



City of Columbia, Missouri

Meeting Minutes

Planning and Zoning Commission

Thursday, July 21, 2022
7:00 PM

Regular Meeting

Columbia City Hall
Council Chambers
701 E. Broadway

I. CALL TO ORDER

MS. LOE: I would like to call the July 21st, 2022 Planning and Zoning meeting to order.

II. INTRODUCTIONS

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

MS. CARROLL: Commissioner Placier?

MS. PLACIER: Here.

MS. CARROLL: Commissioner Kimbell?

MS. KIMBELL: Here.

MS. CARROLL: Commissioner Wilson?

MS. WILSON: Here.

MS. CARROLL: Commissioner Loe?

MS. LOE: Here.

MS. CARROLL: Commissioner Stanton?

MR. STANTON: Here.

MS. CARROLL: Commissioner Burns?

MS. BURNS: Here.

MS. CARROLL: Commissioner MacMann?

MR. MACMANN: Present.

MS. CARROLL: I am here. Commissioner Geuea Jones?

MS. GEUEA JONES: Here.

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

MS. LOE: Thank you.

Present: 9 - Tootie Burns, Sara Loe, Anthony Stanton, Michael MacMann, Valerie Carroll, Sharon Geuea Jones, Robbin Kimbell, Peggy Placier and Shannon Wilson

III. APPROVAL OF AGENDA

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

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

MS. LOE: Thank you.

MR. MACMANN: Move to approve.

MR. STANTON: Second.

MS. LOE: Moved by Commissioner MacMann; seconded by Commissioner Stanton.

We have a motion to approve the agenda. I'll take a thumbs up on that approval.

(Unanimous vote for approval.)

MS. LOE: It looks unanimous. Thank you.

Move to approve.

IV. APPROVAL OF MINUTES

July 7, 2022 Regular Meeting

MS. LOE: Everyone should have received a copy of the July 7th, 2022, regular meeting minutes. Were there any changes or additions to those minutes?

MR. MACMANN: Move to approve.

MR. STANTON: Second.

MS. LOE: Moved by Commissioner MacMann; seconded by Commissioner Stanton.

I'll take a thumbs up approval on those minutes. Commissioner Wilson, are you --

MS. WILSON: Oh, I'm sorry.

MS. LOE: All right. We have eight for approval and one abstention.

(Eight vote for approval; one abstention)

MS. LOE: Thank you for that.

Move to approve.

V. PUBLIC HEARINGS & SUBDIVISIONS

Case # 201-2022

A request by A Civil Group (agent), on behalf of Jim Carrel & Jan Weaver (owners), for approval of a 2-lot replat of an approximately 1.13-acre parcel and a design adjustment from Section 29-5.1(d) of the UDC relating to required sidewalk construction along Walnut Street. The subject property is located south of Walnut Street, west of Aldeah Avenue and would reconfigure two lots and extend an existing access easement to serve Lot 301.

MS. LOE: All right. That brings us to our first case for the evening which is the Public Hearing and Subdivision.

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

Staff report was given by Mr. Rusty Palmer of the Planning and Development Department. Staff recommends:

1. Denial of the requested design adjustment to Section 29.5.1; and
2. Approval of the final plat pursuant to minor technical corrections (Surveyor comments).

MS. LOE: Thank you for that. 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 share that with the Commission at this time 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 Carroll?

MS. CARROLL: Are there any CIP plans to construct sidewalks on Bicknell or Walnut in the future?

MR. PALMER: I don't believe so. Let me check my report. Yeah. The report, it indicates that there aren't, and I don't remember exactly what was in there, but I do remember putting that in the report --

MS. CARROLL: Okay. Thanks.

MR. PALMER: -- so there's none specifically for those two streets for sure.

MS. LOE: Commissioner -- did you have another question, Commissioner Carroll?

MS. CARROLL: The -- no. I'm okay for now. Thanks.

MS. LOE: Commissioner Burns?

MS. BURNS: Thank you. Mr. Palmer, there were three neighborhood associations that were notified here in your report. What -- do you know if this house resides in -- in one of these particular neighborhood associations?

MR. PALMER: I believe -- let's see. Yeah. I think it would either -- out of the ones in the report, it would have to be West Ash.

MS. BURNS: I see West Ash, Park Hill, Historic West Broadway, and Old Historic Southwest Neighborhood Associations.

MR. PALMER: Yeah. Those last two are pretty obvious not -- not the -- the ones that apply --

MS. BURNS: Okay. I just wondered.

MR. PALMER: -- but they're within the 1,000 feet or --

MS. BURNS: I know that we've had -- and I've asked this question before, and I apologize for asking it again. I know there are certain triggers as far as development, as far as percentage of neighborhoods developed, and sidewalks already having been installed. And I wondered if that criteria does not apply to this, because this looks like a pretty developed neighborhood.

MR. PALMER: Yeah. I think that's the trigger kind of for the policy resolution evaluation, the second set of evaluation criteria --

MS. BURNS: Okay.

MR. PALMER: -- since it's a developed neighborhood without sidewalks, without increased streets.

MS. BURNS: Okay. Just wanted to clarify that. Thank you.

MS. LOE: Commissioner MacMann?

MR. MACMANN: Madam Chair. I have a question for you Planner Palmer, and, Mr. Zenner, maybe you want to chime in for this, also. In the last several years, three or four houses on Bicknell on the west side have redeveloped, and they do not have sidewalks. They never came to us, and I'm just kind of wondering -- because a couple of them were moderate, a couple of them were knock-downs.

MR. PALMER: These are all platted lots, and so if they don't have to replat, they wouldn't -- it wouldn't necessarily come before you guys. They would get a building permit.

MR. MACMANN: Okay. I was just wondering about -- because that would -- a significant stretch of Bicknell on the west side as it heads north. I would also say I did -- I was out there this morning, and the birch, and I don't remember either, I think it might have been a pin oak, but maybe not looking at it again, would definitely be affected by that sidewalk. It would -- because it's -- the panoramic nature of the photograph that we just looked at doesn't necessarily come into account. Also want to say that -- I'll save that for later. That's the question I have of staff. Thank you, Planner Palmer.

MS. LOE: Commissioner Geuea Jones?

MS. GEUEA JONES: Well, Commissioner MacMann stole some of my thunder, but what I am wondering is who granted them sidewalk waivers, because if it's a significant redevelopment, that should have triggered something, as well, or not?

MR. ZENNER: So -- and this is, I think, in relationship to Ms. Burns' question. The development code -- the Unified Development Code has criteria by which sidewalks in preexisting developments prior to, if I recall correctly, 1991, have to follow particular development standards for the installation of sidewalks when there's a percentage of sidewalks already installed in the neighborhood. So if a neighborhood has X amount of percentage of sidewalk, it is required then to install sidewalk, and normally it is only applied during the replatting aspect, not through site redevelopment. So as Mr. Palmer pointed out, this particular application is replatting property, and that is what the principal trigger is for sidewalk installation. It's the platting of the land. The provisions that exist in the UDC are designed to ensure that the sidewalk that gets installed is either matching

the sidewalk that was previously there or complies with the current sidewalk standards that are part of the street manual that we now have adopted. The policy resolution that is referenced is solely to deal with the issue of sidewalks on unimproved streets when we deal with that issue. In any other instance, we're only handling those reviews by our general design adjustment criteria. So that's -- that's the background associated with the waiver, and I wouldn't call it a waiver because the way that the policy or the way that the sidewalk installation procedures operate, the property was redeveloped; therefore, you couldn't redevelop land unless it was a legal lot. And since it's a legal lot, meaning it's platted, there is no exemption granted. It's just a grant -- it's a -- it's an action that's -- the building department is entitled to approve the permit. No sidewalk there originally, no sidewalk required because they're not replatting. And while the criteria that Mr. Palmer when out identifies several items that aren't compliant with the standard criteria, the part we struggle with as a staff is our regulations do not afford the opportunity for us to say, well, in this particular instance, there's nothing that's planned to be built in this neighborhood; therefore, we don't have to go through the process of requesting the waiver to the applicant. And in this particular instance, I think, as you have seen, much of Mr. Palmer's presentation would maybe seem to lend itself toward, well, why are we here. There's no sidewalk in the neighborhood, there's no possibility for conductivity because it's not on a plan. We're here because we do not have the authority administratively to say it doesn't apply. The Commission has the authority to recommend to Council that in this instance, it may not be practical. You may think that it is practical, though --

MS. GEUEA JONES: Well --

MR. ZENNER: -- and, if so, you can, but we can't do anything about everybody else that's developed along Bicknell at this point. We could -- Council does have the authority to tax bill property for the installation of sidewalk if there's a greater public benefit being desired. That process is used very infrequently.

MS. GEUEA JONES: Here's -- here's my concern. We have to start somewhere, and -- and I am hesitant to grant a waiver based on trees. And so my -- my question is, is replatting the only thing that triggers this, because I know that one of the properties that Commissioner MacMann referenced was completely regraded, torn down, a brand-new house is being built there. So if that doesn't trigger sidewalk requirements, what other than replatting triggers that, because if the rest of the neighborhood is completely replatted already, and the only other option is the City coming in and tax billing people to build a sidewalk, that will weigh heavily in our decision-making process.

MR. ZENNER: The replatting procedure is what triggers the necessity for sidewalk installation in environments where they do not exist.

MS. GEUEA JONES: And nothing else?

MR. ZENNER: And nothing else that I am aware of. We have criteria that would require if you're building along an arterial or a collector street, as part of the permitting process, if you -- if you were to do exactly what happened on Bicknell, that would potentially trigger something as a part of the permitting process, but that's specifically prescribed by the Code. In a residential setting such as Bicknell and West Walnut in this particular area, it -- it doesn't meet that threshold of the street intensity to require the offset of the pedestrian movement. Your point is very well taken, though, and I think that that is part of what we, as a staff, have struggled with, and I think we've had this conversation with the Commission about more definitive standards associated with when is a sidewalk required aside from replatting, so these particular types of discussions can be reduced in their frequency.

MS. GEUEA JONES: Thank you very much.

MS. LOE: Commissioner MacMann?

MR. MACMANN: If I may have a second bite at the apple. Having lived over there when the reconstruction demolition, that started a long time ago, is where I'm going. It started and it stopped, and then it started and it stopped. And it has certainly grown in nature. I'm not even sure the first elements were permitted in any way, shape, or form, or not. I don't know that for sure. It was certainly before the new Code, some of -- some of those properties. Some of the newer properties, I do not know. I just brought that up for that particular question to see if it had been replatted, and I did not know, because it seemed to be a rather homespun activity, at least to begin with. They certainly finished in a good place. But thank you, guys, for going down that rabbit hole with us.

MS. LOE: Any additional questions for staff? If there are none, we'll open up the floor to public hearing.

PUBLIC HEARING OPENED

MS. LOE: If anyone has any public comments they would like to share, please come up to the podium and we need your name and address for the public record. We do give you three minutes for public comment. If you're speaking for a group, we provide six minutes.

MR. MURPHY: Good evening, Chair, Commissioners, and staff. Real quickly, I've just got a couple of pictures here as a handout. . Kevin Murphy with A Civil Group, offices at 3401 Broadway Business Park Court. Both staff comments on this are in my mind leaning towards this, you know, and in my mind anyway is that this is not a place to put an 80-foot stretch of sidewalk in a developed neighborhood where you're impacting neighbors' properties by having to cut down grade on your own property and abut their

property, as well. There's a driveway that would need to be put back in to ADA compliance that, depending on the timing, may or may not -- both of these properties are currently owned by the Carrels who now live in Iowa, and they're trying to liquidate their properties here in town, and which all center in this area. And so we're here because we're having to subdivide this to replat this, which was done in the '30s and '40s originally. Obviously, no sidewalks were required at that time. The right-of-way wasn't graded for that; however, this is a curb and guttered street, which I would consider an improved street. It's always been considered that way, although it sounds like now, if it doesn't have sidewalks, it's unimproved street. But typically, a street with no curb and gutters and roadside ditches was the standard for an unimproved street. So -- so I don't agree with the -- using the -- the policy resolution to do that, but I would say on two points of that policy resolution that we're not -- there may not be horrible constraints on this property. Again, it would impact the neighbor's property a bit, but less than 200 feet down the street, there's a large box culvert just up -- up from Aldeah that a continuation of the sidewalk in any way, shape, or form would be a very difficult process, extension of those six-foot by eight-foot reinforced concrete box on either side of the street to -- to put in sidewalks. Again, as pointed out, several houses on Bicknell have been done. Again, they were considered legal lots. If -- if we were to not be here today just trying to move a lot line between lots and having to resubdivide, we could tear this lot -- house down, build a new house, and not have to build sidewalks. So the -- the cost involved in doing this, roughly \$5,500, \$6,000, again, well -- well, more than that. It would save removing these trees, which the folks have -- have indicated that -- that, you know, if they have to remove those trees, then they may just change their mind on the three plat. Prior to the UDC, this action could be done between parties or -- or by a deed without having to -- to replat and try to bring an established property into today's standards. I think that's why you see a lot of these requests for sidewalk variances is that we're trying to take today's standards, which are obviously a much higher standard than what was back, you know, in the '30s, '40s, '50s, '60s, and apply that to developed properties that they're like that. But anyways, it's 300 feet from this property to Aldeah. We've got sidewalks on both sides for the most part, I do believe, put in by the City as a tax-billed street. There's -- again, that's an option that the City is not exercising. For somebody to do this and again, I think a couple of those houses may have been extremely well -- or, you know, torn down to the frame and rebuilt, but I think a couple of them were demolished completely. But -- so you would have a stretch of sidewalk there, a stretch of sidewalk there. I have a couple of friends that live on this street. They plan to live there forever. So putting in sidewalks piece by piece isn't getting the job done. Nobody is getting off

the street, walking 80 feet on the sidewalk, getting off. And if the City is not willing to put in the rest of those streets in a developed neighborhood, they're not going to get done, and it's an expense to the taxpayers, these individuals, not all taxpayers, just these individuals to -- to do this. And -- and, again, this is built out, and there's going to be relatively few homes that -- that have to be or will be torn down and rebuilt, and -- and may have to replat, may not have to replat, and may have to build sidewalks, may not have to build sidewalks. So there's -- I have limited time here --

MS. LOE: Thank you, Mr. Murphy.

MR. MURPHY: -- but I would be happy to sit down --

MS. LOE: Yes.

MR. MURPHY: and talk with --

MS. LOE: Are you willing to take questions from the Commission?

MR. MURPHY: Yes. Yes.

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

MR. MACMANN: Mr. Murphy, I'm going to make some statements. To expand upon what Mr. Murphy just said, if you all will refer to the north side of Walnut and look at those homes there. Neither the home on the corner nor the home at the corner of Aldeah and Walnut, their front yards are less -- one is a side yard -- are less than ten feet. The other homes on the north side are anywhere from, like -- I've spent a lot of time here. I have friends and customers here -- 16 to 20 feet. In essence, there is no room on the north side. There is a small amount of room on the south side, but you're taking huge chunks of front yards. To Mr. Murphy's point of the stormwater collector, which it took a long time to get it in there, and I'm glad it's there, we'd need a bridge to put -- that's near the -- on the side of West Walnut near Aldeah behind the first house on Aldeah, there's a quite large stormwater feature with box that you would need -- what do you think, Mr. Murphy, a bridge, a culvert, something to get the sidewalk over there. It would be quite expensive. I just wanted to use up some of your time to reinforce your points, Mr. Murphy. I hope you don't mind.

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

MR. MURPHY: Thanks, much.

MS. LOE: Any additional speakers on this case?

MR. PAGE: Good evening. I'm Brian Page; I live at 17 Aldeah. This is my -- my home. This is my neighborhood, and it would be an abuse of power to insist that there be dysfunctional sidewalks put in on West Walnut and Bicknell. They're narrow streets, parking on both sides of the street, and there's very little traffic. And it's typical for all of

the neighbors in the neighborhood to walk the streets. It's quiet. It's unnecessary to do sidewalks. My question, Mr. Palmer, is in the stormwater design for this, will there be additional stormwater impacts on the property immediately east of the driveway. Right now, my neighbor, Jennifer Erickson, has foundation problem in that house on that same wall parallel to that driveway, and any additional impacts would be unfortunate to a single woman living in that house.

MR. PALMER: I can't really answer that. I'm not a stormwater engineer, but from looking at the photo, I would say, generally, it would drain out into the street and -- and, you know, it would join all the -- all the -- all the other runoff from the -- from the neighborhood, so --

MR. PAGE: In other words, it would run down the driveway, most likely?

MR. PALMER: Well, the sidewalk would drain generally cross slope just towards the street, so --

MR. PAGE: I'm speaking about the house besides the Carrel home, the Weaver-Carrel home, I'm speaking about the other house.

MR. PALMER: Yeah. I'm saying it would -- it would be perpendicular to the street, so it would just -- it would direct -- directly into the street, not necessarily laterally.

MR. PAGE: Thank you. Thank you. Thank you, sir. I'm open to any questions.

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

MR. PAGE: Thank you.

MS. LOE: I see none. Thank you. Any additional speakers on this case?

MR. FOGLE: Hello. My name is Derrick Fogle; I live on West Broadway. I share just that little tiny about five feet worth of property line with this property on the southeast corner.

MS. LOE: Mr. Fogle, can we get your address?

MR. FOGLE: 409 West Broadway.

MS. LOE: Thank you.

MR. FOGLE: And I am -- probably more important than even where I happen to live there touching the property is the fact that I am one of those people who actually uses active transportation. I use my bicycle for transportation every day. When my son was younger, he used to take piano lessons from a woman that lives directly across the street from the property in question. And I actually use that area on my bicycle, and we use that area as pedestrians walking rather often. And I am also of the opinion that there is absolutely no need for a sidewalk to be built on that one little strip when there is really no evidence that there is ever going to be any other sidewalk anywhere else in the area in any reasonable amount of time. I think the road traffic is so low that pedestrians can use

the street without needing a sidewalk. And, again, the absurdity of just that one little strip of sidewalk, and then, you know, you see the little footpath going off there, and going back into the road or whatever. It's just really -- I would advocate to waive that requirement. Thank you.

MS. LOE: Thank you. Are there any questions for this speaker? I see none. Thank you. Any additional speakers on this case? If there are none, we will close public hearing.

PUBLIC HEARING CLOSED

MS. LOE: Commissioner comment? Commissioner Burns?

MS. BURNS: Thank you. If I could back to staff, please. Mr. Palmer, you mentioned that this -- that the Weaver-Carrels owned several properties in this area, and that they were looking to disinvest in some of these properties?

MR. PALMER: I -- I actually didn't say that, but --

MS. BURNS: I -- okay. Then I --

MR. PALMER: But, yes. They do -- they do own another adjacent property. You see the two "lots" that we're discussing now, and then right where it says subject site just to the east of that, the lot facing -- fronting Broadway there that connects to these two is also their lot. And you may -- you may have actually reviewed a plat for that a little while back where they divided that lot off.

MS. BURNS: I didn't mean to put words in your mouth.

MR. PALMER: So that's the one that I know of, but, yeah. You're fine. I actually don't know exactly why they're doing it, but Mr. Murphy -- sorry, Kevin -- I was thinking Kevin the whole time. But, yeah. He alluded to that, so --

MS. BURNS: This is on a case-by-case basis. I guess my question was, and if they were adjacent properties or even more than maybe one, two, three, four, where we might get some connectivity from a sidewalk, but, I guess, from what I'm understanding from you and Mr. Murphy, this is a single-issue sidewalk at this point in time?

MR. PALMER: Yeah. From my knowledge, they own these two adjacent on Walnut, and -- and the two outlying properties on either side are not theirs. Outside of that, I can't really speak to what they own in the area.

MS. BURNS: Thank you.

MR. PALMER: Uh-huh.

MS. LOE: Commissioner Geuea Jones?

MS. GEUEA JONES: So I always struggle with these because I understand that the bulk of the neighborhood has already been built up and -- and all of that. But I try to think where are we going to be 20 years from now, you know. Are we still going to be in the

same condition of replatting is the only way we have sidewalks, things like that. And I know I'm going to be in the minority on this case, but I just strongly feel we have to start somewhere, and unless it is just impossible and impracticable to build on that site, someone has to build the first section of sidewalk. And again, I'm not expecting to sway the rest of my fellow Commissioners, but I want to make it clear that every time we have one of these cases come up, and they do come up a lot, I have the same criteria going through my head, and unless there is a good reason, it starts to become arbitrary to say, well, this neighborhood doesn't really want it, so we're going to give a waiver here, but this neighborhood, nobody really came, so we're not going to grant a waiver there. That kind of inconsistency is how we end up with places -- with neighborhoods that do have, you know, real problems where maybe most of the sidewalk is built, but one section isn't. So I -- I just wanted to make clear to both our Commissioners and for the record where my head is at on this, and why I may be -- why I may be voting in a way that seems not practical, but I am trying to think about where do we go from here, not just how is this individual property impacted. And in the scheme of things, it -- it's not a \$50,000 cost on them. And again, somebody has to make the first move, so that's -- that is my comment on the case.

MS. LOE: Commissioner Carroll?

MS. CARROLL: Yeah. So I do live in the West Ash neighborhood. I do walk this section frequently, particularly Aldeah. Occasionally, I'll go through Walnut over to Bicknell if I want to get back to Ash. The sidewalks, the relatively new sidewalks on Aldeah are a tremendous improvement to me as a -- as a pedestrian. I don't necessarily feel the same way about Walnut, and the reason for that is connectivity. Walnut doesn't connect to Glenwood -- I get Glenwood and Greenwood confused. Walnut doesn't go through and connect to the other streets. Bicknell doesn't connect Ash to Broadway. It's not used by the people who don't live on that street, and the streets are fairly well improved themselves. When I do walk it, I walk in the middle of the street, and I never see cars in my way. I feel that having the sidewalk here doesn't add to connectivity.

MS. LOE: Commissioner Placier?

MS. PLACIER: Yes. I agree with Commissioner Carroll on this point, but it isn't just that -- I wanted to address Commissioner Geuea Jones' important points. I think voting to accept the design adjustment does not mean being opposed to having sidewalks. There may be another process in the long term for getting sidewalks other than these piecemeal lot by lot by lot disconnected things that -- that seem disruptive of both the environment and the experience of the pedestrian who is going on and off. So I wanted to clarify that, just -- the vote is not just to respond to people who don't want the sidewalk or

to be inconsistent, but it is to work toward a long-term plan where either the City steps up. I'm not even sure I'm -- I am in favor of this taxing people all along the street. I think if the City wants sidewalks, the City is going to have to come up with a plan for sidewalks because we have a dysfunctional policy right now that creates this piecemeal process, and then does lead us to look kind of -- I don't know what the word would be -- arbitrary.

MS. LOE: Commissioner MacMann?

MR. MACMANN: I have a -- I know we're kind of taking a little public time, but I'm glad we're doing that. I have a criterion that I use in the built environment, and this applies to the west side extensively in some things east of Broadway, also. If this was brand new, and it had a sidewalk in there, they'd have at least 25 feet from their front door to the sidewalk. Nowhere on the street except maybe one or two houses on Bicknell and Walnut would apply to that. As I said, it really can't fit on the north side. And on the south side, we'd be taking 40 percent of their front yard, 35 percent of their front yard. That would be counterproductive to getting folks on the street, and that's kind of how I look at it. When I walk by, you know, if we're on Hirth or something, or College, we're up north, and we are requiring more right-of-way and more sidewalk. Well, if the sidewalk is right outside my front door, that is kind of handy, but it also violates our space. So we might want to use sort of foot -- is there room for it -- criterion going forward, because there is really not in this pocket neighborhood.

MS. LOE: Commissioner Wilson?

MS. WILSON: So I have a couple of concerns, and the first one is while I appreciate the conversation about future planning and possibilities, that is not what really we're here to talk about today. Right? We have to deal with what the rules are now, and the situation that we have now. That's the first thing. The second thing is, and this is just me being a tree-hugger, you know, my thought process is the less concrete, the better, particularly what is invading people's property. So those are my thoughts. And, again, like I said, I appreciate the forward thinking because it looks like this is an issue that we need to address. I just don't necessarily think that it's time to address it on this matter.

MS. LOE: Commissioner Stanton?

MR. STANTON: All my dear Commissioners are correct, but that's why this case came to us because it didn't fit the box exactly, needed our debate and heavy thought to make this decision. My opinion is there's a tree that's from 1913 on this street. This neighborhood is built out. It has curb and gutter. And putting a patch of sidewalk, due to the fact I build this stuff all day long, this piece of sidewalk from 90 feet here is serving no purpose. Now, to my colleagues that think that, yes, we're kind of getting off the beaten path of universal connectivity, yes, I completely agree. The neighbors to the left and right

are not replatting anytime soon. They're not going to build anything. They're not going to do anything that's going to trigger a building of that sidewalk, and I'd pretty much probably bet money on that. Now, we do have some salvation. If this is replatted, then we approve this replat, and it is sold, and these houses are torn down, and it is redeveloped somehow, maybe it triggers the sidewalk again. If I was a betting man, then they would make the connection between, what's this, Walnut all the way down to Broadway, and if they did that, you know, this is kind of looking like a little chess game here, it would trigger the sidewalks that we would require. And then as far as this case, these sidewalks make no sense here, and I plan to go against my dear staff on this issue on this project.

MS. LOE: Thank you, Commissioner Stanton. Commissioner Kimbell, did you have any --

MS. KIMBELL: Not at this time.

MS. LOE: Okay. My thought, since we're going around the horn on this, one -- one item that is not necessarily located on this site specifically but is located on this side of the street are the utility poles. And in my experience, that's one thing City staff looks at when they're looking at how -- what to do with the sidewalks. So if the City was looking at where to put a sidewalk, my vote is they would count that against the south side of the street because it is expensive to move those utility poles. So I'm thinking that if this ever did become a universal move, they would be looking somewhere else anyway. So I am not inclined to approve starting at this location. Commissioner MacMann?

MR. MACMANN: I have a question for legal, and maybe for the planning staff. Mr. Palmer or Mr. Zenner, Ms. Thompson, it's looking we're going to turn the design adjustment down. Do you want two motions?

MR. ZENNER: That would be most appropriate.

MR. MACMANN: The plat first or the design adjustment first?

MR. ZENNER: Design adjustment first, and then the plat, please, sir.

MR. MACMANN: Madam Chair, I have a motion.

MS. LOE: That sounds --

MR. MACMANN: I will make this motion in the affirmative, because that's how we do things here. In the matter of Case 201-2022, design adjustment to Section 29-5.1, I move to approve.

MS. BURNS: Second.

MS. LOE: Moved by Commissioner MacMann, seconded by Commissioner Burns. We have a motion on the floor. Any discussion on this motion? Commissioner Stanton?

MR. STANTON: Madam Chair. You moved to approve the design?

MR. MACMANN: I made the motion -- pardon me, Madam Chair. I made the motion in the affirmative. I will be voting no.

MS. LOE: Any additional discussion? If there is not, Commissioner Carroll, may we have roll call, please.

MR. ZENNER: If you make the motion, the motion has been made to approve the design adjustment. If you vote in the negative, you will have approved the design adjustment, because we are recommending denial. We're recommending denial.

MS. THOMPSON: Well, the motion is to approve the design adjustment, so if they vote in the affirmative, that will mean that they do not have to build the sidewalk --

MR. ZENNER: The sidewalk.

MS. THOMPSON: -- because the design adjustment will be approved. If they vote in the negative, it will mean that you are saying that they should be building the sidewalk.

MS. LOE: We're not voting on your recommendation. We're voting on the actual --

MR. ZENNER: Correct. Request.

MS. LOE: -- request.

MR. MACMANN: Madam Chair and legal, do you want me to restate the motion?

MS. WILSON: Is that necessary?

MS. LOE: Yes. We do have a request for a restatement.

MR. MACMANN: Madam Chair, if I may, I need to address legal for a moment.

MS. LOE: Please.

MR. MACMANN: Ms. Thompson?

MS. THOMPSON: Yes.

MR. MACMANN: How do you want this to sound?

MS. THOMPSON: You are making a motion to approve a design adjustment to Section 29-5.1.

MR. MACMANN: I'll go back one step further. I'm going to make a positive motion, so the sidewalk requirement goes away. How do I need to word that?

MS. THOMPSON: You make a motion to approve the requested design adjustment to Section 29-5.1.

MR. MACMANN: Which is what I just did?

MS. THOMPSON: Correct.

MR. MACMANN: So my motion can stand? The second can stand.

MS. THOMPSON: Your motion can stand and --

MR. MACMANN: And if we vote against it, theirs is no sidewalk?

MS. THOMPSON: No. The request is for a design adjustment to -- to have to -- to the requirement to build a sidewalk.

MS. LOE: The request was to deny it -- to remove it.

MS. THOMPSON: That's what the request is. The request for the design adjustment is to remove it.

MS. LOE: That's what we're approving?

MS. THOMPSON: Correct. So if you move to approve that request and you vote yes, they will not have to build the sidewalk.

MS. LOE: So you're going to vote yes.

MR. MACMANN: So I am going to vote yes. I will just hope that the motion for the plat is certainly more succinct. I hope you all are staying with it. My motion stands; my intention changes.

MS. LOE: This is just the first case. All right.

MR. MACMANN: Thank you, Madam Chair, for that forbearance.

MS. LOE: Are we resolved, Commissioner Carroll? No?

MS. CARROLL: I believe so.

MS. LOE: Yes, we are. All right. May we have a roll call.

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

Placier, Ms. Kimbell, Ms. Wilson, Ms. Loe, Mr. Stanton, Ms. Burns, Mr. MacMann, Ms. Carroll. Voting No: Ms. Geuea Jones. Motion carries 8-1.

MS. CARROLL: We have eight to approve, one to deny. The motion has carried.

MS. LOE: Thank you. We have a second motion?

MR. MACMANN: Yes, I do, Madam Chair. If my fellow Commissioners have no more questions or comments? I do not see any. In the matter of Case 201-2022, WW Payne's Addition, Plat Number 3 replat with minor technical corrections, I move to approve.

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.

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

Placier, Ms. Wilson, Ms. Kimbell, Ms. Loe, Mr. Stanton, Ms. Burns, Mr. MacMann, Ms. Carroll, Ms. Geuea Jones. Motion carries 9-0.

MS. CARROLL: Nine votes to approve, the motion carries.

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

Motion One - In the matter of Case 201-2022, design adjustment to Section 29-5.1, move to approve. VOTING Yes: Placier, Wilson, Kimbell, Loe, Stanton, Burns, MacMann, Carroll, Geuea Jones. VOTING NO: None. Motion carries 9-0.

Motion Two - In the matter of Case 201-2022, WW Payne's Addition, Plat Number 3 replat with minor technical corrections, move to approve. VOTING Yes: Placier, Wilson, Kimbell, Loe, Stanton, Burns, MacMann, Carroll, Geuea Jones. VOTING NO: None. Motion carries 9-0.

VI. PUBLIC HEARINGS

Case # 140-2022

A request by Lewis-Bade, Inc. (agent), on behalf of The Overland Group (contract purchaser), seeking approval of a PD plan on a 1.79-acre property located at 5905 E. St. Charles Road. The proposed PD plan depicts a new, 10,640 sq. ft. Dollar General store on the site. The property was zoned C-P, now PD, upon annexation in 2013. **(This item was tabled at both the May 5 and June 23, 2022 Planning Commission meetings.)**

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

Staff report was given by Mr. Rusty Palmer of the Planning and Development Department. Staff recommends approval of the "Overland DG, #24012," PD Plan, dated 7/11/22.

MS. LOE: Thank you, Mr. Palmer. Before we move to questions of staff, I would like to ask any Commissioners who have had any ex parte related to this case to please share that with the Commission at this time 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? We're all familiar with this case at this time. All right. We will move on to opening the floor to public hearing then.

PUBLIC HEARING OPENED

MS. LOE: If there is anyone that has anything they would like to share, please come up to the podium. We need your name and address for the record.

MR. KEMP: Glad to be back again. My name is Greg Kemp; I live at 1306 Lake of the Woods Road. I just have some questions that you had mentioned, but first, I did -- Dollar General did get with me, and we come to agreement. The only thing is I want it in writing, you know. That's my only problem I got with it. You mentioned that there is going to be a lot of trees, there's some scrubby and stuff supposed to be growing up and you're supposed to be planting. Down the road when this stuff gets out of control, who is going to maintain it?

MR. PALMER: Well, they're required to maintain it, but --

MR. KEMP: Okay. Will there be something, like, okay, since it abuts up to my property, the reason why I'm asking that. If trees get out of hand, you know --

MR. PALMER: It would be, like, a typical -- like a neighborhood services complaint, if there becomes an issue, and all of those are kind of complaint driven policing efforts.

And so, that would be -- you know, hopefully, it would never reach that point, but if something were to arise, you would just contact neighborhood services, and they'll come and take a look.

MR. KEMP: Okay. The other question is the sign that we talked about. They have a timer on it where the sign goes out, it don't burn all night. We had talked about that in the first meeting.

MR. PALMER: And I believe -- I -- this is from memory, but I believe that the applicant planned n that being on a timer, and also of a height that wouldn't be visible offsite based on the -- the screening device that's installed.

MR. KEMP: Okay. And the parking lot lights?

MR. PALMER: Again, I think that that was kind of the general consensus on the lighting across the site was that it would be cut off in nature so it points downward and not outward, and they have done a lighting plan to show that it was at zero lumens at the property line, which is actually less than what the City Code requires, so they were -- they were trying to address those issues up front for sure.

MR. KEMP: Okay. And I want to thank you all, although I lost the battle, but I want to thank you all for your concerns and your help in making me somewhat happy neighbors with Dollar General.

MS. LOE: Thank you for your comments, Mr. Kemp.

MR. WILLIAMS: Good evening. My name is Randy Williams; I live at 6208 East St. Charles Road. About the Dollar General, I'm still concerned about the trash and the traffic. I'm already picking up Schnuck's traffic and cut-through through my property, and Schnuck's bags, and cleaning up both sides of the street already. This Dollar General, I'm sure I'm going to be picking up yellow Dollar General bags all over my property. There's only one sidewalk, and that's on my side of the street. I notice they're putting in a sidewalk on the other side just to the roundabout, but there's still not a sidewalk on the opposite side, so I'll still be picking up a lot of traffic coming from the further streets and behind me, such as Demaret and Sneed, and the rest of those that's down on that end. I'm just concerned about the -- you know, the traffic because I'm getting a lot of cut through to my property already, and I'm sure it's going to increase. It's something that I'm really concerned about because I'm getting it at all times of the day and all times of the night, you know. I've -- I've already had to secure my property and put cameras and motion detectors and stuff like that around, and it's going off all during the night. I'm just not getting the proper rest and getting -- looking up and looking out every night and I just think there's going to be more and more of a problem for me on my side of the street, and the neighbor next to my right and to the left of me, as well. I have a lot next to my

property which they're already cutting through to -- on Players Place, and no one wants to walk around the corner there, so that's my main concern with this new store coming in. I do shop at Dollar General, which is two miles down the road, but I just think this one would be a bigger problem for me, picking up around the -- my property and on the curb and on the street. I'm open for any questions.

MS. LOE: Any questions for this speaker? Commissioner Stanton?

MR. STANTON: If you were in my shoes right now, what would your vote be on this?

MR. WILLIAMS: No. I'm willing to sell out. I mean, they -- they already got me ready to put my house up for the sale because the traffic is just getting to be overwhelming, and I just think in the next year or two, it's just going to be -- I'm not just going to want to stay there anymore.

MS. LOE: Commissioner Carroll?

MS. CARROLL: Yeah. I'm wondering if your concerns are specific to this plan, specific to this use, or if any commercial use at that spot would have the same concerns for you?

MR. WILLIAMS: Yes, it would.

MS. CARROLL: Yeah. Okay. Thanks.

MS. LOE: Commissioner Wilson?

MS. WILSON: So to veggieback on your comment, I think the last time that I was here was the first time that I became familiar with this. And what I learned and understood during that meeting was it is our desire to mitigate as much as possible what could happen. And so given all of the scenarios, we had hoped that Dollar General would come back and work with you all so that we don't have to say no and open up the possibility of bringing something worse than Dollar General. So I just want you to know that -- that it is the heart here to protect you -- right -- and to -- to make sure that you have good use of your property. I very much hear you when you -- I hear your concern, I hear your frustration. I mean, the fact that you are considering selling your property is very -- it is heartbreaking. At the same time, I think we're doing or we're trying to do what we think is -- is best, and that is preventing something worse than Dollar General.

MR. WILLIAMS: I understand that fact, but still the fact remains of the -- I'm sure most of the people in that area is going to use that store, and so that's going to increase the traffic. It's just -- it's just no way around that. I mean, even if there was a sidewalk across the street, it still would be more traffic. I mean, I'm getting beer bottles, liquor bottles, just -- you name it, and -- and, like I said, I just know that trash is going to increase with Dollar General bags, people are driving by throwing things out, people that are walking by are throwing things out. We hear people talking, you know, it's just -- it's

just going to be a problem for me, and it's just my concern, and I just want them to know that that's why I'm standing on this.

MS. LOE: Commissioner Placier?

MS. PLACIER: Oh. I was just trying to locate your property in relation to this. Could you point it out on the map for me?

MR. WILLIAMS: I'm, like, the second house past the fire station.

MS. PLACIER: Oh, okay. Down past the roundabout?

MR. WILLIAMS: Uh-huh. Past the roundabout.

MS. PLACIER: Okay. Got you.

MR. WILLIAMS: Past the roundabout on the right side of the fire station.

MS. PLACIER: Okay. Yeah. I can see.

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

MR. WILLIAMS: Thank you.

MS. ECHOLS: Hi. My name is Martha Echols; I'm actually here for another agenda item, but I'm just listening to the residents of this neighborhood say that they don't want this Dollar General there and I'm --

MS. LOE: I'm sorry. Can we have your address, please?

MS. ECHOLS: 111 Maplewood Drive.

MS. LOE: Thank you.

MS. ECHOLS: And I'm -- I wasn't at the previous meeting where maybe you were talking about this, but the zoning for the surrounding area on that side of the street looks like all residential, and I'm wondering if there was some discussion about, like, whether this Dollar General was a benefit to the neighborhood and how you evaluate that.

MS. LOE: So the PD zoning was approved back in 2013, and it allows for commercial use, and it actually had allowed for the three lots you see there to be conjoined, and for a much larger commercial use to go in at that location. And at this time, one of the lots is being sold with a smaller, single -- the Dollar General being proposed. So the use has already been determined, and we were looking at the plan, just the site, because it's a planned development --

MS. ECHOLS: Uh-huh.

MS. LOE: -- and it had not come forward with that. So that's -- we're not looking at the use as much right now as much as the plan.

MS. ECHOLS: And then residents are also concerned about, like, plastic bags, which I know has been a topic of discussion for a long time and some places don't allow plastic bags, and that's not the case here. But, I mean, maybe this particular store could

solve that problem by not offering plastic bags, so offering some sort of alternative, like, paper bags, or not doing bags or --

MS. LOE: Now, that's -- right. That would be something that the Zoning -- Planning and Zoning would not typically get into. This is a fully fenced on three sides property, so as far as containing trash, not to say there wouldn't be plastic bags, that was a step taken by the owner to address that concern.

MS. ECHOLS: I'm sorry? The owner did address that concern with the fence?

MS. LOE: In -- by putting a fence on three sides of the property.

MS. ECHOLS: Oh, okay. Okay.

MS. LOE: And -- yeah. And trash receptacles.

MS. ECHOLS: Okay. All right. Thank you.

MS. LOE: Yes. Any additional speakers on this case? If there are none, we will close the public hearing.

PUBLIC HEARING CLOSED

MS. LOE: Commissioner discussion? Commissioner Carroll?

MS. CARROLL: You know, there's something that I've been wanting to give voice to on this topic, and that's that personally, for myself, I'm not particularly comfortable with this use here directly next to residential. Unfortunately, that's already an approved use. If that zoning had come before me, I might have made a different decision now, but we're not voting on that tonight. I do feel that Dollar General has gone a long way with this plan, especially in the most recent iteration going beyond the Code in many situations to attempt to address some of the impacts they may have on neighbors. I'm glad that they've been able to contact their neighbors, and I hope that that communication has improved. If you're unhappy with the way that the site is being maintained, I encourage you to contact Neighborhood Services in the future. I -- I do think that they're following our Code and have met what we've asked of them at this point.

MS. LOE: Commissioner Geuea Jones?

MS. GEUEA JONES: Oh, no. It was Anthony.

MS. LOE: Oh. Commissioner Stanton?

MR. STANTON: First of all, I think it was Ben Franklin, but it might have been somebody else. A good compromise is when both sides are equally upset. I'm sure Dollar General did not want to put this extra money into this, but this goes to my point that I've been saying over the last two meetings. Citizens have power. This is a perfect example. I'm sorry you feel like you lost, because you really didn't want it anyway, but you fought, your neighbors fought the good fight, you engaged. I am very proud of the efforts of both Dollar General, and I will retract my statement because the last time I said

I had no faith in Dollar General in making any moves, I'm going to retract that, and I would like to commend Dollar General for making these adjustments to help be better neighbors. Not everybody is happy, they're not happy, you guys are not happy, but you're equally compromised, and that is a perfect compromise. I think that's what's happened here. I like all the concessions. They bent over backwards, I think. I think you guys fought the good fight as far as getting what you could out of the situation because, like we always said, they could retract and it could be way worse. This is planned development. They could back out of all of this and put another BP right there. They could put a full-service gas station or something there. I mean, they -- so you guys did a great job, the neighbors did a great job, Dollar General did a great job. I hope this is an example to those out here, any community, that if you have something going on in your community, something being built, be engaged, stay on top of it, and do your due diligence, and you -- the results are this plan. So I definitely plan to support it because I think they've done everything they could. I wouldn't ask them to do anything else, and that's all I have to say.

MS. LOE: Thank you, Commissioner Stanton. Commissioner Kimbell?

MS. KIMBELL: I just want to say I'm in agreement with Commissioner Stanton. I didn't have -- I voted against it the last time, but I was glad to see that the Dollar General store reached out to the constituents here and to see Mr. Kemp back again and appreciate what each side of the party did. I'm in total agreement. You guys came together and worked it out. Maybe it wasn't a win-win on everything, but you were much - - you got much further this time around than what you had before.

MS. LOE: Commissioner MacMann?

MR. MACMANN: I have a comment, and if none of my other Commissioners have a comment or a question, I was going to make a motion after that. To piggyback, veggieback -- thank you -- on what Commissioner Kimbell and Commissioner Stanton said, the general situation, and this is a comment to hope Council reads this or listens to it, and some of the development community. Developers who reach out to the neighbors first, before they go talk to Mr. Zenner, get a whole lot further. That's said, I do have a motion.

MR. STANTON: One more comment, sir.

MR. MACMANN: Certainly, Mr. Stanton. I -- I yield to Mr. Stanton.

MR. STANTON: I'd like to also for this to be on the record. The way stores are placed is based on the demographic, so the Dollar General broke their back to put this store there is because the demographics in which you live, they really want it there. That goes to any store that is built anywhere is based on the demographics of the surrounding

area. They didn't put a Starbucks there, they didn't put a -- I don't know -- Culver's there, either. So it's the demographics. It's the demographics. It's the demographics. Thank you.

MS. LOE: Commissioner MacMann?

MR. MACMANN: If I may, Madam Chair. Just a technical point, Mr. Palmer, or Ms. Thompson, or Mr. Zenner. These additions to the PD are written into the ordinance, and I don't need to list them out per iteration or event or --

MR. PALMER: They're actually depicted on the plan itself.

MR. MACMANN: So we approve the PD?

MR. PALMER: Yeah.

MR. MACMANN: Then, very good. I don't need to --

MR. PALMER: Defacto, you're approving all those conditions.

MR. MACMANN: Thank you, sir. In the matter of Case 140-2022, PD plan, Dollar General, 5905 St. Charles Road, 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.

MS. GEUEA JONES: Oh, I'm sorry.

MS. LOE: Commissioner Geuea Jones?

MS. GEUEA JONES: Sorry. I probably should have done this during comment, but it occurs to me to let the public know they can get copies of this PD plan and use it as a checklist. That is, in effect, Dollar General putting in writing the things that they've promised to do. So if they don't do it, you can hold them to account. If it's on that PD plan and they don't install an eight-foot fence, you can hold them to account. Yeah. Planner -- Planner Palmer can help you with it.

MS. LOE: And they'll be available through the links for this meeting, as well.

MR. PALMER: Yeah.

MS. LOE: Through the City website, the links for the meeting will have any of the exhibits that we've looked at tonight.

MS. GEUEA JONES: Yeah. It just occurred to me that we hadn't made that explicitly clear.

MR. ZENNER: And if I can before we get off this topic. The official version of this plan will be signed by the City's mayor, and it is that version of the plan, because it is possible that the Council may make adjustments, that is the important version to collect, and that would then be available to the public. It's available to anybody. It is the document that is used for the purposes of permitting, so our permit review staff is looking

at it in a similar fashion. As Ms. Geuea Jones pointed out, it is the checklist that is utilized to issue the CO. If it is not there, or if it is improperly planted and dies, those are the plans that we will go back to to ensure it is met -- the letter of the requirements is approved by Council. So that plan will be available after the Council has finished deliberation on this, which should be probably the middle of September.

MR. PALMER: I just wanted to point out also, just as an example. Under the red box that I drew, and that's actually the existing neighboring garage or shed there, there's a note there that indicates, and also a line depicting the fence in this instance, that says eight foot tall, vinyl, sight-proof fence, remove and replace existing fence up to -- I can't read that next line, but it basically says up to the shed, approximately 55 feet, so it's very -- very specifically noted on the plat, and the same is true of the remainder of the fence being vinyl sight-proof fence, the location of the trash receptacles, and so on. So -- also, the sidewalk exhibit will be included in the report as it's forwarded on, and so that will also be available to show the pedway or the side path that they're intending to construct, so it will all be included.

MS. LOE: Okay. Commissioner Carroll?

MS. CARROLL: Not to belabor the point too much, but per Mr. Zenner's comments, don't forget that you're going to want to be present at Council, too. We're not the last vote on this. And I'm sure that's on your radar, but occasionally, people do not come to Council, and things can change. So make sure you're at Council, as well.

MR. KEMP: When is that?

MS. CARROLL: Date?

MR. ZENNER: I'm getting that date right now.

MS. LOE: Mr. Zenner is checking for when the Council meeting date will likely be.

MR. ZENNER: The approval of the project would be tentatively scheduled, which this particular type of action requires two readings of Council. It is the second hearing that you would want to be at, which is the potential -- is the decision-making hearing, and that would be on September 6th. That is a Tuesday. It's at 7:00 p.m. here in this room, and it will be part of a larger Council agenda, so it will be -- that is the second reading. The first reading, if you do want to be here, you're more than welcome to be, would be August 15th. That is the first reading for the project. There is no public comment generally taken at that point. It is simply a reading of the ordinance title, and then the second reading is where there may be discussion if Council has any, or the public would be able to do -- discuss the project, if needed.

MS. LOE: Commissioner Placier?

MS. PLACIER: I guess we're still in discussion of the motion?

MS. LOE: Yes. We are still in discussion of the motion.

MS. PLACIER: Just wanted to explain, I am still going to vote no because I just think it's a very bad siting of this particular kind of business that close to a roundabout where people are coming around the curve and entry and exit to it just doesn't -- just doesn't seem safe to me, so that will explain my vote.

MS. LOE: Any additional 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. Kimbell, Ms. Wilson, Ms. Loe, Mr. Stanton, Ms. Burns, Mr. MacMann, Ms. Carroll, Ms. Geuea Jones. Voting no: Ms. Placier. Motion carries 8-1.

MS. CARROLL: We have eight yes and one no. The motion carries.

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

In the matter of Case 140-2022, PD plan, Dollar General, 5905 St. Charles Road, move to approve.

Yes: 8 - Burns, Loe, Stanton, MacMann, Carroll, Geuea Jones, Kimbell and Wilson

No: 1 - Placier

Case # 197-2022

A request by Crockett Engineering Consultants (agent), on behalf of D&D Investments of Columbia LLC (owner), for approval to rezone a 0.7-acre site that is currently zoned R-1 (One-family dwelling) to M-OF (Mixed-use Office) to allow a dental office use. The property is located at the southeast corner of West Broadway and Manor Drive.

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

Staff report was given by Mr. Clint Smith of the Planning and Development Department. Staff recommends denial of the rezoning to M-OF.

MS. LOE: Thank you, Mr. Smith. Before we move on to questions for staff, I would like to ask any Commissioners who have had any ex parte related to this case to please share that with the Commission at this time so all Commissioners have the benefit of the same information on the case in front of us. I see none. Are there any questions for staff? Commissioner Geuea Jones?

MS. GEUEA JONES: Hi. How will it be addressed, on Manor or Broadway?

MR. SMITH: The entrance is shown on Manor Drive. I think that was intentional as that is the neighborhood collector street, so it's the higher-level street. And so it's generally addressed from the street that it takes direct access from --

MS. GEUEA JONES: Right.

MR. SMITH: -- so it would be addressed from Manor.

MS. GEUEA JONES: I guess my -- my real question is, you specifically say that you think it's being -- that while not binding, their intention shows respectful integration into the neighborhood. My question is this: If Broadway is where the commercial is, why is it better to draw traffic down a residential street than it is to front and face and direct traffic on and off of Broadway? Because it seems to me if I lived behind this thing, I would much rather have the back of the building with a buffer, and never have a car drive down my street than have cars coming in and off of Manor. And that means Manor now has commercial district on it, and it can start creeping that way. So I'm just trying to figure out, like, what's the thought about how that is a better buffer given that that's now drawing traffic.

MR. SMITH: Right. So it's -- it's actually a very specific requirement within the UDC, so any new commercial properties has to have a minimum of 300 feet of frontage in order to get their own commercial driveway entrance. And so the frontage, as you can see from the schematic, is about 150 feet, so Public Works would not permit a commercial driveway here, especially since they do have side access on the -- on the residential streets. And given the distance between -- if they put the driveway right in the middle of this site, it would probably be too close to the -- the streets east and west distancewise, also for Public Works to permit that entrance. So there's -- there's probably not likelihood where they could get an entrance off of Broadway in this situation.

MS. GEUEA JONES: So you can't front this commercial property onto the commercial street, you can only front it onto the residential streets?

MR. SMITH: If you're talking about building specifically, they could rotate the building so the front was towards Broadway.

MS. GEUEA JONES: I'm more talking about traffic.

MR. SMITH: But traffic in the entrance --

MS. GEUEA JONES: Yeah.

MR. SMITH: -- no. The commercial driveway would almost certainly need to come from Manor.

MS. GEUEA JONES: And that side of Manor, not up towards Broadway where the parking lot could be between the building and Broadway?

MR. SMITH: It's possible. We'd have -- I'd have to double check.

MS. GEUEA JONES: Yeah. So --

MR. ZENNER: The operational -- the operational distance between the signalized intersection and the driveway, we have specific standards that require the driveway to be placed back. That driveway location, based on the overlay of this aerial, the driveway into

the parking lot, if you can see the lighter tan in the picture, that's the existing driveway approach --

MS. GEUEA JONES: Yes.

MR. ZENNER: -- which aligns with the daycare and the church, almost directly across the street. So there are constraints associated with getting it any closer to the signalized intersection. That presents a problem, as well, because then we have traffic cutting the corner of the intersection. They want that separation to come back in alignment more so with what is the generator of higher-volume traffic directly to the west.

MS. GEUEA JONES: I -- where I'm trying to get to, and thank you for walking with me down the path, is that the requirements of the UDC, the requirements of traffic, all of these things point to this as this being the only alignment and therefore, situating the bulk of the traffic, the bulk of the noise, the bulk of the people, closer to the neighborhood than to the commercial.

MR. SMITH: I think that -- I think there's a case to be made that there would be a preference that the building, which is going to have, you know, a bigger physical presence would be further from the residential properties. And you -- you will have the traffic enter and exit site close to the residential. I think, generally, I think our viewpoint is that the parking lot is an easier thing to screen from view than -- than the building would with the -- if the massing was ten feet off the property line or 15 feet off the property line. I mean, I understand that I think there can be different opinions in that case, but I think that's generally what we -- we would recommend.

MR. ZENNER: And I think the simple answer to your question, Ms. Geuea Jones, is yes. The Code is dictating the access to the site. The adjacent property owner to the south is in support of this request, and this design, and we have documented commentary from them for that, and they are here this evening.

MS. GEUEA JONES: I got that, yeah. I know. So my other question is do -- this isn't owned by the same people that own the five-acre tract. Right?

MR. ZENNER: Yes, it is.

MS. GEUEA JONES: It is owned by the same people?

MR. ZENNER: And let me -- Mr. Smith didn't comment on this because Mr. Smith was not in the discussions of this -- how this application came to be. I was approached and asked staff's general opinion as it related to utilizing a portion of the five-acre tract to the north. There was a lengthy discussion, and it was originally conveyed to me that they didn't believe that the proposed use could fit on the parcel in this location. And I think, as Mr. Smith pointed out, when you look at the 2015 neighborhood plan, the desire to have a comprehensive development plan for the northern five acres was viewed as more

important, in my opinion, as the staff representative looking at this and then starting to chop up and parcel what is on the north side with disconnected development. And not any different, you would have had a proposed office next to two existing residential homes that then are further to the east bounded by a multi-family townhouse development that is a planned district. So in looking at this and considering an analysis of what we were likely wanting to achieve on the north, and that was more of a comprehensive development, it was suggest that this site be pursued, and a design be prepared that would allow the -- the proposed use to fit on it. So that's how it's gotten here. This is not a choice that the applicant just said, oh, well, let's go here on this vacant piece of property. It was -- they were guided here somewhat based on our observation of what would generally be considered how do we preserve the whole for a better development than chopping it up in individual parcels. And the applicant and their representatives will hopefully be able to explain a little bit more about the logic of why they pursued this even after a concept review was conducted on it that expressed some reservation, and that's really the choice of the applicant. And as Mr. Smith has pointed out, there are pros and cons associated with this. And I want to clarify. We -- we make reference a lot of a commercial district. This is not a commercial zoning classification. It is a Mixed-use Office zone. It falls into the commercial land-use category, but it is a Mixed-use Office. the principal primary use for the zone is office uses and --

MS. GEUEA JONES: Not residential uses?

MR. ZENNER: It's a mixed-use district. It would allow residential and, ultimately, what would be the ideal here potentially would have been of incorporating a multi-story building that incorporated residential dwellings on the second story, and an office use on the lower. The applicant can explain why they might not have chose to go that route, but that is the ideal use that this site probably would fit with. You would have a 24-hour population, and you would have an effective office use here providing, as Mr. Smith pointed out, potentially a buffer from the five acres to the north. We don't control what the applicant proposes. We can envision what may end up happening, but that's sometimes a pipe dream.

MS. GEUEA JONES: Well, and what the applicant proposed here isn't a proposal so much as --

MR. ZENNER: A desire of what they want to build. And I think that, as Mr. Smith pointed out, and very likely, we often seen a lot of speculative requests. This is far less speculative than what we've seen, and it's a hard site to decide on what is appropriate. But it got here not by just the applicant making a decision on their own, as we are often asked what is our opinion, and how do we foresee what may be developing and what may

be appropriate. We offer guidance. That guidance is often offered without a full evaluation, and that is the one thing that I think here, after we did a more thorough evaluation, and we looked at the principals and the objectives of what the comprehensive plan has to offer, that is how we arrived at our decision that the cons outweighed the pros. The Commission has that choice --

MS. GEUEA JONES: I -- sure.

MR. ZENNER: -- and we, unfortunately, are limited in our abilities to manipulate the Code in certain respects to be able to orient traffic out onto the main. The Code was set up to handle generally not in-fill situations. It's normally designed for green fields and, again, may be a challenge with the way that our Code has to be administered. It does not always look at this in-fill sites as detailed as we would like.

MS. GEUEA JONES: I would also suggest the site may have been less challenging had the existing building not been raised and left vacant for many years, but that's beside the point and not anything you did. And I will be quiet now and let my fellow Commissioners ask you questions.

MS. LOE: Any additional questions for staff? Commissioner MacMann?

MR. MACMANN: Thank you, Madam Chair. Mr. Zenner or Planner Smith, can you refresh my memory as to the most intense M-OF use that could go on here? If we grant them M-OF, how intense could it get?

MR. SMITH: I mean, you -- you could, you can have a hospital and you can have -- you know, in this case, though, I think that's fairly limited, the size of the site.

MR. MACMANN: The small size, yeah.

MR. SMITH: Going down through the use here, there are several conditional uses you can have there, but we'll just keep it to permitted, but there's, you know, a lot of public institutions could go in there, you know, libraries, and any -- any type of public entity, you know, a fire station, police station. But I think, generally, when you're talking about the private realm, it's going to be bank, office, limited personal service, that sort of use. Would you --

MR. ZENNER: I would agree. I think the most intense out of the by rights would be the bank. And as we've been discussing in our work sessions, the drive-through would be a conditional accessory use to a bank. And at that point then, we -- that -- that would have to go through this body again for the drive-through component of it, which is probably the more intense aspect than a drive-up bank. Parking will dictate how intense any use can be and therefore, scale, that's going to -- that's going to control scale of any of the allowed uses because as the size of an office building increases, so too will your requirement for onsite parking. That is what will dictate how big and impactfully the

structure would become.

MR. MACMANN: What sort of residential uses could be placed on here?

MR. SMITH: It's going to allow any type of residential, so group homes and --

MR. MACMANN: So there could be 12 units on here, couldn't there? It probably wouldn't fit 12, but parking --

MR. SMITH: I've done the math, that sounds pretty close --

MR. MACMANN: Yeah.

MR. SMITH: Yeah.

MR. ZENNER: And that's all dictated based on parking, though. So you can't -- depending on what your bedroom mix is and the number of parking spaces required, again, that's going to be what's going -- your resultant yield on the residential component. Realistically, given the length of the property, you probably could divide the property into - it's 175 feet. It's five feet short of being able to divide into three 60-foot-wide residential lots, and that along Manor or Maplewood. You would need 180 feet in order to be able to do a triple lot division of the parcel itself. So you're looking at two residential lots as it exists today.

MR. MACMANN: All right. That's what I got, too. I just wanted to get that out in the open. Thank you, gentlemen. Thank you, Madam Chair.

MS. LOE: But just to follow up on Commissioner MacMann's, under the residential, it does allow group homes, residential care, continuing care?

MR. ZENNER: Correct.

MS. LOE: So -- right. There's some denser residential uses that are allowed under M-OF. Any additional questions for staff? Seeing none. We will open up the floor to public comment.

PUBLIC HEARING OPENED

MS. LOE: We do need your name and address for the record. We do limit you to three minutes if you're speaking -- if you're representing a group, we do allow you six minutes.

MR. STEPHENS: Hello, there. Jesse Stephens with Crockett Engineering, 1000 West Nifong. We're here on behalf of Thomas Family Dental for the M-OF rezoning. I'll take you through a couple of slides I think can explain the nature of the site. It's only .7 acres in size, zoned R-1. Our request M-OF. It's important to know that our request is not speculative. All this has been contemplated entirely throughout as a use for a dental office. Dr. Thomas is here today, and she can explain her business. It's a one-story brick office building. The practical limits of the site would prevent us from doing anything bigger than 5,000 square feet. We're contemplating something in the 4,000 square foot

range for the dental office. This is a map of where Dr. Thomas' existing dental office is. Compared to her proposed location, she operates her current business and practice on Broadway -- on One Broadway, and she wants to serve that area. It's -- it's about a mile and -- 1.25 miles away. As you move down West Broadway, these are the kind of things you're going to see going from her existing office. There's smatterings of -- of existing nonresidential uses along the way that have been well integrated into -- allowed by zoning, but well integrated into the -- into the neighborhood. We intend to integrate this development into the West Broadway neighborhood. I think Clint has already shown you our depiction of the proposed -- the layout of this plan in the building. We vetted this with the next-door neighbors extensively and feel like this is an appropriate layout for the site. One thing to note, the drive that we would have to install would line right across from the church -- the church's driveway. Part of our efforts would require that we install new sidewalks along the Manor and Maplewood. Those are currently unimproved, and we would improve those. I think you've already seen some of these elevation concepts. The idea here is that we try to integrate and be part of the West Broadway look in neighborhood and be attractive from the road. History of the site, there was an existing single-family home. The developer -- the owners of the property can explain why that was torn down, but it was dilapidated beyond repair. Here's -- we've already gone through the zoning analysis where our site is. Obviously, the five-acre site to the north. We fall along a signalized intersection. In terms of traffic, the property is adjacent to the signalized intersection of Broadway and Clinkscapes, and the traffic signal gives us good access in and out of the site. And this node is at the intersection of the major arterial and a collector, one of the few signalized intersections down through -- through Broadway. And Clint already pointed out that traffic engineering has determined that this is such a low impact on traffic in terms of daily trips that a traffic study is not warranted. The adjacent church and daycare would generate more traffic and does. There's been some concerns about whether or not there would cut-through traffic. That would not be the case. People would not cut through Manor to get to this site. The more likely scenario is they're coming through the signalized intersection on Broadway, unless they're actually her current patients that may live in that area, and then they may -- may use Manor. Also, the trip generation is spread evenly through Monday through Friday. There is no night -- night time traffic. There's the CATSO designation showing that these are collectors and arterials, and we're on the corner of that designation. White noise and security, this is about the quietest use that we can envision. There's not going to be no -- no loud activities on nights and weekends. Her hours are on her website and posted there. This is an 8:00 to 5:00 operation. The lighting ordinance will help us control the light spillage,

and we're working closely with the next-door neighbor, and the building is secure. The utilities are all there. This is in-fill development. Sanitary, stormwater, electric, it's all there. This is an in-fill development opportunity. Our conclusion is -- is that, you know, write home the fact of how low impact this is, and that there -- we have no intention of any other type of commercial use or residential use. Once this becomes a dentist office, it's going to be a dentist office for a long time. She has no intention of flipping this thing or trying to turn it into something else. She wants this to be an owner-occupied business. She doesn't want to continue the lease. She could stay where she's at or look for something else, and we do have support from the neighbor to the south. We believe that this -- this particular development could be a model for a buffer between the residential neighborhood and what potentially could happen to the north. It can transition up or down. This is -- this is a very low impact use. With that, I'll -- if you have any questions.

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

MS. BURNS: Thank you. I know that you had significant communications with the adjacent neighbor. Did you have any communications with other concerned neighbors about this project?

MR. STEPHENS: There -- so we did a concept review, oh, probably six months ago on this. And at that time, one of the concerns was to reach out to neighbors. We -- we found all -- we took the -- the notification cards, and Gina Rende with Maly can speak to their efforts on what they did to try to reach out to neighbors. I think it was somewhat of a struggle to get feedback, but we did reach out to everybody that the City staff sent notification out to. We have seen the same emails that you guys have probably seen and all that stuff has been eleventh hour stuff that, you know, we have not had any opportunity to communicate with those people, but we would certainly be happy to do so. But the -- but we intentionally delayed submitting this request for three months to give time for the -- for those people, and I'll let Gina speak to that. Okay?

MS. BURNS: Thank you.

MR. STEPHENS: Yeah.

MS. LOE: Commissioner Geuea Jones?

MS. GEUEA JONES: Dr. Thomas is not the owner. Correct?

MR. STEPHENS: She is the contract purchaser of the lot, so contingent upon the rezoning getting approved, she would purchase the property.

MS. GEUEA JONES: Is there a reason the owner didn't want to keep it residential? Whether it's R-1 or upzoned residential, is there a reason the owner wants to use this in a commercial fashion instead of a residential one?

MR. STEPHENS: The current owner is simply -- they have no desire one way or the

other, other than to help Dr. Thomas out. They -- they were put together. This seemed to make sense. I mean, they can -- and they're here and they can speak to that fact. If- if you want to ask them questions, they'll be happy to get up and speak.

MS. GEUEA JONES: So they've been holding the property with the intention of selling it to someone like Dr. Thomas?

MR. STEPHENS: My understanding is is that -- I mean, how they acquired the property, I will let them speak to that.

MS. GEUEA JONES: You know what, that's fair. I will ask them why they don't want to use it for residential. Thank you.

MS. LOE: Any additional questions for this speaker? Seeing none. Thank you, Mr. Stephens.

MR. STEPHENS: Thanks.

MS. RENDE: Hello. I'm Gina Rende with Maly Commercial Realty, and my address is 2412 Bluff Boulevard in Columbia. I've been working with Dr. Thomas for a few years now. She's currently located in the West Broadway neighborhood, as you saw on the previous slide, but she's in this district with a few other dentists leasing space. Her dream from when we first met has been to own her own building. Unfortunately, that is a very hard thing to find in this neighborhood district. Ultimately, we looked and looked and looked, and, unfortunately, just buying property in Columbia, unfortunately, is a little harder than most towns. Most people just want to lease, and it's been important to her to try to create an environment that's peaceful to her patients, and she wants to own. Ultimately, in order to develop this property and to build a four-sided brick building, which is what she intends to do, is going to cost her quite a few million dollars that she would be investing in this to try to meet the needs of the existing architecture in the neighborhood, and she wants to do that for her patients, as well as the community that she exists in currently. Leasing a dental office is a very hard thing to do. It's not a great decision for a business owner. It's extremely expensive to build out a dental office. Even if you're leasing, it can be \$1 million project. Moving a dental office is not something that is very easy to do. It's not like moving, you know, a general retail space or even, you know, the plumbing for, like, a hair salon, it's extremely expensive, but for a dental office, it's much more intensive. Moving each time could cost a \$1 million to build out a space. And so, you know, having your dental office -- I know my dental office is not, like, in a strip mall or a shopping center. That's not ideal; having in a more like an office area is more ideal, and in a comfortable environment, I know I tried going personally. So it is highly specialized as far as the equipment and, you know, the patient feel, being in the shopping center of Gerbe's, not ideal with the homey feel she's going for. We chose this

lot due to the suggestion of City staff, and actually the lot across the street was first -- was first looked at and maybe a little bit more ideal, we thought. But with City staff's suggestion, we chose this lot because it was small, and because they thought that they'd have a lot better to -- to develop this lot. With the lot across the street would be requiring an overall, like, huge development plan, and development plans, I mean, just to put the plan together, can be sometimes hundreds of thousands of dollars in engineering and all the utilities and whatnot, and they didn't think that piecemealing it made sense. And so that's why we originally looked at this lot. We -- as Jesse mentioned, we intentionally delayed the rezone request and approached the neighbors that the City staff sent letters to, trying to address any concerns or questions that they had. I was a little disappointed that I didn't hear back from quite a few of them that ended up sending complaints at the eleventh hour, because we wanted to address their concerns and questions and still do want to. The neighbors that we did hear back from, they were all excited about it and, in fact, they were more excited about a dental office being located here than, like, a rental home with noisy renters that didn't really care to take care of the property, and they were concerned about, like, for instance, noise from renters late into the evenings from different types of maybe college students or individuals.

MS. LOE: Thank you, Ms. Rende. Did you have concluding remarks?

MS. RENDE: Oh, yeah. Just that based on the configuration of this lot, I just think it would be very difficult to find an owner occupant to build on the lot with it being three-sided street frontage. So that was it.

MS. LOE: Thank you. Any questions for this -- Commissioner Carroll, you had one, then Commissioner MacMann.

MS. CARROLL: Yeah. You mentioned that you had represented Dr. Thomas for years for a property search?

MS. RENDE: Yeah.

MS. CARROLL: I'm wondering, two blocks from here, there was a dental office that was for sale last summer on West Boulevard and Broadway, directly next to the D & H that was shown in the previous slide.

MS. RENDE: Yeah.

MS. CARROLL: I'm wondering why that office didn't suit?

MS. RENDE: So that office actually was purchased by a CPA prior to us making an offer. As you know, you know, you can work with a client, but when they get busy and certain, you know, kids and things that come up when you don't get right to it, that property was actually -- it was never listed, like, an MLS or anything. It was just only listed for sale by owner. And so that was unknown for a while. And then when we did

reach out, they said they were already in contract with somebody. That did last a while, so we had reached out multiple times. And, unfortunately, they just said, based on the gentleman's agreement that they came up with, that they were going to move forward even though it was being delayed.

MS. CARROLL: Thanks.

MS. LOE: Commissioner MacMann?

MR. MACMANN: Thank you, Madam Chair. Ms. Rende, despite the delay in some of the neighbors responding to you, you've certainly seen their response. And you said you still hope to interact with them to help assuage their fears.

MS. RENDE: Absolutely.

MR. MACMANN: So you and Dr. Thomas are very willing to do that?

MS. RENDE: Absolutely.

MR. MACMANN: All right. I'm going to leave that there for just a moment.

MS. LOE: Thank you.

MS. RENDE: I was going to say, a comment to that. We did meet with a few of the neighbors that had certain concerns. We met with them personally, and that's what we came up with -- the plan. I mean, we -- we put the plan around, you know, their suggestions and their wants and needs. A big thing was landscaping and trees for a few of them, and so we had -- Dr. Thomas was very excited about that request because she loves landscaping and trees and wanted to make sure that she incorporated that into her plan.

MR. MACMANN: If I may, Madam Chair. Just as you -- you all have been here for the last, you know, two hours now. Communication with neighborhoods and developers is always not as perfect and wonderful as we had hoped it to be. Your previous case was -- was tabled twice to manifest quality communication. We often wish the communication would be better, as well. I'm just kind of prepping for what we're going to hear in just a few minutes; all right? Thank you, Madam Chair.

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

DR. THOMAS: I'm Letrisha Thomas; my address is 4725 East Woodson Harris Road. I am shaking. Talking in front of people is not my thing. I'm usually one on one with people. I am the person that would like to purchase the property, but obviously, there's concerns, and I'm happy to talk with you guys about that. I've been a dentist for 12 years now, wanted to be a dentist since I was in second grade. I have three kiddos at home, one on the way. We're very family oriented, and so I really like -- sorry. Thank you. I'm so sorry. I really would like to, you know, keep my practice very family oriented

and, like, within the community, and that's kind of, you know, why I've designed it the way I've designed it. I want to stay, like, kind of in the general area that I've been in. I have a lot of patients that, you know, walk or bike to my -- to my office, so I'd really like to help, you know, continue that for them. He had mentioned my hours. I'm actually Monday through Thursday. We don't even see patients on Fridays, so it's only four days a week, and our patient hours are actually 9:00 to 4:00. We've revamped that, also to be just more family friendly for my staff and for everything, and so there -- there would never even be anybody there past the hours of 8:00 and 5:00. Nobody would even be there before then or after then, and typically in a smaller condensed area. And I'm so nervous. Do you guys have any questions for me?

MS. LOE: Any questions for Dr. Thomas? Commissioner Stanton?

MR. STANTON: In the spectrum of zoning, you chose multi-use office, M-OF?

DR. THOMAS: Okay.

MR. STANTON: I like your concept, but I feel like it's almost too big or leaves too much room for other stuff in the neighborhood. It kind of, like -- why did you pick the - - basically, the tallest scale in that -- in that category? Why couldn't you go with any of the other less impactful zoning?

DR. THOMAS: Well, let me be totally honest. I don't know anything about this. I was guided by people. I mean, honestly, like, I just -- I work on patients during the day, and just talk with them, and so I really have zero clue about zoning and things like that. I was guided towards that. I mean, what I want is a dental office. I want it to look like the community. I don't want to do anything crazy or big.

MR. STANTON: Okay.

DR. THOMAS: I -- I am not a big developer. I -- this is just -- this is all I want.

MR. STANTON: Okay. Thank you.

DR. THOMAS: You're welcome.

MS. LOE: Any additional questions for this speaker? Commissioner Geuea Jones?

MS. GEUEA JONES: Hi. If -- if this doesn't work out, if they can't rezone it, you will stay where you're at for the time being?

DR. THOMAS: Oh, I'll be forced to, yeah. Yeah. I won't -- I'm not going to purchase it if I can't do anything.

MS. GEUEA JONES: Well, I -- I would assume so. It sounds like the contract is contingent on appropriate zoning?

DR. THOMAS: Yes.

MS. GEUEA JONES: I just wanted to make sure you weren't being kicked out of your current place?

DR. THOMAS: Not currently.

MS. GEUEA JONES: Yeah. We --

DR. THOMAS: What we see is always --

MS. GEUEA JONES: I also have a commercial lease. I understand that part.

DR. THOMAS: So, as far as I know right now, I'm not. I hope I don't hear differently.

MS. GEUEA JONES: And is this the first opportunity you've had to buy a commercial property and -- and build this kind of a space for yourself?

DR. THOMAS: I -- I've look at other -- other opportunities, and they just haven't worked out. They were either too expensive or because I wanted to follow, like, proper channels and take a little bit longer, they went with someone else because, you know, I don't know why. I --

MS. GEUEA JONES: Thank you very much.

MS. LOE: Commissioner Kimbell?

MS. KIMBELL: Hi. I just had a question in regards to the layout of your place.

DR. THOMAS: Of course.

MS. KIMBELL: Is it going to look like what we see in front of us. I know that they have said that it's not binding?

DR. THOMAS: Sorry. I'm so sorry to interrupt you.

MS. KIMBELL: No. Go right ahead. So my question is, what is the end product going look like? Is it going to look like a residential building, so to speak, or are we going to have something contemporary?

DR. THOMAS: I am not a contemporary-type person, and I -- and assume I look younger. Don't tell me if I look old. I -- I don't like modern buildings. I like very traditional -- I mean, when we built our house, it's very traditional and very similar to, like, brick and things like that. And that's just -- that's it. That's all. I wouldn't even build anything else because I don't want that.

MS. KIMBELL: Thank you.

DR. THOMAS: Of course.

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

DR. THOMAS: Thank you so much. Have a good evening.

MS. LOE: Any additional speakers on this case?

MR. WELLMAN: Hi. My name is Tom Wellman. I'm here with my wife, Rachel Carter. We are -- we're the residents next door at 9 Maplewood Drive. I'd just like to say we do support it, support the plan. Honestly, thinking about it, thinking about all the other things that could happen with that property, even if it remains zoned R-1, this is probably the best outcome that we could imagine to have her office, so I'd be happy to -- I

do know, too, I don't think that he wrote a comment, but our neighbor across the street, across Maplewood, there at the corner of Maplewood and Broadway, they were cautiously supportive, too. The main thing -- their main comment was they didn't want the parking lot to have an entrance onto Maplewood and obviously, this plan takes care of that. I'm kind of nervous, too. This is weird. I speak in front of people all the time. One other thing. I don't -- I'm not sure why it's not being touched on, but that -- the church across the street from us on Manor Drive, that functions actually like a commercial property. I don't know if you guys live around churches, but, I mean, they rent out space for events. There are people there all hours up to I would say midnight to 1:00 some nights. It's not always wonderful. Theoretically, that church actually owned the property in question back when it was a Methodist church, and our lot, theoretically, they could buy that -- from what I understand -- they could buy that lot and they can do whatever a church is allowed to do on R-1 zoning. So they could have an annex next door to us with parking, I assume. They could have meetings, they could have, you know, whatever -- essentially, whatever they want to -- want to do there. so I guess my point is that that end of that street already functions, I think, at a higher level than one might assume, given that it's -- that it's designated a neighborhood collector.

MS. LOE: Thank you. Questions for this speaker? Commissioner Geuea Jones?

MS. GEUEA JONES: You said that you thought this dental office would be an even better use than it being two R-1 lots?

MR. WELLMAN: I do, honestly. I mean, from -- from our perspective. I know some of the comments related to, for instance, to lighting. You know, a nervous neighbor can surround their house with flood lights that shine into other lots and other properties, and there's really nothing you can do about that. Modern lighting for a commercial property like this, I assume they're going -- I mean, they took our comments seriously. And they're going to have lighting for that parking lot that is directional, and that prevents bleed over into our house. It is going to be very limited hours, so, you know, in a lot of ways, I think it is a better outcome.

MS. GEUEA JONES: So with the limited hours, it will be vacant three days of the week?

MR. WELLMAN: Right.

MS. GEUEA JONES: Every evening --

MR. WELLMAN: Sure.

MS. GEUEA JONES: -- which I -- I would be a little worried about. But you understand once we do this, they could even not necessarily Dr. Thomas, but if something were to happen, it could be a bank, it could be a commercial loan place?

MR. WELLMAN: We do.

MS. GEUEA JONES: It could be an office?

MR. WELLMAN: Yes.

MS. GEUEA JONES: It could be a trade school?

MR. WELLMAN: Absolutely. We understand that. We looked --

MS. GEUEA JONES: They all -- we have no control.

MR. WELLMAN: We looked through the table of uses for that zoning, and we do understand that. We think that -- I mean, there is risk there, too. We think that, number one, D&D is acting in good faith. And we did meet with Dr. Thomas, and we believe in her business. We think that she's -- she has every intention of doing what she says she's going to do. And dentists' office, in general, I mean, we kind of looked into that, as well. Dentist businesses are very stable. So we -- we understand the risk, but we think that actually that's -- that's a less risky route than leaving that property hanging out there for some other use.

MS. GEUEA JONES: Did you live there when the house was torn down?

MR. WELLMAN: Yes. And I can say we actually tried to buy that property. So as part of buying the property, we toured that house. The characterization of it as dilapidated beyond repair is not far off the mark. We -- our -- our house was, to my understanding, an outbuilding for that property at some point. My wife and I have spent many years working on our house. That one was even older and done -- built in a similar way.

MS. GEUEA JONES: Thank you very much.

MS. LOE: Commissioner Carroll?

MS. CARROLL: I wonder -- Commissioner Geuea Jones hit a lot of my questions, but I wonder, given the context of this property with the surrounding properties and the properties across the streets, if you still think that this is the best use in what you would envision for the area as a whole?

MR. WELLMAN: You know, I guess I do. I don't know that it's the best use. I don't know what the best use would necessarily be. I think it's an acceptable use. And, again, from -- from our perspective as -- as the people living closest to it, I think it probably is the best that -- that we could hope for.

MS. CARROLL: Thanks.

MS. LOE: Commissioner MacMann? No? Any additional questions for this speaker? Commissioner Kimbell?

MS. KIMBELL: If you had the opportunity to have residential homes put there, would that work for you?

MR. WELLMAN: I mean, it would in the sense that we're not -- I don't -- to be honest with you, I don't think either one of us believes in trying to keep things necessarily from happening. It totally depends on the residents. I mean, you can have a really bad neighbor in R-1 zoning, and you can have an outstanding neighbor in R-1 zoning. So -- but the -- it seems to me that R-1 is actually a little less stable. Those residential lots would actually be a little unstable than a business like Dr. Thomas'.

MS. LOE: Any additional questions for this speaker?

MS. CARROLL: Can I ask what you mean by less stable?

MS. LOE: Commissioner Carroll?

MS. CARROLL: Sorry. I'm so sorry.

MS. LOE: Just recognizing you for the record.

MR. WELLMAN: A lot more turnover. I mean, you know, in a -- in our town particularly, I think there just is a lot more turnover of residential properties. We would be happy, I mean, if some -- if some new neighbor, if it was developed as residential, somebody moved in, we would be happy to welcome them to the neighborhood, to try to be good neighbors, but again, we think that this is an acceptable use.

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

MS. TAGUE: Hi. I'm Melissa Tague; 207 Manor Drive. Lived there 29 years. Yes, I've seen lots of turnover. People die, young ones come in, Airbnbs buy property, houses get old, they tear them down. I'm more interested in Dr. Thomas' -- it sounds wonderful, it sounds nice. But the Pandora's Box of rezoning this, what can happen if Dr. Thomas decides to -- I'm going to quit. What's it going to be? And all the uses that were eligible for possibility, that could be a problem. I personally would like it to see it go to a single-family residential. I hear you could put two lots on that, but considering the neighborhood, most of the lots are similar, not quite that same size. That's a very old lot. But that Pandora's Box of what it could be if Dr. Thomas quits. I like the four days a week. I like the 9:00 to 4:00. I attended a Walkable Communities Workshop back in the '90s, sat right in front of Darwin Hindman. The nodes were the small shopping things to make things walkable. We only got the sidewalk six years ago. Woo-hoo. But that was 1975, they didn't want one. But -- so a lot of things -- and, unfortunately, I only live seven houses down past the church. I heard nothing from anybody, other than the sign that I saw on the street, so I was not contacted. And I'm the one who organizes the neighborhood picnics and stuff like that, so I kind of -- I was kind of dissed, but anyway. But it's what it could be is what bothers me, what it opens it to. Houses have been torn down. The reason they're vacant is D&D bought the property and tore all those houses down across Broadway for whatever reason. I knew people who lived in those houses, so

-- but I just am concerned about where it's going to lead further. If it changes, if she no longer wants the building, what will come in? What could be there? If you look at the planning and zoning over the years, it's been along that walkable communities where we didn't have sidewalks, the nodes were there. D & H, then they built that, Lake Broadway, then there's Shelter. Those are going back historically, you know, the City limits was West Boulevard not that long ago. So I'm just kind of, like -- it's an evolution. It's not going to stop, but it's the use of that right there, and I -- I know my other neighbors mentioned that they were going to try and send comments. I don't know what kind of comments you received from other neighbors on the street because in our Facebook group, we try to share that information with other neighbors. But I -- it's just what might come after. The best -- safest way to get into that lot is coming at the light because there's been plenty of T-bones, people at the intersection that run the lights. So I tell you, go with the light. It's safer. But -- oh. And they're not going to improve, from what I can see -- maybe you could tell me -- the sidewalk that runs along Broadway is going to be that little, dinky, cruddy one. They're not going to fix that one? Can anybody tell me that?

MS. LOE: No. No. It's not shown.

MR. SMITH: Yeah. I don't --

MS. LOE: They're tying --

MR. SMITH: I think it.

MS. TAGUE: Can they add that to it?

MS. LOE: into it on Manor and Maplewood, but that wasn't being touched.

MS. TAGUE: But can they -- can they fix the little cruddy, old sidewalk that's all busted?

MS. LOE: I'm interested in getting all the sidewalks between there and West put in.

MS. TAGUE: What's that?

MS. LOE: The rest of the sidewalk.

MS. TAGUE: The one that fronts --

MS. LOE: The one that isn't there.

MS. TAGUE: Oh. Well, yeah.

MR. SMITH: Right.

MS. TAGUE: Well, the sidewalks that go nowhere.

MS. LOE: That's on my list.

MS. TAGUE: Well, hey, I want them to fix the handicapped access because I almost fell over with a stroller years ago.

MS. LOE: Thank you, Ms. Tague. Any --

MS. TAGUE: Why are they not going to improve the sidewalk to sidewalk standards on Broadway?

MR. SMITH: Typically, they don't have to remove a sidewalk that is existing right now, so they would build on --

MS. TAGUE: Even though it's a lousy one?

MR. SMITH: It could be the case that it is not as -- as compliant with current standards, but, generally, they don't have to upgrade it, but we can double-check that. But I would say, in general, it's going -- it's going to stay in its current condition?

MS. TAGUE: Are you going to find out?

MR. SMITH: But we'll look into it, yeah.

MS. TAGUE: Yeah. It doesn't meet the standards of the new sidewalk that was put on the street, so -- okay. Well, thank you, and I -- I think you do a great job. It's sort of like what you have to go through, it's amazing.

MS. LOE: We have a few questions.

MS. TAGUE: Oh.

MS. LOE: Commissioner Placier?

MS. PLACIER: Yeah. You've lived there long enough to have seen the house that was razed. What is your --

MS. TAGUE: Not the interior, but the exterior all I only knew about.

MS. PLACIER: Okay. What was your impression of that? I know D&D acquired that lot, and then did the house deteriorate? Was it vacant? What happened?

MS. TAGUE: You know, I -- if I had only thought, I should have kept notes. I didn't. What I've seen over the years is they bought the properties on north of Broadway.

MS. PLACIER: Right.

MS. TAGUE: And they razed them. And since then, every now and then, they go out and cut down a few more trees, so they get by that business. But the house, I can't remember how long it was vacant. They might remember better because they live right next door.

MS. WELLMAN: Six years.

MS. PLACIER: Six years.

MS. PLACIER: It was six years --

MS. WELLMAN: Before it was razed.

MS. LOE: We -- I'm sorry. We can't have discussions going.

MR. SMITH: We need to -- yeah.

MS. TAGUE: I'm sorry. But they would know the data about how long the house was vacant before it was razed.

MS. PLACIER: Okay. Okay. I'm sorry.

MS. TAGUE: I didn't know about the -- anything about the -- the house looked nice. The people that have tried some "improvements", but I -- I don't -- houses -- houses don't stay forever.

MS. LOE: Commissioner Carroll?

MS. CARROLL: Yeah. You mentioned a neighborhood Facebook page. I don't see any city neighborhood association referenced. Do you have a neighborhood association?

MS. TAGUE: We -- no. We don't have an official neighborhood association because there's a whole lot of paperwork for that, and I'm not very good at that.

MS. CARROLL: I think there's people --

MS. TAGUE: I'm on the Neighborhood Watch person just because I only had to go to a meeting, but bylaws, I'm sorry. I was a PTA president and that was boring enough. But, no. We have no -- as an informal Manor Drive Facebook group where those that chose to -- we have administrator just to add, just so, like, we could talk about who got robbed, new artwork, stuff like that.

MS. CARROLL: I would encourage you to form one because it may be helpful in the future, but I -- I can commiserate with the paperwork and the bylaws. I think that you may be able to find some help with that.

MS. TAGUE: I am trying to think of his name, and I took his class and sat through all of that, and he helped us with the Cityhood Neighborhood Program. He's a great guy.

MR. ZENNER: Mr. Canton.

MS. TAGUE: Yeah.

MS. LOE: Yes. Bill Canton, yeah.

MS. TAGUE: But I hate paperwork. Sorry.

MS. LOE: Commissioner Geuea Jones?

MS. GEUEA JONES: If this goes M-OF and is no longer a residential zone, do you envision that spreading up and down the south side of Broadway?

MS. TAGUE: Maybe at some time, but I don't know if I'm going to be around anymore at that point. There's that possibility, you know. As things evolve, people move farther outside of town. I don't know. I could just see what I've seen over the years that I've been here, you know. It's, like, over -- well, you know, the year they didn't want the sidewalk on Manor, they wanted it on Maplewood, and that was, I think, '75 or '76. I was just getting out of high school.

MS. GEUEA JONES: And would you have similar objections if this were instead on the north side of Broadway where we're already seeing office buildings and such?

MS. TAGUE: In particular, where D&D owns directly across the street?

MS. GEUEA JONES: That was the original site.

MS. TAGUE: I'm assuming that's going to happen at some point. That's an assumption just because of what's been done to the properties. And they're currently R-2, and the other things that have been developed over the course of years. I would personally have preferred it be on the other side. Again, whatever is put on the south side at that lot, it could change if Dr. Thomas is no longer there. What it could be, it could be unknown. And we have no control over who -- it's, like, you can't control who your neighbor that buys your house. Mine's got all the lights and they've got inflatable dinosaurs and all sorts of stuff, so, yeah.

MS. GEUEA JONES: Thank you very much.

MS. LOE: Thank you.

MS. TAGUE: All right. Thank you. And, again, hard job you guys have.

MR. YRONWODE: Good evening, Commissioners. My name is Peter Yronwode; I live at 203 Orchard Court. Orchard Court is a one-block cul-de-sac in the Spring Valley neighborhood. The only entry and exit from that neighborhood is Spring Valley Road right off of Broadway. So I travel up and down West Broadway anytime I leave home. You've received, I trust, my comments in e-mail. And having seen Dr. Thomas, I must say she's a much more sympathetic applicant than I expected for this project. And if I depicted her in a negative light, I really apologize, because she seems both sincere and neighborhood oriented, and that's always a good thing. Rather than address the technical aspects of this proposal, which Mr. Smith has elaborated albeit in highly technical terms, I think it's appropriate to look at it from an historical perspective, and that's what I attempted to do mostly in my e-mail. I don't know how many of you all remember what was located on the north side of Broadway just opposite the subject tract. I don't remember if there were eight or nine perfectly serviceable small affordable houses. And D&D Investments purchased them all, frankly, in a somewhat coercive fashion, and then knocked them all down. And then to add insult to injury, this spring, they also slaughtered the few remaining mature trees that was on that -- that were on that property. And what will happen next there is anybody's guess, but I'm sure in the fullness of time, that issue will come before you. What made them purchase an R-1 lot across the street, I remain mystified by, because it clearly had less commercial potential than the R-2 area that they've acquired, and what they intend to do with it, I -- I am -- I remain in the dark about. But the advent of a commercial use, although you are calling it a multi-use office, but as the previous speaker mentioned, there's a lot of potential for misuse of that, or at least less sympathetic uses than Dr. Thomas' proposed work. But it seems to me that that's the camel's nose under the tent. If you go down Broadway right now, the south side of

Broadway is pretty much entirely residential. And if we allow one commercial development on the south side, then there'll be another one and another one after that. And if unscrupulous speculators purchased a property, especially a large lot, and then demolish the existing structure on there, which they are permitted to do with absolutely no regulation, then it becomes a vacant property as -- as the north side of Broadway was described by Mr. Smith moments ago. And there's not much sympathy for vacant lots in this town. And what will happen there? Will we see another proposed rezoning to another more so-called higher use, such as what we're looking at now, and how many more will be spotted along the previously residential south side of Broadway? It's anybody's guess. And so, for that reason, although Dr. Thomas is a very sympathetic applicant, I feel like it's just not appropriate to allow this proposal to go forward. And -- and I'm very sympathetic with Commissioners Jones' suggestion that using -- I'm sorry. I don't know --

MS. GEUEA JONES: It's okay. Jones is fine.

MR. YRONWODE: I'm sorry. -- that -- that it remain residential. With the prices that property is bringing right now in this town, too, or with a small variance, three residential structures on this lot, it would maintain the character of the south side of West Broadway in the way I think is -- is more appropriate than what we're being asked to consider today.

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

MR. YRONWODE: All right. Thank you for your consideration.

MS. ECHOLS: I am Martha Echols; I live at 111 Maplewood Drive. I would like to say that I did call the number on the sign that is on the property, and did not receive a reply, and I called at least twice.

MR. ZENNER: Did you leave a message, ma'am?

MR. ECHOLS: I did. Uh-huh.

MR. ZENNER: When was that call made?'

MS. ECHOLS: What was that?

MR. ZENNER: When was the call made?

MS. ECHOLS: I can't tell you for sure, but I know I called twice, and I called the City number once, and was put through to Rusty. I don't know -- and left a -- left a voicemail for Rusty.

MR. ZENNER: My apologies. We're -- I did not receive any message from you, and that's surprising.

MS. ECHOLS: Anyway, I just wanted to mention it because I was -- you know, I live

on Maplewood, and I was curious about what was going to be happening on the property. And I have looked at the plans and, you know, the plans seem very nice, but I am concerned about the zoning change because I know people's life paths can change, and Dr. Thomas may not end up being there as long as she intends to be there. And I was wondering, is there a different type of zoning that she could apply for so that there would be more oversight if she were not to occupy the property anymore, and use it as she's intending to use it?

MS. LOE: The more restrictive zoning would be planned development, which would be prescriptive.

MS. ECHOLS: Uh-huh.

MS. LOE: We're trying to move away from doing planned development since that is determined on a case-by-case.

MS. ECHOLS: Uh-huh.

MS. LOE: So this is in the direction we are trying to go. But --

MS. ECHOLS: I'm sorry. You're trying to go in the direction of planned development?

MS. LOE: No. Away from planned development --

MS. ECHOLS: Away from it.

MS. LOE: -- because any time you make a change then to a planned development, it has to come back through this body.

MS. ECHOLS: Yes.

MS. LOE: I think one of our cases earlier, the General --

MS. ECHOLS: Yes.

MS. LOE: -- that was a planned development.

MS. ECHOLS: Yes.

MS. LOE: So that's coming back to us, even though that was originally approved as a PD in 2013.

MS. ECHOLS: Uh-huh.

MS. LOE: So --

MS. ECHOLS: I mean, it seems like a thoughtful design. If I were going to say anything about it, I would -- I would -- my concern would be just the parking lot and having, like, a traditional parking lot makes a very large impervious surface with a lot of runoff. And I think the City as a whole could maybe change the way that they allow parking lots and require more stormwater treatment or mitigation with, like, a pervious surface or rain gardens and that kind of thing. I know you guys are working on that. But anyway, so it sounds like you don't like to do the PD zoning, but it's possible?

MS. LOE: It -- correct. And we do have stormwater requirements, but this lot is too small. It falls under the size where those kick in, so --

MS. ECHOLS: Uh-huh. And would -- I -- I am curious where the stormwater would go for that because, I mean, I -- I live on Maplewood and I actually work at the daycare at the church, so I commute through that lot, and the -- the drain in the road that goes under there, I mean, a lot of time, it's, like, overflowing if there's a lot of rain coming. And I'm just wondering, like, where is that water going to go.

MR. SMITH: Yeah. So I think what you had stated earlier was that it's probably too small of a lot to trigger --]

MS. LOE: Under an acre, yeah.

MR. SMITH: -- a stormwater plan for the site. The site is -- is pitched to the north, though, so drainage would probably go into Broadway and be accommodated with the stormwater features they have on there. So it's --

MS. ECHOLS: I mean, the lot slopes towards Maplewood.

MR. SMITH: It -- yeah. I would say it pitches kind of north-northeast a little bit, so it would eventually probably wind up in the -- the low spot which would be that drainage that runs kind of underneath Broadway to the east of the site that cuts right through the -- the five-acre tract to the north, and then goes underneath Broadway and travels south. So I haven't done an in-depth review of that site, and so our -- our site team would look at it to make sure that it doesn't require stormwater facilities, but if it does not, then, you know, it wouldn't be accommodated on site.

MS. ECHOLS: But, I mean, if she did purchase the property, she could decide she wanted to do that.

MS. LOE: Commissioner MacMann?

MR. MACMANN: Thank you, Madam Chair. For clarity sake, I walk this. With that in mind, while there is a portion of the property that drains to the north, a significant portion of the property drains to Maplewood.

MS. ECHOLS: Yes, I know.]

MR. MACMANN: Yeah. I wasn't doubting you, because I -- as you spoke, I got in touch with Commissioner Carroll, and we kind of had a chuckle between us because stormwater is one of the reasons that many of us are up here. And just to let you know, although this -- this site is less than one acre, so it doesn't qualify for the special treatments that other things get, that is something that we are looking at. You said that it -- there is a drain at the northeast corner of this property, a street drain, an intake for the stormwater. Is that the drain you're referring to that --

MS. ECHOLS: Oh, I was talking about the -- the drain that goes under the road on

Maplewood. It's --

MR. MACMANN: It continues under the road, and there's another intake on the other side.

MS. ECHOLS: It's -- it kind of goes to the south side of that property right across Maplewood facing Broadway, if that makes sense.

MR. MACMANN: I did see the other -- there's just a big intake right there. We cannot -- because they have not asked for PD, there is no swapping; you know what I'm saying? If they asked for a planned development, there's give and take with staff, there's give and take with us on what is and what is not. If Dr. Thomas gets an M-OF of straight zoning, then that allows her or whoever owns that to do a variety of things by right without having to have each and every thing approved.

MS. ECHOLS: Uh-huh.

MR. MACMANN: Although staff can direct people in certain directions as far as selecting zoning, they cannot mandate to them that they request a certain zoning. And if Dr. Thomas and her representatives want to go with M-OF, we have to evaluate their request based upon what they have asked for, whether we would agree with it or not.

MS. ECHOLS: But they could change the type of zoning that they're asking for?

MR. MACMANN: That is totally with -- that's -- yes, and that's up to them.

MS. ECHOLS: Uh-huh. I mean, like I said, this seems like a -- a well thought out plan with a conscientious person that, you know, wants to integrate into the neighborhood. But I do have concerns about the zoning change to the multi-use, and, yeah, that's my main concern.

MS. LOE: Any additional questions for this speaker? I see none. Oh. Commissioner Carroll?

MS. CARROLL: Given the options presented for this property, would you prefer to see residential? Would you prefer to see, potentially, more than one residential as -- I'm posing the same question that we posed to the previous --

MS. ECHOLS: Uh-huh. Yeah, I -- I saw that there were staff recommendations that maybe this could be like a higher density residential lot, and I was not excited to read that. I guess maybe if it was like R-1, yes, that would be fine. And like I said, this particular plan that's being proposed, I'm fine with that, but I -- I'm uncomfortable with the zoning for it. If it was a PD zone, and we would have some control in the future about what happens with the property, I'm in. Uh-huh.

MS. LOE: Additional questions? I see none. Thank you.

MS. ECHOLS: Thank you.

MR. HARRIS: Good evening. My name is Trevor Harris; 1120 Sunset Drive,

Columbia, Missouri 65203. I want to support this because Tom and Rachel think it's a cool idea. I want to support this. I want to like this, because they -- I mean, they've got to live next to it, so they have the most to lose. There's a couple of reasons why I feel like I can't support it and why I don't want to support it as -- as it's presented right now. And just to put myself in context, I live about six blocks east, just north -- south of Broadway a little bit, so this is my broader neighborhood. It's not my backyard explicitly. I thought the staff report was excellent. I thought it really summarized a lot of important issues here. It's not a simple thing. But the main thing that comes down to me for is -- is the opportunity that we just heard about, and we've been discussing is we've got this lot. We don't have this lot, the owners have this lot, and they want to do this thing with it, but there's an opportunity here right now to do something useful and interesting and neighborhood serving. And Dr. Thomas said, you know, she's got clients who -- who walk and bike, and I believe her. Like Peter said, you know, she's a sympathetic applicant. I want her in my neighborhood. I want her to be my dentist. I go downtown for my dentist right now, so I don't feel like I live in a dental desert, per se, you know, so I wouldn't have a problem with a dentist at this site. What I would like to see is -- is something more interesting and creative and, sorry, mixed use. We have a lot of people coming to this town. We have a lot of people that like this town. And if we can't build mixed-use stuff in the center and more in the core like this, we're going to keep building more stuff on the outskirts of town and we're going to force the Dr. Thomas' to build on the outskirts of town, and we're all going to have to drive our Subarus or whatever we drive to get out to the edge of town. So I would like to see this proposal for rezoning be rejected tonight, and I want to encourage the developers and Dr. Thomas, come back and talk to the neighbors about how we could do something that is neighborhood serving and weave this more into the neighborhood, and possibly in the sense, to incorporate housing that's owned or rental housing. For me, the highest priority is it be neighborhood serving because it means there's things I can walk and I can bike to, and I can -- I can do in the neighborhood, but also we have this opportunity to have it be a denser use, and I think that's a critical thing right now. So many things in the City right now, the Comp Plan, the Climate Action Plan, they all say reduce single passenger use trips, create nodes of activity, and this has the opportunity to be a node. I mean, a dental office is not a node in and of itself. So it -- one more thing I want to add is I don't think it's realistic that it continues to be an R-1 band use. I don't know a lot of people that are up and excited to build a house on Broadway and have that amount of traffic coming by. I think there's a lot of people, younger people especially, who might want to live in a rental situation, and maybe that's what's coming eventually on the north side, when that comes before you in

a year or five years, or whenever the market is right for that. Yeah. So that's why I want to encourage you tonight to oppose this, and for staff and you all to work with the developer to come back with something that's more mixed-use and serves the neighborhood and weaves this into the neighborhood in a much more comprehensive way. Thank you.

MS. LOE: Thank you, Mr. Harris. Any questions for this speaker? Commissioner Wilson?

MS. WILSON: I am extremely confused by what you want, because I think that the proposal is for mixed use, so I'm confused by what you're saying.

MR. HARRIS: I think the proposal -- my understanding is the proposal is to build a single-use dental office on the site.

MS. WILSON: Right. But it's a --

MS. LOE: The zoning is called mixed-use, but the proposed building is a single-use building.

MS. WILSON: Oh, you --

MS. LOE: I think what Mr. Harris is saying is he wants to push this and actually get some mixed use.

MS. WILSON: Okay. I mean, technically, it is mixed-use, but I think you want multiple things on this piece of property that would serve the neighborhood is what you're saying?

MR. HARRIS: Yes, ma'am.

MS. WILSON: Thank you.

MS. LOE: Commissioner Carroll?

MS. CARROLL: I -- I do believe, and I'm asking staff here, M-OF would allow residential and office use. It could have a true mixed-use?

MR. ZENNER: It could. Obviously, the applicant is not obligated to do that, and what the applicant has shown is, as Mr. Harris has pointed out, a single-use building.

MS. CARROLL: Yeah.

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

MS. WARREN: Hello. My name is Dawn Warren; I live at 202 Spring Valley Road. I live in the south West Broadway neighborhood, and I know that lot well. I just want to say that I agree with your assessment that the proposal is not quite right for that area simply because of the precedent that it sets. It's called the Historic West Broadway Neighborhood, and a block away is one of the oldest buildings in our town. And that area was part of the Santa Fe Trail, the Boonslick Trail, which is something to be proud of.

And also we have that incredible amount of land north of it that can be used very appropriately for mixed use in condensed living spaces and also commercial spaces. And I want you to know, Dr. Thomas, yes, who wouldn't want her for your dentist? She's a very sympathetic and a lovely human being who wants to create a wonderful environment for her clients. I live in the neighborhood and I plan on living there a long time, and it's a great neighborhood, and I want it to stay that way. But, you know, I also understand the needs of our population change and shift, especially since it's just a popular place to live. But I -- I just am also concerned about the Pandora's Box. Once we open that particular piece of property on the south side of Broadway to more commercial enterprises, that might change the whole West Broadway in the future, so just thought I'd put my -- my hand in the ring.

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

MS. BENTLEY: Good evening. I'm Cecile Bentley; I live at 1863 Cliff Drive. That's in the East Campus neighborhood. Based on my reading, I believe that rezoning requests must be justified and not be arbitrary. But they -- and it must mean that -- that you cannot meet that need in the -- in the close-by area, and we've clearly heard tonight that you don't need to rezone this to M-OF for a dentist office to be located within walking distance of this neighborhood. I also was looking through the UDC today, and it describes the appropriate use of the zoning M-OF, and it's to provide a buffer between residential and intensely non-residential. Again, this doesn't apply. There is no intensely non-residential property. It's -- it's a long ways away, so this is, like, kind of stuck in the middle of things. And as you heard, and you all know, that M-OF opens the door to the Pandora's Box. My concern is that it doesn't just open the door to a Pandora's Box on South Broadway, that it could also open the door in the East Campus neighborhood, or any of our other historic neighborhoods where we're struggling to keep residential housing affordable and available. And if we start getting M-OF stuck in the middle where it's not part -- consistent with Comp Plan, it is not -- does not meet the definition of what M-OF is supposed to be as a buffer. It's not near a node -- in a node. It's not in a commercial zone. It doesn't meet any of the criteria for being rezoned as M-OF, then why -- why wouldn't -- why wouldn't someone say, oh, let's put it on University. Let's go put it down in the West Ash area. Why don't we -- you know, I think it opens a Pandora's Box across the City, and that is my biggest concern is that we not open that box, and that we stick with the -- the rules that we have and considerations that we have around this zoning. Thank you.

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

Any additional speakers on this case?

MR. DRANE: Dave Drane, 1708 Glenbrook Court. I am one of the bad guys. I'm one of the Ds of the D&D Investments that -- I came up to clarify --

MR. MACMANN: Could you raise your microphone?

MR. DRANE: I'm sorry,

MR. MACMANN: The recorder is having a difficult time hearing you.

MR. DRANE: I'm sorry.

MR. MACMANN: Thank you.

MR. DRANE: We currently own the property -- a bit property. We bought that and we were trying to remember how many years ago that it was. I don't remember, and I apologize -- seven -- six, seven, somewhere in there. We kind of got into an interesting endeavor because we own lots of residential rental property around. When we got into north -- the north side of Broadway, we got into -- started with one house and we didn't coerce anybody. Neighbors came to us, you know, of that property, wanting us to possibly buy their property, too, because we had a big windstorm, and if you can remember what year that was, but there were a lot of trees on that side blown, and they were laying all over houses and yards and whatnot. And every house on the north side we took down had asbestos, had black mold, and were crumbling. There wasn't anything to save. If there had been, we would have refurb'd them and rented them, but there wasn't anything there. The house on the south side, the subject tract, it was really kind of sad because the -- the people that lived there had spent money on it and fixed it up, done a lot of things to it, but it had a rock basement, and was -- that was falling in, and the water was coming in from every direction, and there was nothing to save there, either. We have nothing against residential property at all. We think that this -- what -- what is being proposed makes perfect sense for that, you know. And -- and in answer to the other side of the street, we just haven't gotten to it yet. We -- we don't have any definite plans. We -- it's part of our 20-year plan, and we just -- we have a lot of other things going and just haven't gotten there yet. We will, and I think we -- you know, when -- when -- I mean, years ago, when we bought this, we know it's part of a plan, a greater plan for the City that probably from the corner, you know, office or light commercial, you know, whatever, you know, and bleed back lighter into the residential area, kind of walk down then, you know. And -- but I really think that both those corners, and because there's a traffic light there, you know, that changes it from almost any other corner because it's -- it's -- there's safety issues and -- and, you know, to turn left off Broadway with a light versus without a light is a different thing. This is -- but just to explain where we came from and what we did and why we did it, you know, that we didn't -- we really just ended up with a house

and tried to save it. It was -- you know, a funny story kind of about it, that after we bought it, we had a friend of ours that needed a house, had sold their house, and were building a house and it wasn't quite done, and we offered it to them just to -- you know, to live in it for three or four months for free, and they turned it down. It wasn't -- they didn't think it was habitable, and that's when we took it down.

MS. LOE: Thank you, Mr. Drane. Any questions for this speaker? Commissioner Stanton?

MR. STANTON: The proposal before us is Mixed-use Office. Did you advise this zoning? Who came up with the -- who asked for Mixed-use Office?

MR. DRANE: The proposed buyer of the property, the dentist, not me, you know.

MR. STANTON: Okay.

MR. DRANE: We were -- we hadn't listed the property. We hadn't -- you know. The property was just sitting there, and -- and when the first conversations we had were about maybe something on the north side, but then the City, you know, then you get to -- you know, you cut it up into pieces like we do this, and then we do this next to it, and this next to it, and -- and everybody agreed to have a more comprehensive plan for the five acres. Well, we just weren't there yet.

MR. STANTON: I guess, what's crucial for me in making this decision, number one, the dentist stated to us that she didn't know about the zoning. She didn't know why it was zoned that way. So I'm trying to make sure that this project myself, my Commissioners are not part of a -- are not pawns in a bigger scheme. So if we give you M -- Mixed-use Office --

MR. DRANE: Yeah.

MR. STANTON: That triggers -- you said you had bigger plans on -- okay. Well, we got it here, this is like the case we had before this one with the Dollar General, and the -- and the heartache that that caused the residents around it. So we're trying to avoid that. And I don't want to pull the trigger on that and -- and cause another neighborhood to be in the same situation by giving you this, and it triggers that you go across the street, and because you have precedence here, that this Mixed-use Office, I can -- I can justify going for that same or even more intense use across the street, while City staff is suggesting, and based on the Comp Plan, that it stay maybe more intense residential, mixed multi-family, similar to the cottages that are -- that are right next to your property, which I love. It's probably my favorite development in the City. That's probably what they want on that side. That's what the Comp Plan says, that's what the City wants. So I'm just trying to find out why Mixed-use Office was asked for, while the dentist is really telling me she wants to be a neighborhood entity, there's other zones that would give that, you know.

I'm thinking almost, you know, this -- so I'm trying to get to the bottom of why Mixed-use Office is asked for, and I haven't got that answer.

MR. DRANE: Because -- I mean, that's --

MR. ZENNER: Mr. Stanton --

MR. STANTON: Yes.

MR. ZENNER: -- let me -- let me clarify for you.

MR. STANTON: Okay.

MR. ZENNER: There was no discussion -- there was no discussion of planned district, and if there was, it was discounted for many of the reasons that Ms. Loe pointed out earlier. It is a highly restrictive zoning district that we, as a staff, with the adopting of the Unified Development Code and its additional restrictions and its additional requirements, do not see as being a viable zoning classification in every instance to where there is conflict because we created a Code that addressed particular issues. The D&D Investment staff did not consult with me. I was consulted with, if I'm not incorrect, either by Ms. Renaldi [sic], or by a representative from Crockett Engineering. As Mr. Drane has pointed out, it was my recommendation that master planning of the five-acre tract be preserved, and that the scale of the structure proposed was more appropriate to be an entrance to a residential neighborhood as a buffer, as a transition. It was an inappropriate site for commercial development. If I thought it was, I would have suggested shoot for the moon and go for M-N. I did not because I understand and understood the concerns associate with that, and suggested M-OF. And there's always a possibility that this body, the applicant, or even Council redirect this to a planned district. And if that's the case, so be it. The map I have up here on the graphic for you in front of you is the West Area Plan, and this is in contrast and contradiction to the node that is not shown in the City's Comprehensive Plan. However, you will see the half-moon on the northeast side of this intersection signalized. That is a designation for a mixed-use neighborhood corner. This particular corner in the master planning that was done for West Central or for West Ash was identified as a redevelopment corner, and as Mr. Smith pointed out, it would transition back. So we have a commercial corner here, even though it is not identified in the Comp Plan and the West Ash Neighborhood Plan is the more refined document. The Comp Plan is the master broad brush. This was very specific, and this exhibit did not come easily. There was a lot of discussion with this, and many planning Commissioners that were here when this was done understand that. So commercialization on the north side in a smaller fashion than what is to the west of this is likely and appropriate. Now if that's going to be M-N, that's yet to be seen. It depends on what the uses may be, and it depends on how they choose to maybe more

comprehensively develop the property. It could be handled as a PD, and that may be what's necessary in order to ensure that we have adequate transitions and protections. The larger tract may afford that because there's more opportunity to be able to gain other values out of it. The smaller tract, however, when this was being requested to be considered, PD really never came into the equation. M-OF, which from my training as a professional planner, is often used as the transition. And, yes, the Pandora's Box phenomenon is obviously a concern, and we have that and we share it. However, the proposal here was for something that appeared to be very, very low impact in nature. And while there is no certainty, the general majority of uses in that M-OF district seemed appropriate, and we didn't think PD was really worth pursuing. So that is why. This is not something that you all are being asked or given a snow job on for a bait and switch. I sincerely believe that what is proposed at this point is what is desired to be built. While a planned district may be able to guarantee that, without having to come back through another regulatory process should the property change from Dr. Thomas, we'll have to ask ourselves the question, is that process really necessary. And in our opinion, and as the division manager for Planning and Zoning, I did not believe it was. The Commission and Council, however, can make the final decision if it is or not.

MR. STANTON: Thank you for clarifying that, Mr. Zenner. And, no, I didn't think you were part of bait and switch. I'm just trying to make sure, because M-OF is basically the biggest thing you can ask for. It gives you the most latitude to do more things. And with an office -- this office --

MS. LOE: M-N would allow more.

MR. STANTON: M-N would allow -- okay. So I'm just -- I was just a little concerned because what's asked for, and what's on the table just seemed like they weren't jibing. So -- and I'm not trying to attack you. I'm just trying to get the facts and keep it real. So you're the owner, I just was asking straightforward questions. I'm sorry if I got you riled up. But that's what I do, I ask straight-up questions. That's what I do. So thank you for your time.

MS. LOE: It is. Don't take it personally. Commissioner Geuea Jones?

MS. GEUEA JONES: Hi.

MR. DRANE: Hi.

MS. GEUEA JONES: So I think my frustration is not so much that you took down the house. I'll take your word for it that it had to be. I've been in some of those houses with the tumbled limestone foundations. If they're not well cared for, they're terrible. My frustration is nothing has been done, and you have no plans to do anything, and you didn't even have the property listed until Dr. Thomas came and asked you about this.

And that is -- so now we're going from losing what could be two residential lots at minimum, one, and you don't even have to come and talk to us; two, and it's a simple subdivision, and we would have more housing, which we desperately need. And instead what we're asked -- getting asked to do is to start a transition on the south side of Broadway into more commercial uses from residential. And so I think that's -- that's where I am having a hang up in the way that property and the one to the north are sitting there, and it sounds to me like you're saying they're in a 20-year plan. Well, they've been sitting there for ten, so I guess my question is, and rather than just lecturing you, because that's not what you're here for. My question is: Why were you not pursuing selling those as residential lots?

MR. DRANE: Let me answer it this way. We -- this year -- last year, let me start there. Last year, we built and sold 40 houses in Columbia. We are in that business. We -- there are only so many of us, and, I mean, we can only go so fast. And I -- I think you'll find, if you ever were on our side, that -- that it's sometimes a little onerous to get everything done in this town, you know. It takes a long time, you have to go through a lot of steps fairly -- not unreasonable, but there are a lot of -- there are a lot of parts to it. This year, so far, we have -- we have built and sold, I believe, 16 houses up to now this year. We have 20 -- about 20 started. We do this. We build houses, affordable houses in this -- in this town, as affordable as they can be with things the way they are now. We have other businesses. We're -- we're -- we go as fast as we can, and this was something that -- that we -- we didn't have this with a long-term plan in mind. We didn't -- you know, it's kind of -- we -- this all started with a neighbor at my house drinking coffee with us one morning who had -- had a house on the north side of this, and her husband had passed away, and she didn't know what to do with it. We bought that, and then it took off from there. And -- and we -- you know, this wasn't something that we had dreamed of owning for 40 years, you know, and had some gigantic plan. It's just -- it's -- it's -- we probably could shift gears and stop what we're doing and come back to this, but this five acres, I think is a very important five acres on the north side. I think this lot is a very important lot on the south side, you know. I think it's -- I think that this is something that -- that through the years, we -- we've been doing this a long time, that -- that to get people close to the services they need. That's been the plan for this town, you know, at times, for a long time. And -- and I think that this is -- this is a good use. I -- I had never met the applicant until tonight, you know. I mean, this isn't something we planned together. It's just, you know, how we got here. But I think that the five acres to the north takes some very serious, careful planning to do the right thing, and -- and, you know, to go I think -- I mean, what I kind of envision in a -- in a big scale might not work, you know.

I mean, we -- we will work closely with the City, you know. Everybody will be on board, you know. We will get all the neighbors involved. We'll do all those things. We just haven't gotten there yet.

MS. GEUEA JONES: That doesn't really answer the question about the -- the subject tract.

MR. DRANE: Yeah.

MS. GEUEA JONES: And the fact that you are now selling that for what is a non-residential use. Right? And I -- I -- the five acres on the north side, the north side of Broadway is slowly, but surely, becoming either multi-family or commercial. We're talking about the south side where, other than churches interspersed and Diggitt, it is residential, single-family or, you know, duplexes. So I -- I guess my question is why -- I guess, let me ask it this way. Do you see why there is a concern that this fundamentally changes the nature of the south side of Broadway?

MR. DRANE: I can see that. I can -- you know, I mean, I'm not -- you know. If it were a -- almost anything else, you know, if it were a two-story, flat-topped building, you know, with parking underneath, you know, I could -- I could see where that doesn't fit in. This -- this aesthetically will fit in to this neighborhood.

MS. GEUEA JONES: But we have no assurance of that. Your -- your deal could go through perfectly fine. It's out of your hands, and something could happen in Dr. Thomas' life, good, bad, otherwise, and she's, like, oh, now I have this property. I -- for whatever reason again -- could be completely good, I can't put my practice here anymore. And we have no say over what gets built there. And -- and I think that is why I want to ask you why, as the current landowner and caretaker of this very important piece of property, you were not making more of an effort, or why you're okay with it changing from a residential use. Even if -- even if your answer is we were going to get to it eventually, I hear that, but you're willing to forego the -- the residential zoning, and -- and that is my concern is that we are taking one chunk out of the south side and saying, well, this one is not going to be residential anymore, and then the next one, and then the next one and the next one. So -- and I guess your answer is -- is just you were going to get to it eventually.

MR. DRANE: I think that, you know, quite honestly, that stoplight -- that stoplight means a lot. I mean, you know, in my, you know, muddled way of thinking, because -- because that becomes a -- a different type of corner, than -- you know, than one down the street where -- where you stop traffic, you know, coming down Broadway. I mean, you know, leaving -- going west on Broadway at 5:00, I mean, anybody that turns left, you know, without a light is hated by all the people behind them. And -- and I think this -- you know, we were -- with those little circles around the corners, I mean -- I mean, this came

up as this -- years ago that this would be a commercial corner. I mean, you know --

MS. GEUEA JONES: Well, the ones across the street would be.

MR. DRANE: This one. That whole corner -- all those -- both those corners were going to be commercial corners.

MS. GEUEA JONES: They just cut it off.

MR. DRANE: You know. And this is -- I think this is a great use for it.

MS. GEUEA JONES: (Inaudible) -- were zoned R-1. Exactly. Thank you.

MR. DRANE: Okay.

MS. LOE: Commissioner Carroll?

MS. CARROLL: You said you built a number of residential properties, 16 houses this year?

MR. DRANE: Uh-huh.

MS. CARROLL: Can you give me an idea of where? Are those in central Columbia?

MR. DRANE: They're on the east side.

MS. CARROLL: And what's a typical timing for you after purchasing the property to build a house?

MR. DRANE: Well, it -- it depends. These, we bought this property probably six years ago, five or six years ago. We have -- we have some property we've owned for 25 years. The --

MS. CARROLL: Okay.

MR. DRANE: We're not typical in the -- you know, buy it and have to do it today and roll on. We -- when we get around to it.

MS. CARROLL: So here's where I'm coming from. That makes sense on the outskirts. The loss of what was here was felt to this community, and I think that people would feel a lot more comfortable if they had a better understanding of what your plan was going forward. I agree with you this stoplight is a very important intersection, and that question of what the future is of the intersection has been there for quite some time. It -- it leads to an uncomfortable position at the present.

MR. DRANE: I question that. I mean, I get it, maybe. I don't -- I mean, I'm not sure I do, but, you know, it's -- it's what we have there is almost park-like. I mean, I wouldn't call it -- you know, I don't think it's unattractive or -- or hideous or anything. I mean, it's just -- we just -- there's just a blank -- we don't --

MS. CARROLL: There used to be trees. There used to be houses. And I will take your word on what was on the inside of them, but from the front, they were quite pleasant. I do live in the area.

MS. LOE: Commissioner Wilson?

MS. WILSON: First of all, I want to say thank you. This is -- okay. I was going to say it's starting to feel like the Spanish Inquisition, but I'll -- I'll keep that one. I have a totally different thought, and the thought is, I think that what you have proposed is actually quite amazing. When I look at the list of permitted uses, there's really nothing on this list that would fit on that lot and that would make sense. So this dentist office makes sense. Yeah. We can talk about the could of, would of, should ofs, and the possibilities of, you know, maybe she's going to change her mind. That's what risk is about. Right? But given the scenario that we have right now, I think this is the right choice, and I think you're doing the right thing. I also think -- I'm not a real estate person by any stretch of the imagination. I just bought a house. I'm almost 50 years old. But I - - I actually tried to purchase a house not too far down the street, more toward Providence, and it's sort of a -- probably a 1950s or '60s house priced way out of the neighborhood because of where it is. So another reason why I think that this works is because is it realistic that you could put an affordable house right there right now? Probably not. So I understand why this makes sense, and I agree with it, so that's just my 12 cents.

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

MR. MCNABB: Tom McNabb, office at 104 Clinkscapes, Montmarte Apartments. I've lived and/or worked within two blocks of this location for 68 years. Clinkscapes Road used to be the western boundary of the City limits. Broadway, from Clinkscapes west, was a two-lane gravel road. My parents rented a house at the northwest corner of Clinkscapes and Broadway when it was brand-new, and I went to Strawn School, give you a little background. I don't support everything that comes along. There was a recent discussion about the northeast corner of West Boulevard and Broadway becoming some office and so on there, tearing down two or three houses. I did not support that. In fact, I went out, got a sign, and stuck it in the yard, and said Keep Historic West Broadway, even though I own a house at 916 Broadway. That's the most recent opposition I've had. Another one was when the 20 acres of the Boone County Fairgrounds was up for sale and prior to the ARC and the Farmer's Market, there was a rezoning request in front of the Commission to build five duplexes along Clinkscapes Road. I opposed that because it didn't fit the block, just as the office building at West Boulevard and Broadway did not fit that block. I thought my comments, and their own record at the City, were that 20 acres is a large property. Let's don't mess it up with five duplexes. It was not about competition for my apartment complex across the street, it was just save that for a bigger and better use. Darwin Hindman was the Mayor at the time, and came up with the ARC, and then, consequently, the Farmer's Market, all good uses. I think the --the use at the

subject here fits the block. It goes from one block to the other end of the block. I think it fits. I don't see single-family residential going in there. One of the speakers in his letter talked about the dentist has many choices around town for other buildings, other places to put an office. They may be limited, but if she has choices, homeowners, home buyers have hundreds of choices to where to buy, where to build, whatever. I don't see this as a location for a reasonable single-family house or I don't think it's a good location for an apartment building, either. This is a quiet use, and I think it fits the block. I think that's close enough. Thank you. Any questions?

MS. LOE: Thank you. Any questions for this speaker? I see none. Thank you. Any additional speakers on this case? We've gone till 2:00 a.m., so trust me, we can keep going. Yeah. We usually have coffee on those nights. If not, going once, going twice, we'll close public hearing.

PUBLIC HEARING CLOSED

MS. LOE: Commission comment? Commissioner Burns?

MS. BURNS: I'll start off. Thank you. If I lived in this neighborhood, I would be concerned, but I am -- the projects that Dr. Thomas has described seems the best of all situations, but I don't live in this neighborhood. So I have to listen to what the neighbors are saying as far as concerns about impacts, about future impacts, and I'm looking forward to hearing what my fellow Commissioners have to say, because I'm still undecided as far as how to vote on this.

MS. LOE: Commissioner Stanton?

MR. STANTON: I love the concept of the project. I think a neighborhood dentist and doctors offices close to the neighborhood, I love that concept. I think that this is out of scale. I don't live in the neighborhood, but I think what's -- what I see proposed is out of scale. I think it's kind of too big for that area, but that's just me. I like it. I don't like the zoning. I wish there was way to make this work. I don't know. It's -- I like the concept, I like the project, I don't like the zoning, and I'm still worried about pulling the trigger for something else.

MS. LOE: Commissioner Carroll?

MS. CARROLL: I'm not comfortable removing any potential residential housing, and I'm not comfortable making any decisions that favor loss of residential housing through demolition. I think we have incentivized such actions, and I'm concerned about their impact on housing availability. I agree with Commissioner Wilson's statement that it would be very hard to build an affordable house at that location, just as it's very hard to build an affordable house at any location right now. I do think that we have a housing shortage at all levels, and I also agree that it's unlikely that this spot will remain R-1. I

would like to see it be used in a way that does not deplete available housing. I'm just not comfortable with that action. I do think that Mr. Harris brought up a good solution, and that would be a true mixed-use with housing and a dentist office -- apartments above and dentist office below, perhaps. This sort of thing would promote walkability and nodal development. It would promote neighborhood context. That's something that I would certainly look at favorably.

MS. LOE: Commissioner Kimbell?

MS. KIMBELL: I am not in favor of removing affordable -- removing residential zoning at this time. I think -- I think -- I agree with my fellow commissioners. I think it's a great concept, I just don't think it's at this time.

MS. LOE: Commissioner MacMann?

MR. MACMANN: Thank you, Madam Chair. Planner Smith, could you return to our overhead, the site plan proposed. There we go. Thank you very much. I want to say you all, fish or cut bait. Unless this is two story, it's not going to be residential. And I do not anticipate a rezoning of this from -- two or three going anywhere in this neighborhood -- straight up. That said, with a couple of different options. I just wanted to return to this -- thank you, Planner Smith -- because there's not -- there's not room for anything unless it is two-story. Do you all want to continue to try to resolve this, or do you want to go up and down.

MS. LOE: Oh, we're not done discussing this yet. We need to continue.

MR. MACMANN: All right.

MS. LOE: Commissioner Geuea Jones?

MS. GEUEA JONES: I would say that I think this would be a highly desirable single-family residential. People live up and down Broadway, especially on the south side, and pay a premium to do so. None of those driveways are going to be on Broadway, which is the complaint people always have. All the driveways are going to be on one of the side streets. But if that is a either single-family or even -- frankly, if they were here wanting to upzone to R-MF or R-2, I'd probably be all for it. I am not willing to start the process of changing the south side of Broadway to commercial when that has -- Broadway has always been the dividing line there. Like, everything on the south side is residential or churches, or people who have businesses in their homes. So I -- I'm not buying this argument that, oh, you know, single-family residential is not going to work on that lot. I think it will work well on that lot. And -- and it's something that the owner could do today. So this isn't a situation where we have to give the owner this leeway because they can't do anything with their property the way it sits. He could build on it today, and if I'm not incorrect, I think he could probably get a pretty quick subdivision if he wanted to

do two instead of one, depending on what the lot sizes are and everything.

MS. LOE: It is two lots. Correct?

MS. GEUEA JONES: Is it two lots?

MS. LOE: Or is it one?

MS. GEUEA JONES: It's just one.

MS. LOE: One.

MS. GEUEA JONES: Yeah. Yeah. Yeah.

MR. SMITH: It's currently unplatted, technically.

MS. GEUEA JONES: Yeah. But my -- my point is, this zoning isn't restricting the owner from doing something that will be profitable on that property. And I am not willing to take away a residential zone in an area that is otherwise all residential zone with Broadway as the dividing line. And -- and I mean, you all know that, because I've been talking about it all night. Just to be very clear, I -- I think whether it's, you know, let's upzone to a slightly higher residential, and put in some houses that are more affordable, or let's just built another couple of single-family, you know, 1,500, 2,000 square foot homes that aren't affordable anymore. I think that would be a better use of this property, fit in with the neighborhood, and cause much less traffic than even the lightly used dentist office would. So that's where I'm at.

MS. LOE: Commissioner Stanton?

MR. STANTON: Our colleagues all have good points. The bottom line is, there's money on the table. Somebody owns this land and has a right to do what they want. I would like to see this be a win-win. I've lived in several -- you know, if you've ever been in New Orleans or whatever, you've got corner stores, residential, commercial use. I'm feeling this right here. That's what I'm -- I'm seeing a dentist. I mean, really to be -- she doesn't know this, but if she moves here, I lose a dentist, because I live, like, on the other side of where your office is. I live on the other side of the water tower. So I'm losing a dentist in my neighborhood, you know. She's moving down the street. But is she walkable? She's walkable. She's all that stuff to me right now, but I can that in this neighborhood, she would probably be a little more profitable there. I want to see this work, and even though I agree with my colleagues as far as residential, building houses, all that good stuff, it ain't happening. They're not doing it right now, and it's not -- this is the deal he's got on the table. I just wish we could make it less scary for us. I mean, I like the dentist concept. I like the, you know, I'd rather it be mixed-use, you know. If you had somebody, you know, like a corner store concept, but that service would probably be really good there. And it is, you know, it's -- I just don't like the zoning that they're asking for. If somebody can help me feel less worried about that.

MS. LOE: So I do live in this neighborhood. I live across from Kiwanis Park. And since you tore the house down, they've probably built four or five new houses about three or four blocks from this lot. And I can tell you that homes in this neighborhood don't come up often for sale, and when they do, they don't stay on the market very long. So this is a hot place for residential. And I know this because my mother -- my parents spent three years looking for a house in this neighborhood. We've talked about several things that I would like to comment on as a neighbor. One is that the stoplight means a lot. Several people have said this, including Mr. Drane, but it changes that corner. Also Mr. Smith commented on this. However, the only context we've discussed this is with regard to traffic, that because of that stoplight, this makes it a good location for a commercial or office use. I would like to point out that this is the only signalized corner between Stadium and West. That means this is the only pedestrian and bicycle crosswalk from my neighborhood to go north. This the only crosswalk for a middle school at West, and it's the only crosswalk for students coming south to Russell. It's the only crosswalk connecting the ARC, the Farmer's Market, Clary-Shy, Kiwanis Park, and all the bicycles using the County House Trail, which I see go by a lot. So I'm really concerned that actually the analysis of this project did not take into account that the get-about bicycle map codes Manor and Clinkscales a green route, which is identified as comfortable for adults and children if you don't often ride a bike, having moderate volume at low speeds of traffic with established bicycle traffic. The bike trails are a huge boon and asset to Columbia. If anything, we should be compounding that with our development. So I think any projects that are going in on our trail sites that we've identified need to be including that in their analysis. So I would say any project that goes on this site, the driveway should actually be on Maplewood. And if it's a use that the Maplewood neighbors don't want, it's probably a use that doesn't belong on that site. Or if it's a use that can't go there because it requires a signalized intersection, then, again, that signal is -- we've got to give some priority to the pedestrians and the bicyclists. It is their only opportunity at this location. All right. So that was one point I wanted to make. Actually, two, that it's one of our big lanes. So I, too, am really cautious against rezoning any residential out of this neighborhood. As I already commented, it is a -- highly sought after in this neighborhood, so I don't see any reason or justification to take residential out of the neighborhood. I do not see it is a higher or better use at this time. I can't see myself approving any project that doesn't include housing, so -- and even if the zoning, because the M-OF does include housing and could be mixed uses we've discussed, but I am -- have a real conflict against bringing that, as Commissioner Geuea Jones talks about, to the south side. Dr. Thomas, I think you are proposing a very

sympathetic project. I think you have made it as residential as possible in nature, but the zoning is not a residential zoning. Also, I think you're trying to keep as quiet a footprint as possible, and I appreciate that hugely. However, one thing that we talk about in my neighborhood street is how we don't have places to walk to to get coffee or to get -- we don't have that -- I was actually sorry not to see the M-N zoning because if it was a -- the corner coffee shop or the corner café, and my neighbors who just came back from Prague, her husband's response was we're not dense enough for that. So, I mean -- but that's the type of community infrastructure I can see supporting the neighborhood. I don't see an office that's empty on the weekends as really being supportive. It may not be hurtful, but I don't see it as adding to the neighborhood, I'm afraid. Commissioner Burns?

MS. BURNS: Just quickly. This is not about us, this is about the people out here that have come to talk to us, the owners of the property, the proposed development. I understand about the residential concerns. I do wonder if we deny this, could it come back as a PD if they -- we worked it and possibly could alleviate some of the fears from the neighbors about the M-OF zoning?

MR. SMITH: Yeah. I mean, that is -- that possibility is always on the table, the property owner, the applicant contract purchaser can make that -- revise that request. Obviously, that takes a little more time. They'll have to put together a PD plan, although they have somewhat of a start there with the layout they have.

MS. BURNS: I get it. Then I would, you know, ask that the applicant and the owners consider that if this is denied. I think that would appease the neighbors as far as the zoning goes.

MS. LOE: Commissioner Placier?

MS. PLACIER: Yes. I agree with the Commissioners that have spoken in favor of leaving this residential. I think it is a desirable location for residences, especially today with the bike path, with the access to amenities like a store, the ARC. A lot of stuff is very, very close -- the Farmer's Market. I would think that would be a really cool place to live. It could be an example of missing middle housing if somebody decided to build a duplex that fit the neighborhood. So I just think there are lots of other possibilities for dentist offices, and it does set a bad precedent. And I think that it -- the D&D, when they bought this years ago probably bought it fairly low priced. Now trying to sell it as M-OF is probably paying them a premium, and they didn't even have to put it on the market or do much of anything to market it. So, you know, of course they're going to think, oh, this is a good -- good deal, because they didn't put the effort into develop it as residential. I'd like to encourage them to do that.

MS. LOE: Commissioner Wilson?

MS. WILSON: So I feel very alone, an island, but I'm going to double down. So I have actually attempted to purchase two houses on Broadway, and both houses labored for years unsold. So I disagree that people are -- I mean, it is a hot spot for sure, but it is a place that is becoming unaffordable for whatever reasons. I don't know what the reasons are because it's hot. And there's a difference between something that exists and having to then put the costs in to build something new. That is going to add additional cost to somebody like myself. So I don't know, maybe there's a millionaire that wants to live next to a church that has church all night long. I don't know. So there is that. And then the other thing is, I'm looking at the permitted use list. When you look at M-N for all of the good things that it may add, it also has a number of unsavory possibilities, like a fitness center, which could go there, or an alcoholic beverage place, which could go there, or a medical marijuana dispensary. So I don't necessarily think M-N is the best -- I mean, it could serve the neighborhood with marijuana. Hey. I just -- I'm not sure that that's what people really, really would want necessarily. I mean, I don't know. I don't smoke marijuana, but I guess there's a lot of people who want it. I'm just -- I'm doubling down on my thought of the logic of it, of the logical end. If it were going to be turned into residences, I feel like that would have been done by now. Unlike you, I'm not assuming that they didn't think about it already. It may -- I mean, as he said, this is what they do, and anybody who is in business for profit does what profits them. So I don't -- I'm not going to assume that they haven't thought that through. What I'm going to think is that it hasn't been profitable to make that particular decision. So I feel the frustration. This place has been empty. It's why did you tear down the house? It's been empty forever. There's a reason it's been empty forever, because that's not -- that -- that idea doesn't work here. So again, I like the idea of the dentist office. I really, though -- really, really, really liked it. And you have a set and a design. So I really like the design idea that was proposed that has residences on the second floor of the building. I like that a lot, because I think that that then serves the neighborhood well and better.

MS. LOE: Additional comments? Commissioner MacMann?

MR. MACMANN: Pursuant to all our conversations, where I was headed before, if we go forward and vote this down, it stays down for a while. If it's tabled, something else is developed, then they can continue -- I'm sorry. I thought I was right next to the microphone. My apologies. If we vote it down right now, it can't come back as it is for quite some time. If we send it back to these folks in a tabling or a temporary withdrawal or whatever they want to do, it allows them to go forward. You're giving me a very strange look, Madam Chair.

MS. LOE: Mr. Zenner?

MR. ZENNER: So -- so what Mr. MacMann is saying is correct. So the procedure is if the recommendation is voted in the negative by the Planning Commission, if a recommendation in the negative is approved by the Planning Commission, that recommendation is forwarded to Council. Now the applicant has two choices. They can either pursue to Council with the negative recommendation of this body and express to Council arguments to support their request. Council will deliberate. Likely will have the same folks here in our audience in front of City Council. If it is denied at Council, it is, basically, withheld for a year for the same zoning classification. If it is withdrawn following a negative recommendation of this body before it reaches Council, it is also withheld for a minimum of 12 months. As Mr. Smith pointed out, if it does come back as a PD request, if it was denied, withdrawn, and comes back as a PD, that does not necessarily have the same limitation of a 12-month limit. With tabling and representing as a planned district is going to be considered a new application, we would probably prefer at that point that the case be withdrawn and resubmitted so we can restart the process with a fresh case number and a fresh review process. So, I mean, those would be the applicant's three options: Continue to pursue forward, let the Commission make a recommendation up or down, choose to withdraw or pursue forward with Council. If they are denied here and they withdraw, as I said, they can't reapply for R-1 for a year. They can apply within less than that if they come back with planned district, which apparently is part of what the discussion has been this evening as guidance, or they can take their chances at Council. And take a couple of extra weeks to potentially still have to come back to a planned district if they do want to pursue forward on this site. What I would like to just make sure is clear at this point, and that the Commissioners understand, we would not be supportive of a single-use planned district, and I want to make that very for the neighborhood, as well. We do not support single-use planned districts. So if the desire here is to ensure that there is a limitation to just the dentist office with nothing else, that will be very difficult for us to get behind because that is extremely limiting. I would also suggest that, based on the conversation this evening, there is a desire potentially by this body that they incorporate some commercialized M-N uses to potentially make it more neighborhood serving. Well, that obviously will have to be worked out between the neighbors and the applicant, and that probably is going to be challenging. So, I mean, those are -- those are the -- that's the picture that's being painted at this point to the applicant. And while anything is possible, there is money on the table. We may not see it back for a while if that's what they choose to do. So it may be appropriate at this point to ask the applicant what their choice is. Do they want to request a tabling or do they want this Commission to act on the application as it's been

presented. If they request that you table it to allow them to discuss their options and then make a decision, that may be an appropriate interlude at this particular period.

MR. MACMANN: Than you, Mr. Zenner.

MS. LOE: My confusion on the tabling was I don't feel we're shy any information.

MR. MACMANN: That we're what? I'm sorry?

MS. LOE: We're missing -- I don't believe we're missing any information to make a decision, so the tabling would simply be to give them time to decide whether they wanted to withdraw?

MR. ZENNER: That's -- yeah. Well, and it all depends on what your recommendation is, but it seems pretty clear with the headcount the recommendation likely will not be positive, so they have to make an educated decision at that point. Do they want to come back with a PD or wait?

MR. MACMANN: I would suggest that the PD is a middle path. That's all.

MS. LOE: Commissioner Wilson?

MS. WILSON: I like the idea of tabling. I'm the table girl. I like the idea of tabling because I'm not sure that the applicant is following the flowchart of what we're discussing, and the if then of what we're talking about. So, yeah, I think that tabling it would give her an opportunity to talk with whomever she needs to talk to to understand the consequences. That -- so I'm in favor of that.

MS. LOE: That's a good point. So I'm going to -- Commissioner Geuea Jones?

MS. GEUEA JONES: Would any -- of course I don't know that there is a better zoning choice for them, but any change in zoning would precipitate a new application, not just a PD plan?

MR. ZENNER: Yes. That would be correct. I mean, typically, what we would -- we would view -- let me explain this. We review a request from M-OF to PD as a more restricting zoning classification. So, typically, if you were going M-C to M-N, for example, that could be done without restarting a process. But because you're going from a straight zoning district to a planned district, statement of intent and development plan are required. Those two components right there do not make it one of those transferrable, more restrictive zoning classifications without restarting the process as a whole. That's the why. So any way you look at it, any zoning classification change, and there is no other I would say integrable use, at least from our perspective. M-N may be too intense because of the other uses in addition to office. The PD, as it's been discussed, is potentially the only path forward, and that is going to require, I think, some shuffling of uses and an understanding of what impacts can be had and at what scale.

MS. GEUEA JONES: So that gets to what I think you were saying. And I'm -- I'm

happy to table so that the applicant has time to make a decision whether or not to withdraw. But at this point, the only decision would be to move forward and let us have an up and down vote or withdraw. There aren't changes that can be made to the application that would change the -- anything. Right?

MR. MACMANN: Thank you, Commissioner Geuea Jones. Yes.

MS. WILSON: Yes, that is true. But if we do --

MS. LOE: Commissioner Wilson.

MS. WILSON: I'm sorry.

MS. LOE: Go ahead.

MS. WILSON: If we do the down vote, then that presents the possibility that it would be a year before they could come back.

MS. THOMPSON: Only to come back for the same -- with the same zoning request.

MR. ZENNER: It's with the same request. And only if Council, if they choose to withdraw before Council has an opportunity to hear the case. Council ultimately -- your recommendation will go to Council. Council may conclude that it is an appropriate location and use. So they can override the recommendation of the Commissioner. Now, would that happen given the testimony this evening? That's unclear. And I think a tabling is -- as suggested does allow us an opportunity to discuss with Dr. Thomas and her -- her agent or agents options that exist within a planned district. And if that's not acceptable to them, they show up at the meeting we table to, and you take your vote. But I would also suggest that I'm not sure what additional information is gained that we haven't heard this evening as it relates to that.

MS. LOE: Commissioner -- I'm good with Stanton first.

MR. STANTON: I think we need to vote it up or down, and let it go how it goes. Ride or die. It's either going to fly or it's going to die. That's -- we just need an up or down vote, and I'm willing to make the motion if anybody doesn't have anything else to talk about.

MR. MACMANN: Madam Chair?

MS. LOE: Commissioner MacMann?

MR. MACMANN: That was my question to fish or cut bait, what you all want to do.

MS. LOE: Why don't you make a motion. We can discuss the motion.

MR. STANTON: As it relates to Case 197-2022, West Broadway and Manor Drive rezoning, I move to deny to rezone the site to M-OF.

MS. THOMPSON: And, Mr. Stanton, if you could make the motion in the affirmative. Move to approve --

MR. STANTON: Oh. Move to approve for M-F -- M-OF zoning?

MS. THOMPSON: Correct.

MR. STANTON: I move to approve to rezone this site to M-OF.

MS. GEUEA JONES: Second.

MS. THOMPSON: Thank you.

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

Roll Call Vote (Voting "yes" is to recommend approval.) Voting no: Ms.

Placier,

Ms. Kimbell, Ms. Loe, Mr. Stanton, Ms. Burns, Mr. MacMann, Ms. Carroll, Ms.

Geuea Jones. Abstention: Ms. Wilson. Motion fails 8-0, 1 abstention.

MS. CARROLL: We have eight no votes, and one abstention. The motion is denied.

MS. LOE: That's the recommendation that will be forwarded to City Council. So staff can review the options available.

MR. ZENNER: We would be more than happy to avail ourselves to Dr. Thomas, as well as her agents. Mr. Smith could be contacted at 874-7 --

MR. SMITH: 437.

MR. ZENNER: -- 7437.

MS. LOE: Thank you.

Move to approve to rezone this site to M-OF.

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

Abstain: 1 - Wilson

VII. PUBLIC COMMENTS

MS. LOE: Any additional public comments? I told you we never give up. All right.

VIII. STAFF COMMENTS

MR. ZENNER: The next meeting will be on August 4th, and just so the public, as well as the Commissioners, you may have received a -- a calendar of our meeting events for this year, and the next meeting was actually published on that calendar in November of last year for August 11th. That was an error. We identified that earlier this month, so our meetings in August are August 4th and August 18th. So keep that in your calendar. Hopefully, you had not made plans based on what we had sent out previously. With that, you have some upcoming cases, and the load does get a little lighter, but maybe not less complicated. So you only have two cases on this. We have a rezoning request off of Ballenger. This is at the corner of Ballenger and Clark Lane. It is PD to M-N, and this is

currently an undeveloped acreage tract immediately north of the roundabout on the east side of Ballenger. And then the second case that we have on the agenda is off of Westwinds Drive. This is a roadway, basically -- Westwinds comes off of West Boulevard and then terminates parallel, basically, to Stadium Boulevard at the subject site, 1607. This property is currently improved with a single-family home and an outbuilding which has been converted to an apartment, as we understand it. They are desiring to subdivide the property into two lots. This was advertised with a design adjustment for waiver of sidewalk, if I recall -- or waiver of sidewalk?

MR. SMITH: Sidewalks, street trees, and turnaround.

MR. ZENNER: Sidewalks, street trees, and turnaround. The turnaround component of it is potentially going to be resolved before it comes to the Planning and Zoning Commission, so the design adjustment may only incorporate two components, not three, from the UDC. Mr. Smith will be delivering that report, and we are working through some of the technical issues right now as to how to address the termination issue with our Public Works staff. Oh, I'll be delivering that report because Mr. Smith will be on vacation, he tells me. I forgot I approved that. So your maps that you see here are our locations so you can familiarize yourself. The Ballenger property on your left, and our Westwinds Drive property on your right. A majority of this Westwinds property, when you receive the plat, you will note is not substantially developable due to some environmental constraints moving back towards the existing neighborhood where Ms. Loe lives, and the other area of College Park. So the lot configuration here is a little bit unique and specific to this parcel, and the analysis will be provided to be able to present the case as it's being sought to be subdivided into the two lots. It is -- it's R-1 zoned property today, but just has the single home on it. We will have a regular work session, as well, at 5:30 on the 4th. That work session will actually include a presentation of the Sidewalk Master Plan by Mitch Skov, our senior transportation planner that deals with the Bicycle and Pedestrian Commission, as well as our CATSO MPO operations for the office. The report is being presented with a plan as an update to the existing Sidewalk Master Plan. It is being presented at the request of the Bicycle and Pedestrian Commission to the Planning and Zoning Commission as part of the Boards and Commissions that actually need to make comment. This is not an opportunity at this point, though. The plan is being presented for information purposes, and Mr. Skov will have some material available that will be provided with the packet for the 4th. It is not necessarily to -- to necessarily modify the content of the plan, though the Commission is being asked to look at the plan and offer comment to it. It has been reviewed by the Bicycle and Pedestrian Commission, and is being offered from them, so they have spent some significant time

evaluating the projects that are in the document at this point. It may also serve as a -- a primer to how we may want to consider moving forward with sidewalk installation issues like we covered during our first request this evening. So be on the lookout for that. We will give you that documentation as it comes in. I am also, based on Mr. Skov's brevity, going to provide a second item on the agenda, and that may be to discuss at a very high level where we are on short-term rental related text changes. Yes, I know you all wait with bated breath when I say that term, but I'm not going to guarantee that we will get to it, but I am putting it on as a place holder. That is all we have to offer. Thank you for tonight. It was obviously challenging for all of us to come to a conclusion and resolution given some of the topics that we cannot make definitive recommendations on, but I think we did well, and I appreciate your attention. Thank you.

IX. COMMISSIONER COMMENTS

MR. MACMANN: Madam Chair? Madam Chair?

MS. LOE: Sorry. Did we have move and a second?

X. NEXT MEETING DATE - August 4, 2022 @ 7 pm (tentative)

XI. ADJOURNMENT

MR. MACMANN: Move to adjourn.

MS. GEUEA JONES: Second.

MS. LOE: Seconded by Commissioner Geuea Jones. We are adjourned.

(The meeting adjourned at 11:31 p.m.)

(Off the record)

Move to adjourn.