we can't have industrial uses, so you have the assurance, and the neighbors have the assurance, that what gets built there will ultimately be an office building or one of the residential uses. I know there is a lot of correspondence in the staff packet, and I just want to hit on that briefly. I've been involved in a lot of rezonings, and I would say that, in this case, Mr. Hagan has done more outreach than in any other case that I've been involved with. He has met with several -- several neighbors on several occasions. He has spoken to neighbors multiple times, and we've made every effort to address questions and concerns as they came in. In fact, one of the -- the owners of the Broadway Village Apartments submitted a letter that was part of your staff packet, and once we realized they had concerns, we went and met with them in person, and we hope we were able to answer all of their questions. Again, we try

and reach everybody, but we know there are some folks that we left messages with that we weren't able to get hold of, but we did make that effort. So, finally, just big picture, we ultimately think this request is consistent with what Columbia Imagined is trying to accomplish. It's an infill development. We have utilities on site, so we're not extending our infrastructure capacity. We're creating a true mixed-use area where you have office zoning next to multi-family PD with some R-1 also in there. That's the definition of a mixed-use area. An advantage of that is this becomes or has the potential to become the walkable employment node, which is the exact language that Columbia -- Columbia Imagined uses as something that we want to promote and encourage in the development. So, ultimately, we would respectfully ask for your support. I did want to comment as far as the setback and the impact on the adjacent R-1. In sort of our preliminary layout, our building is going to be approximately 100 feet from the R-1 property to the west because, ultimately, as Ms. Smith mentioned, there is the 25-foot setback and then the additional ten foot required by neighborhood protection standards, but, at this point, our plan would be to locate the office building kind of in the north or northeast corner of the lot, so you're creating additional separation. You have landscaping, the parking lot, and then a building. So we think, all in all, we are trying to create as much -- well, we're trying to be sensitive to the fact that we know we have R-1 neighbors to west, so we have certainly taken that into consideration. And with that, I would be happy to answer any questions.

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

Commissioner Geuea Jones?

MS. GEUEA JONES: So the house that you are demolishing --

MR. COLBERT: Yes, ma'am.

MS. GEUEA JONES: -- it has a shared wall garage?

MR. COLBERT: It does. And so --

MS. GEUEA JONES: How are you going to handle the neighbor that --

MR. COLBERT: Well, in that situation, in this particular case, there is no written agreement on the party wall. The Missouri law says we have to leave that wall in place, and that's certainly our intention. That wall provides structural support for their garage, so we can't take down the structural wall; it has to remain there. But that still doesn't prevent us from taking down the side of the building that's on our property, but, ultimately, we will certainly leave that wall in place.

MS. GEUEA JONES: Well, you'll leave that wall in place unless you do enough damage to it that it's no longer structurally sound.

MR. COLBERT: If we damage -- we can't -- we can't leave the wall in a condition that's not structurally sound.

MS. GEUEA JONES: Correct.

MS. COLBERT: The law does not allow us to do that, so we -

MS. GEUEA JONES: My -- my concern is how do you intend to do that? I'm not sure how you could do that from -- from the way it looks to me. Like, have you actually talked to someone about is that even possible?

MR. COLBERT: Oh, sure. Absolutely. We have had contractors on the site that have come up with plan for stabilizing that wall. And it's a brick wall that runs, you know, obviously, up and down. I mean, it -- it's certainly possible to remove our side of the building while leaving the wall there.

MS. GEUEA JONES: So it's cinder block or brick?

MR. COLBERT: Correct.

MS. GEUEA JONES: Okay. My other questions is, how do you see traffic flow working?

MR. COLBERT: So ultimately, you know, we envision that most of the traffic will use, at least, you know, on the entrance, if they're coming from the west, they'll use that first entrance onto Green Valley Drive, without actually going all the way to the signalized intersection. When they leave, I assume that they'll go that signalized intersection. But ultimately, it depends on what direction they're heading, and what they're leaving. And if a traffic impact study is required at the time of construction, we'll certainly complete one of those.

MS. GEUEA JONES: Well, and how far -- where do you see the entrance to your property being, because if they're having to come a ways down Green Valley, I mean, that's not -- it's technically a two-way street, but -- technically --

MR. COLBERT: Sure. Well, sort of in our preliminary layout, we have driveways, one located closer to the east end of the property, and one located closer to the west end of the property.

MS. GEUEA JONES: I think that's all I have.

MS. LOE: Commissioner Rushing?

MS. RUSHING: In addition to traffic issues, which we both had questions about, this property seems to have some topographical challenges to it. And I was just curious what your plans might be to address the -- what appeared to me the substantial difference between the street level and the upper level of your property?

MR. COLBERT: So I don't know off the top of my head what the exact grading plans would be for the site, but certainly we'll comply with all of the environmental protections that are in the UDC, but I can't give you chapter and verse of what the grading plan is ultimately going to look like.

MS. RUSHING: And -- and I'll just state, this is not a normal two-lane street, and it has several -- well, I guess, just really two -- access points off of trails and it's marked as a trail itself, and I have significant -- I saw people coming in and off of those trails on bikes when I was there, and I have significant concerns about an office building taking traffic onto this road where they're going to be encountering people who are on bikes and who are coming off and on of bike trails, and I don't -- I don't know how you would -- what you could do to assure the safety of those individuals.

MR. COLBERT: Sure. Well, I think the number one thing we can do is certainly build a sidewalk on our property frontage along Green Valley Drive, because by building that sidewalk, you're discouraging folks from using the paved -- the current paved surface for walking and biking. We create that sidewalk, so that creates a separation between the vehicular and the pedestrian traffic. And I would also offer that I suspect at some point, there will be the full connection to the trail. Mr. Hagan ultimately donated the existing trail on that west side. He facilitated creating that trail, essentially, by donating that -- those trail easements at no cost. So I think, ultimately, he's certainly in favor of getting a full connection the trail, utilizing that, because that's part of his vision for the area.

MS. LOE: Commissioner Carroll?

MS. CARROLL: This sidewalk that you say that you're going to be required to build, that would be one of the best things that you can do for cyclists. Will that be connecting to the trail -- to the Hinkson Creek Trail?

MR. COLBERT: It is -- it will be those two R-1 lots that are not connected, but --

MS. CARROLL: I know, yeah. So this is a concern of mine because the street is the proper place for a cyclist who wants to access that trail. One of the most dangerous things a cyclist can do is to navigate onto a sidewalk, off a sidewalk, onto a street, and back onto a path. That is not the proper way to do it, and it frequently results with miscommunications and collisions.

MR. COLBERT: Sure, and I certainly appreciate that. And our hope would be that by building this office building here, you'll actually have folks that walk and bike from the neighborhood to employment, and that will increase, essentially, the use of the trail system without -- and, you know, essentially encouraging more pedestrian-vehicle conflict. But we -- again, we think it's a net benefit ultimately to the area. And, again, when you look at the hours that we will have traffic, it will be primarily Monday through Friday, 8:00 to 5:00.

MS. LOE: Commissioner Burns?

MS. BURNS: Thank you. I know Ms. Smith indicated that she had an informal

conversation with PedNet, and I apologize, Mr. Colbert, if you mentioned this. Have you had conversations with --

MR. COLBERT: I have not had any conversations with the PedNet folks, no. And I don't believe that Mr. Hagan has either.

MS. BURNS: Okay. Thank you.

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

MR. COLBERT: Thank you.

MS. FREEMANTLE: My name is Deborah Freemantle; I live at 2213 Green Valley Drive. I'm speaking on behalf of myself, my husband, Russ, and Erin Catron, who also live on the far west of the two houses to the west of the plat that's in discussion, and Judy and Charlie Johnson are also present, and they were previous owners of these houses when they were built. I'm just going to quickly go over some key points, and then I have some photographs of the area that's under discussion just to help show the topography that I feel the satellite images do not present a well representation of. Also just one restatement of what the last gentleman said, he mentioned a stoplight at the intersection. There is no stoplight, there is a stop sign. Okay. So my key points are the site -- the site is currently not developed, and it is green space. It was originally marked as such in the Columbia Imagined City and Community Development Plan for green space for the City. Allowing offices or other prevented facilities to be built will alter -- alter the nature of this residential area, increasing traffic and making Green Valley Drive and Hominy Creek Trail less conducive to walkers and cyclists, as some of you have mentioned. A large parking lot would be needed around the office buildings, which would eliminate the existing grass and wooded areas. Green Valley Drive is narrow and part of the Hominy Creek Trail. Sole access to the site in question is via Green Valley Drive. This is not a through road, so it is lightly trafficked. Offices would greatly increase the volume of vehicular traffic and interfere with trail users. And I want to pass the -- I'm not done with my key points, but I would like to pass out the photographs to help aid your guys' visual understanding of the area while I finish my key points. So the sidewalk that will be required in the proposed rezoning plan, I don't understand how it's going to fit in that narrow space. Some of those photographs show you the intersection where Broadway leads onto a direct U-turn to get onto Green Valley to go west. It's a very narrow intersection that would fit, like, two car spaces turning onto it, two car spaces to your west, two car spaces to your east, and two car spaces going down into the Broadway Apartments. So that's a very jammed intersection currently as it, and in some of those photographs that I took today around lunch hour or maybe 1:30, and you can

see several cars that were just crossing one another, you can kind of see how tight it is. I didn't stage that. They happened to be there in close proximity with one another. So rezoning of this to multi-office -- or multi -- mixed-use office, rather, would adversely impact the wild life in this area, as well, requiring the mature trees to be removed. I heard early in discussion that tree preservation would be required according to the City requirements. I'm a registered nurse, so this is all outside of my league here. So those mature trees also are a concern for me because I have seen families of eagles flying to and fro in that area, brown eagles. I don't know the species, but I know they're very beautiful animals. We have blue herons that live in that area, and the red fox. These are all very precious species to the Missouri area and wildlife. I did reach out to the conservation, and they encouraged me to stand up for our wildlife, but they said they couldn't speak to it. There is also not a shortage of commercial office space in Columbia. Offices from 138 to 21,000 square feet are readily available. Additionally, multiple office developments are in the process of being built, so, to me, this just seems in excess of what we already have in the City of Columbia. A rocky outcrop -- I'm sorry. A rocky outcrop would need to be leveled to make the site usable, and that is even if rezoning begins at the easternmost part of the site, there is still a steep slope that would need to be broken down. According to experts, this will need to be done with explosives, which would be potentially damaging to the sewer system and foundations of nearby houses. Erin Catron has told me in discussions that hers is the house that's at 2211 --

MS. CATRON: 2209.

MS. FREEMANTLE: 2209 -- sorry -- the westernmost house. She said that in the past when there was blasting done, it did damage the sewer system that is behind the two houses there that are on the map. So if blasting happened again, it could most likely put our sewer systems at risk for damage again. This rocky outcrop also provides a scenic backdrop to this area, and a natural sound barrier from the traffic along Broadway. In summary, I am opposed to this rezoning because it deviates from the current City of Columbia development plans and removes the possibility of residential development in a residential zone and adversely impacts Hominy Creek Trail and Columbia's green space. And I would like at this time to invite any of those who oppose the rezoning of this land mentioned in this case to please stand if you oppose the rezoning from the current R-1 residential to a mixed-use office M-OF. Thank you. In short, I believe this place is -- this space to be rezoned is too small for mixed office, too steep, too soon to be asking for rezoning, and overall a bad idea. Thank you.

MS. LOE: Thank you. Are there any questions for this speaker? I see none at this time. Thank you.

MS. FREEMANTLE: Thank you very much.

MR. BURNAM: Hello. My name is Adam Burnam. Thank you for your time. I'm a member of the Burnam family who, in February of 2020, acquired Broadway Village Apartments, so I was a party to the meeting with Mr. Hagan. I first want to -- I do want to commend Mr. Hagan for his thoughtful consideration of the attractiveness of the building, and I -- I do understand his points. But I did just want to say for the record that, as the owners of Broadway Village Apartments, and as the director there myself, we did not submit a letter of support, and we do share some of the concerns that have been mentioned about Green Valley Drive, not to mention the narrowness, the issues for cyclists, in addition to during the period of construction, some of the cycling issues that you mentioned before. That being said, I do think that as the -- part of the ownership and operators of Broadway Village Apartments, that, in general, it's not the layout that is the issue or even the fact that there's an office there, as much as it is the particular access on Green Valley Drive, and the only points of access being through Trimble Road, not to mention the east and west exclusive stoplight on the way out. So I think that some more consideration could be done, not necessarily on the office use, but, in particular, just on the access. I do think the access is something that would have to be creative in order to be something that is conducive to all parties. And that's all I have to say.

MS. LOE: Thank you, Mr. Burnam. Are there any questions for this speaker? I see none. Thank you.

MR. BURNAM: Thank you.

MR. MEHR: David Mehr, 714 Ingleside Drive, which is in the East Campus, if that's an address that's unknown to you. I'm a cyclist. I regularly cycle past this space. With the completion of the Rollins path that crosses the Hinkson Creek, there's essentially a continuous path onto -- onto the Green Valley Drive from -- from Rollins and William Street. There's a tiny section of street that interposes. And it's a bicycle boulevard as currently constructed. It's heavily used by bicyclists. I use it all the time. It's a lovely bucolic area. I think it needs to stay that way, so I oppose this.

MS. LOE: Thank you, Mr. Mehr. Are there any questions for this speaker? I see none. Thank you.

MS. JOHNSON: My name is Judy Johnson; I live at 1516 McKay Street. And my husband and I, several times we get on the Hinkson Trail, and we ride down under I-70 and down through to the Hinkson there, and up to Stephens Park, but it's a lovely ride going that way. I think they had referred to that being a non-motorized area because it is so narrow and everything. But one of the -- there is some traffic because down past Green Valley runs into Moon Valley, and there is apartments down there, and a single-family home down there, also. So there -- it will impact those people, also, having

that extra traffic and things in there. So appreciate your considerations.

MS. LOE: Thank you, Ms. Johnson. Any questions for this speaker? Thank you. Any additional speakers, please come up.

MS. CATRON: So a lack of sounding corny, I'm the granddaughter of a founding father.

MR. STANTON: Name and address?

MS. CATRON: Oh, sorry. My name is Erin Catron. My grandfather, Robert Johnson, built that house at 2209, and my -- my daughter here is planning on moving in this summer. All of us have lived there and it's been a safe, quiet little area. Debbie mentioned with the cliff, when the City of Columbia widened Broadway, they had to use dynamite to break that cliff down, and the City was nice enough to come in and inspect our houses before and then they came in and inspected our houses after and did repairs. Now, I'm assuming that someone would need to do that --whether Dan Hagan would do that. I'm assuming not the City now since it's not your project, but I just wanted to make your guys aware that we're very against changing our little Eden.

MS. LOE: Thank you. Any questions for this speaker? I see none at this time. Thank you. Any additional speakers on this case?

MR. JOHN: My name is John John; I have offices at 33 East Broadway. I'm a real estate agent; I work as a consultant. I'm paid as a consultant by the City of Columbia to look for real estate sites. This kind of all began because I'm looking for a fire station on the east side of Columbia. As we've worked up and down WW looking for appropriate sites, we looked at the site on Green Valley, and approached the Burnams about the nice flat piece of ground that they had there, and they summarily turned us down. And so I approached Dan Hagan about his piece of ground there, which was on the corner, but not quite big enough. So I approached another owner who had a piece of ground there, and they were also willing to sell in both cases, if the price was right. And so after the fire department determined that they really needed to be east of 63, and so this area was not appropriate for them, went through the process of, well, I approached Dan Hagan, so I approached him with the other party with the parcel that -- the second parcel, the second larger parcel, and he bought -- he bought that, and also bought the one from Peter Bartok, which is the small house that has the common -- well, we approached all three owners and offered, you know, if they were interested in selling, and the Freemantles and the one next to it were not interested in selling. I talked to both of them. They were not interested in selling. So -- but as we looked at it, one of the reasons this -- Broadway is carrying 30,000 cars on it. Nobody is going to put residential houses on this piece of property. It is not appropriately zoned for single-family homes on this property. This is



right at that one corner. There is one corner with a stop sign, and then there is another corner with a stoplight. If you're going east, you could get off at the stop sign and be right at the corner of this property. There would be traffic in front of this property, I agree, but there would be no reason for anybody to go down because it's a dead-end street, unless you lived down there or were, you know, were going to meet some friends down there. So the traffic would be right in front of this property, which would be where the improvements would be made. Actually, this would have less impact on traffic than a residential development that, you know on this -- if you put apartments on this property, it would have a much higher impact than -- than office. The apartment complex with 432 units behind it, average, I believe the City standards used to be, and they can change these over time, so I haven't boned up on it in the last ten, fifteen years, but it was ten trips per household. So that would be significantly more on -- if it was a residentially zoned multi-family.

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

MS. PLACIER: Yes. I wondered if you had any idea if the owner had ever attempted to sell this land as its current zoning is R-1?

MR. JOHN: Ever attempted to sell it? I don't have any indication that he ever attempted to sell it. He -- he did indicate if the price was right and the City wanted it for a fire department, he would -- he would entertain that, but I -- you know. No, I don't have any indication of that.

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

MR. COLBERT: Madam Chair, do you mind if I respond to just a couple of comments that were made real quick?

MS. LOE: Of course, Mr. Colbert.

MR. COLBERT: Thank you. Again, Caleb Colbert, 827 East Broadway. I guess one thing I want to point out -- I know there's been a lot of discussion about access and the right-of-way, but, ultimately, some property has to go first. Some property has to be the first property to dedicate that additional right-of-way. And here, we're the first step in that process. Before you can improve Green Valley Drive by getting additional right-of-way from Broadway Village or any other properties along that corridor, you have to start somewhere. So we're -- the upshot of our proposal is that we take the step in the direction to correct the problem. If you don't get the right-of-way through this action, the road will never change. It will always be exactly the way it is, and I realize some folks want that. But ultimately, this is -- having things remain exactly the way they are is not what's envisioned in Columbia Imagined. Columbia Imagined says we place priority on

infill development even though it has the potential to have some negative connotations. It's not -- infill is never perfect, but we have infrastructure here. We have utilities here. We're in the urban services area. We're adjacent to multi-family zoning. A lot of the issues that have been discussed are going to be issues regardless of what the underlying zoning is. I would respectfully ask you to consider under Columbia Imagined, is the office use adjacent to an apartment complex appropriate. The access issues will never be solved if we don't move forward with some part of this area. And, again, thank you for your time, and I'll be happy to answer any other questions.

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

MR. COLBERT: Thank you.

MS. LOE: Any additional comments?

MR. CATRON: Russell Catron, 2209 Green Valley Drive. People don't want to see a change. It's a beautiful bicycle trail that we don't need that traffic on. And as far as traffic goes, I know a little bit about it. I'm a tow-truck driver. I clean up crashes every day, all day. And without the stoplight there at that first T, and even with the second stoplight there, it's -- it's -- in my opinion, it's just not a good idea. So -- because all I wanted to just throw that out there real quick.

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

MS. FREEMANTLE: I just would like to restate --

MS. LOE: Ms. Freemantle, can we have your --

MS. FREEMANTLE: Deborah Freemantle, 2213 Green Valley Drive. Sorry. So -- because -- Caleb stated that -- for you guys to consider, like, switching it basically to the -- to the rezoning of mixed-office use or whatever it's called. To me, it just seems to make more sense, because the Columbia Reimagined had it as green space initially before investigation and all this was happening where Mr. Hagan was working on a plan and everything like that. So my biggest request would be if we can keep it as green space, if they want to switch the rezoning to open space and have it, like, some sort of neighborhood park or something, that seems like that would be the most beneficial because it's in such a little narrow wedge. It seems like park space would be most practical.

MS. LOE: Thank you, Ms. Freemantle. Any questions for this speaker? Thank you. Any additional comments?

MS. DOKKEN: Dee Dokken, 804 Again Street. I was going to get up and say, well, at least they're staying out of the 100-year flood plain, according to the map, and I wanted to commend them on that. But I really appreciate, Chairperson Loe, the issues you

brought up about slope and stream buffer. So I think it -- they should be -- if this was developed, it should not be by shaving off any of those protections for sure. And I think with steep slopes, the stream buffer expands anyway, so I haven't checked the site out, but I appreciate that, and I think that should be expected of them even in infill.

MS. LOE: Thank you. Any additional comments? If there aren't, we're going to close public comment.

**PUBLIC HEARING CLOSED**

MS. LOE: Commission comment? Commissioner Rushing?

MS. RUSHING: I'll go ahead and just reiterate what I've basically already said. I think this is a very bad idea. Unfortunately, it's not the property owner's fault, but this is already developed as a trail. It's a very narrow street. It has trails coming into it in two different places. There's really only enough space if -- if you're going to have traffic going both ways on this road, some -- they both have to pull over to the very far edge. And I drove on past the two entrances, and this woman came down on a bike and didn't look at all, and I don't see how they're going to manage traffic in and out of an office location so that it minimizes the possibility of injury to people who are on what is marked as a bike trail. And that's -- I just -- I also have concerns about the topography because of the slope and the -- I -- you know, I anticipate it would require a certain amount of removal of dirt and then there would also be issues of water retention. But, right now, for the rezoning, it's the traffic issue that I have a problem with.

MS. LOE: Commissioner Carroll?

MS. CARROLL: I understand the goals of infill development, and that's something that I am supportive of. However, for this particular site, given the constraints, given the neighboring uses, I think the best use for this site is its present zoning as R-1. I -- I think that fits at least some of the direct neighbors, as well. A concern that I have is the concept that we should begin somewhere to allot the dedications for widening the road. That may happen someday. I'm not convinced that this is a good candidate for that. Having a narrow road tends to slow traffic, and it tends to cause people to pay more attention to their surroundings, which is important given its proximity to the trail. And the marked bike boulevard on that street, I'd like to point out that this trail is something that I view as a value added to our community, something that the taxpayers have supported with their votes for the Park's tax, and this is -- this is something that we ought to look to retain and protect, to the best of our ability.

MS. LOE: Commissioner Placier?

MS. PLACIER: Yes. We've heard some -- somewhat spurious arguments tonight. One is while I agree that infill is a good idea, as does Commissioner Carroll, not

everything needs to be filled in. It depends on the area. If you have to blow something up to fill it in, that seems inappropriate if you have to do so much environmental damage. Another thing is we can't always keep our neighborhood Edens, obviously, but just because an office would be preferable to a strip mall does not mean the office is a good thing. So I would encourage going back to the drawing board for the land use here. If it cannot be used for R-1, perhaps there is some way to preserve the open space -- green space, and that's my comment.

MS. LOE: Commissioner Burns?

MS. BURNS: Thank you. Both people in support of this issue and in opposition to this issue have referenced the comprehensive plan and the future land use map, and I find that interesting because it -- it seems to be interpreted in a variety of ways, and that adds to my confusion. I'd like to see more input from PedNet Coalition. I do have concerns about the steep slopes and the sensitive areas, and the unimproved street. So I do have reservations about this rezoning.

MS. LOE: Commissioner Geuea Jones?

MS. GEUEA JONES: I think that we've talked a lot about what will happen on Green Valley directly in front of this property. I am more concerned about the stretch in front of the Broadway Village Apartments between Trimble Road and whatever the little stop-sign spot is. To me, the problem is going to be people's natural tendency to not want to be restricted in how they're turning on and off of East Broadway, so they're going to be coming from Trimble Road, which means that now we're not talking about 50 or so feet of additional traffic, we're talking about whatever that distance is on an equally unimproved road. The only difference is a stripe painted down the middle. It's not any wider. It doesn't have curbs, and there is no obligation to improve any of that stretch. So between that and -- and the fact that you will have to blow up a cliff, I agree that R-1 is probably too restrictive, but M-OF is too permissive.

MS. LOE: Commissioner Stanton?

MR. STANTON: I tend to agree with my colleagues. I don't think that this zoning classification is the remedy, but we have to give the landowner some remedy. It can't be, you know, you guys know my famous saying. There's money on the table. There's money on the table. There's got to be a win-win here. This is not it, and I think residential is not it either, so we've got to do something else. But, yeah, low-impact development of some sort, a rethinking of how we can make this happen for the landowner to benefit from his property. He has a right to do that. Now, I really, really wouldn't like to have anything else blew up and have to fix somebody else's sewer or have that be another issue in -- in the future. I would like to see some kind of low-impact

development in between the residential and the -- (inaudible).

MS. LOE: Commissioner Kimball?

MS. KIMBALL: You know, I'm split. I've written down the pros and the cons, and all about the people showing up and speaking their minds. I think that's important. I'm also all about getting Columbia developed. I just -- I think I'm in agreement with my Commissioners here that something else -- there needs to be a win-win. I want to see both sides win, so maybe coming back with something a little different, low impact, maybe, perhaps. But, yeah, I struggle because I understand both sides.

MS. LOE: I don't disagree with mixed-use office going next to multi-family, but I do agree that this site brings with it a lot of conditions that make it very difficult. So I agree with several of the comments that have been said. Also, I just wanted to comment on Article 5 of Chapter 29 about -- just back to the land analysis map, in that in -- under applicability, it does say that it shall apply to land in all districts whenever land is subdivided or resubdivided to create change or establish the boundaries of parcels for development or redevelopment unless this chapter provides an exception. I interpret that as meeting the requirements applied. I fully agree the land analysis map is only required when the parcel is over five acres, but, to me, that did not mean that the requirements of the chapter did not apply if the parcel was under five acres. If there is any incongruity or if that's not clear, I think we need to evaluate that. Any further discussion? Any motions? Commissioner Geuea Jones?

MS. GEUEA JONES: In the matter of Case Number 287-2021, Green Valley Drive rezoning, I move to approve the rezoning of the subject site from R-1 to M-OF?

MS. RUSHING: Second.

MS. LOE: Moved by Commissioner Geuea Jones, seconded by Commissioner Rushing. We have a motion on the floor. Any discussion on that motion? Seeing none. Ms. Carroll, may we have roll call, please.

**Roll Call Vote (Voting "yes" is to recommend approval.) Voting No: Ms. Kimball, Ms. Carroll, Ms. Loe. Mr. Stanton, Ms. Burns, Ms. Rushing, Ms. Geuea Jones, Ms. Placier. Motion fails 8-0.**

MS. CARROLL: We have eight no votes. The motion is denied.

MS. LOE: Thank you. So recommendation for denial will be forwarded to City Council.

**In the matter of Case Number 287-2021, Green Valley Drive rezoning, move to approve the rezoning of the subject site from R-1 to M-OF.**

**No:** 8 - Burns, Loe, Rushing, Stanton, Carroll, Geuea Jones, Kimbell and Placier

**Unexcused:** 1 - MacMann

**Case # 288-2021**

A request by Brush and Associates (agent) on behalf of Dan Hagan and The Hagan Trust (owners) for a one-lot subdivision plat of approximately 1.65 acres located south of E. Broadway, north of Green Valley Drive, and west of Broadway Village Drive. The property is presently zoned R-1 (One-Family Dwelling District); a concurrent request (Case # 287-2021) to rezone the property to M-OF (Mixed Use- Office) has been submitted. The plat shall be called "Broadway Office Subdivision" and includes three parcels. The western parcel is improved with a single-family dwelling addressed as 2215 Green Valley Drive and the eastern parcels are undeveloped.

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

Staff report was given by Ms. Rachel Smith of the Planning and Development Department. Staff recommends approval of the "Broadway Office Subdivision".

MS. LOE: Thank you, Planner Smith. Before we move on to Commissioners for staff, I would like to ask any Commissioner who has had any ex parte related to this case prior to this meeting to please share that so all Commissioners have benefit of the same information on the case in front of us. I see none. Are there any questions for staff?  
Commissioner Burns/

MS. BURNS: Thank you. Yes. Ms. Smith, I have a question. Given that there is a structure on this property, and if it remains R-1, does that count? Is that the structure that can be occupying this property?

MS. SMITH: Yeah.

MS. BURNS: That's it. For redevelopment.

MS. SMITH: It depends. So -- it depends. So they could withdraw this subdivision plat. Right? And you've got three lots there now. So I would have to look at each and every one of them to see if they meet that exception for survey tracts in the Code to have legal lot status. I'm not sure if they do. I wasn't asked that question as part of this process. So they could withdraw the plat and then conceivably build three R-1 homes on the three existing lots.

MS. BURNS: The way it is currently --

MS. SMITH: Yeah.

MS. BURNS: -- but with the change, it would be one single lot?

MS. SMITH: Right. Yeah.

MS. BURNS: Okay. Thank you.

MS. SMITH: Good question.

MS. LOE: Commissioner Geuea Jones?

MS. GEUEA JONES: But they could, assuming they get all the permits, tear that down and build a single-family home that's bigger, located differently, something, but still just one?

MS. SMITH: If it's a one-lot plat zoned R-1.

MS. GEUEA JONES: Yeah. Just one.

MS. SMITH: One home, yeah.

MS. GEUEA JONES: Or a school?

MS. SMITH: Or a school.

MS. GEUEA JONES: So -- sorry. To follow up then, we don't need to do anything differently. This is completely separate from the rezoning. We can vote to approve this plat and the underlining zoning carries?

MS. SMITH: Correct. They are definitely separate tracts. Certainly, I think you spoke on how you feel on the rezoning action. This is a little bit more administrative. Typically, if plats do meet the requirements of the UDC and State law, they are typically approved, but you are welcome to have your own discussion.

MS. GEUEA JONES: Well, I'm more asking for --

MS. SMITH: For the sake of the public?

MS. GEUEA JONES: -- for the sake of the public.

MS. SMITH: Yes.

MS. GEUEA JONES: To be clear, if we vote to approve this, we are voting to approve a two-acre R-1 lot?

MS. SMITH: Correct.

MS. GEUEA JONES: Thank you.

MS. LOE: Any additional questions for staff? Seeing none. We will open up the floor to public comment.

#### **PUBLIC HEARING OPENED**

MS. LOE: Again, if you can give your name and address for the record.

MR. SCHWEIKERT: Kevin Schweikert, Brush and Associates, representing Mr. Dan Hagan, 506 Nichols Street, Columbia. I did the subdivision plat and I think we'd like to -- we thought maybe table it, but I think we'd like to -- just to go ahead and -- and possibly get it approved as that one lot, so I'm happy to -- I think you've hashed everything out here. I'm happy to answer any questions you might have as far as anything else.

MS. LOE: Any questions for this speaker? I think we have hashed everything out. Thank you. Any additional speakers on this case? If not, we will close public comment.

#### **PUBLIC HEARING CLOSED**

MS. LOE: Commission comment? Commissioner Stanton?

MR. STANTON: It might be a little bit premature, but if my colleagues do not have anything else to discuss as it relates to Case 288-2021, I'd entertain a motion. As it relates to Case 288-2021, 2215 Green Valley Drive, Broadway Office Subdivision, I move to approve the subdivision plat.

MS. KIMBALL: Second.

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

**Roll Call Vote (Voting "yes" is to recommend approval.) Voting Yes: Ms. Kimball, Ms. Carroll, Ms. Loe, Mr. Stanton, Ms. Burns, Ms. Rushing, Ms. Geuea Jones, Ms. Placier. Motion carries 8-0.**

MS. CARROLL: We have eight votes to approve; the motion carries.

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

**As it relates to Case 288-2021, 2215 Green Valley Drive, Broadway Office Subdivision, move to approve the subdivision plat.**

## VI. PUBLIC HEARINGS

### Case # 286-2021

A request by Westhues Architecture LLC (agent), on behalf of Stephen & Cheryl Wendling, seeking approval of a revised Statement of Intent (SOI) on property zoned PD (Planned Development). The intent is to add "Elementary/Secondary School" to a SOI which currently permits a child care center and condominiums. The subject site contains 8.73 acres, is located on the northern frontage of St. Charles Road approximately 1200' east of Keene Street, and is commonly addressed 9 Dorado Drive.

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

Staff report was given by Mr. Brad Kelley of the Planning and Development Department. Staff recommends approval of the revised Statement of Intent.

MS. LOE: Thank you. Before we move on to questions for staff, I would like to ask any Commissioner who has had any ex parte related to this case prior to this meeting to please share that so all Commissioners have benefit of the same information on the case in front of us. Seeing none. Are there any questions for Planner Kelley? Good job, Planner Kelley. All right. We will move on to public comment.

### PUBLIC HEARING OPENED

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

MR. WESTHUES: Good evening. My name is Eric Westhues. I am the proud owner of Westhues Architecture, and I've worked with Mr. Wendling for several years, and



first of all, I'm not very good at this, so you just have to be patient with me.

MS. LOE: We can be patient, but we do need your address.

MR. WESTHUES: Oh, I'm sorry.

MS. LOE: That's all right.

MR. WESTHUES: 9000 North Boatman Hill Road, Columbia, Missouri, Boone County.

MS. LOE: Thank you.

MR. WESTHUES: Thank you to Brad, because I am horrible at this part of process. Brad has helped me incredibly with the application process. I'm just going to start at the beginning. I was initially contacted by a developer that had a client that was interested in building a new school on a new piece of property with a brand-new development that was going to be about 9,000 square feet, and it was going to be a really exciting project. It was going to be something that was like, oh, boy, I get to hang my hat on another really cool job here in Columbia. And during the thought process, Mr. Wendling was involved. He has operated Academy Day Care at this facility since 2006, and it's been quite successful. This opportunity came about that Mr. and Ms. Wendling are getting to the point that they need to stop being so active, and just sit back and relax and retire, and do the things that they want to do with their grandkids. Instead of going to a new piece of ground and creating a brand-new development that had all kinds of things, right here in the middle of Columbia is this eight-and-a-half plus acre site that is absolutely incredible, especially incredible for entertaining the education of the youth that are grades one through five. And the -- the purpose of this was how can we improve this existing facility at this time and take it to another level of providing facilities and services for the community. Once the client walked onto the site for the first time, the decision was made. I didn't -- we didn't walk through the building. We didn't go through any of the details. They knew at that point in time that this was the right direction and decision for them to try to implement their program at this location. So we started the process of how are we going to do this in this short period of time because day cares have teachers that have agreements, and they have all these things that are in place. Well, there was a decision made that we were going to continue to move forward. We were going to get the -- find out what needed to get done with our concept review, and then we have to get our statement of intent revised, and we felt quite comfortable to continue moving forward because educational and -- elementary and secondary education uses are allowed in every use group in the UDC. And it was just in this PD, because there was a PD and it wasn't specifically referenced at the time, that it wasn't included. So we felt with great confidence that we could forward, that the SOI would be amended and approved

accordingly to allow this. The number of students is going to be approximately the same. There's going to be 18 to 20 students per class. There's going to be five classrooms. There's going to be somewhere between 90 to 100 students, which is what the day-care op-- facilities have been operating at for several years. The staggered start, there are some mornings that students arrive earlier than others. It's not that everybody shows up at exactly the same time, so it's -- it's stretched out over a couple-hour period, and the same thing happens in the afternoon where it's some kids get picked up much earlier than other kids. So in terms of traffic, we anticipate the use to be quite the same in terms of what has -- we've experienced over the years. There is a maintenance building that's on the site that doesn't provide a maintenance building for us or for this use, and so we are requesting that the maintenance building also be modified to a multi-purpose area. It's just an under-the-roof, controlled environment where students can go in there and throw basketballs against the wall or run around and play, et cetera, as an alternative to not being able to go out into the playground. So there is -- there is a plan in the works. We have multiple projects on the inside. When I say multiple, there are a couple of restrooms which are not handicapped accessible, which those revisions are planned to be made. We have a developed a plan in the future to implement accessibility to all levels. This home is on -- is on multiple levels. There's -- there's steps throughout, but every classroom is at grade level and there are sidewalks all the way around the building so that there is accessibility into the building from the parking lot and everywhere that's on the site.

MS. LOE: Mr. Westhues, I'm sorry. But you're over your -- we usually do a limit on speaking.

MR. WESTHUES: I am happy to answer any questions.

MS. LOE: Okay. Any questions for Mr. Westhues? I think you gave us a good overview.

MR. WESTHUES: Thank you.

MS. LOE: No. No. No. You -- I'm an architect. I understand being passionate about your project. Thank you. Any additional speakers on this case? Seeing none. We're going to close public comment.

#### **PUBLIC HEARING CLOSED**

MS. LOE: Commission comment? Commissioner Stanton?

MR. STANTON: If my colleagues don't mind, if they don't have any additional questions or comments or concerns, I'd like to entertain a motion. As it relates to Case 286-2021, 9 Dorado Drive, a PD major amendment, SOI only, I move to approve the revisions -- the revised statement of intent for Chateau on St. Charles PD as requested.

MS. GEUEA JONES: Second.

MS. LOE: Moved by Commissioner Stanton, seconded by Commissioner Geuea Jones. Motion on the floor. Any discussion on this motion? Seeing none.

Commissioner Carroll, may we have roll call, please

**Roll Call Vote (Voting "yes" is to recommend approval.) Voting Yes: Ms.**

**Kimball,**

**Ms. Carroll, Ms. Loe, Mr. Stanton, Ms. Burns, Ms. Rushing, Ms. Geuea Jones, Ms.**

**Placier. Motion carries 8-0.**

MS. CARROLL: We have eight votes to approve; the motion carries.

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

**As it relates to Case # 286-2021, 9 Dorado Drive, a PD major amendment, move to approve the revised statement of intent for Chateau on St. Charles PD as requested.**

**Yes:** 8 - Burns, Loe, Rushing, Stanton, Carroll, Geuea Jones, Kimbell and Placier

**Unexcused:** 1 - MacMann

## VII. PUBLIC COMMENTS

MS. LOE: Any final public comments? If there aren't any, I'm sure Mr. Zenner will entertain us with a few staff comments.

## VIII. STAFF COMMENTS

MR. ZENNER: Why wouldn't I? October 21 is your next meeting, which is two weeks from today. We will start with a regular work session, and we will be talking about UDC text amendments, specifically, parking as I had noted tonight, and then we will circle back to some other topics at the beginning of November moving forward to the end of the -- of the new year. Also, as I had indicated today, you do have some projects coming up, however, the volume is starting to slow down just ever so slightly. We had four this evening. We will end up with only two at your next meeting. And then at this point, we only have two scheduled for the meeting following. So it is coming into the silly season, as we refer to it, end of November, beginning of December. You could see this a more consistent volume, but we could have a bumper crop in December. You never know. We have a repeat of a project coming back that has been in a tabled status for quite some time. This is the relocation of our Sonic drive-through down on Buttonwood today. This is the -- the existing Sonic is on the south side -- or north side of Grindstone. This is the location of the old Kentucky Fried Chicken that would actually be the new location, and they have been working on trying to satisfy Mr. Kelley with some plan change revisions that we needed to have, and we're ready to go with it. And then we have, as I had mentioned this evening, a request to rezone a parcel out in front of the

CMCA property, the Giving Gardens property that is zoned industrial to the rear where they do their plant -- their plant growing and a variety of other activities. This is a parcel that is immediately in front of them on Bearfield that was actually previously a public utilities site that has been decommissioned, and that they were able to purchase, and they are looking at annexing and rezoning that property, permanent zoning on the property in order to permit for some building expansion, not for industrial purposes, but more for administrative purposes and their adult daycare program. So that is the purpose of this permanent zoning, and -- permanent zoning request that you will be considering and ultimately an annexation request. It will require platting, as well, so we will ultimately have a platting action at -- at a point in the future. To give you an idea of where we're located, of course, the old KFC site there, just south of Grindstone, and then our -- the Giving Gardens property to the west of the highlighted parcel, which is the tract in question. That is all we have for you this evening. We thank you very much for your attention, your participation, and hopefully you got a good education out of today's work session. My thanks to Ms. Thompson for preparing that and providing it, and we will get those PowerPoint slides out to you as a part of our commitment to you all. Thank you very much, and you have a good evening.

MS. LOE: Thank you, Mr. Zenner. And thank you, Ms. Thompson. That was very informative.

#### **IX. COMMISSIONER COMMENTS**

#### **X. NEXT MEETING DATE - October 21, 2021 @ 7 pm (tentative)**

#### **XI. ADJOURNMENT**

MS. JONES: Commissioner Geuea Jones?

MS. GEUEA JONES: If no one has any comments, I move to adjourn.

MS. KIMBELL: Second.

MS. LOE: Second by Commissioner Kimball. We're adjourned. Thanks, everybody.

(The meeting was adjourned at 9:02 p.m.)

(Off the record.)