



# City of Columbia, Missouri

## Meeting Minutes

### Planning and Zoning Commission

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Thursday, March 10, 2022  
7:00 PM

Regular Meeting  
(Revised)

Columbia City Hall  
Council Chambers  
701 E. Broadway

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#### I. CALL TO ORDER

MS. LOE: I'd like to call the March 10, 2022, planning and zoning commission to order.

#### II. INTRODUCTIONS

MS. LOE: Commissioner Geuea Jones, may we have roll call, please?

MS. JONES: Chairperson Loe.

MS. LOE: Here.

MS. JONES: Mr. Stanton.

MR. STANTON: Here.

MS. JONES: Commissioner Burns.

MS. BURNS: Here.

MS. JONES: Commissioner Rushing?

MS. RUSHING: Here.

MS. JONES: Commissioner MacMann.

MR. MACMANN: Present.

MS. JONES: Commissioner Geuea Jones is present.

MS. JONES: Commissioner Placier.

MS. PLACIER: Here.

MS. JONES: Commissioner Kimbell.

MS. KIMBELL: Here.

MS. JONES: And Commissioner Carroll.

MS. JONES: We have eight. We have a quorum.

MS. LOE: Thank you.

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

**Excused:** 1 - Valerie Carroll

#### 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 moved to approve on the agenda. I'll take thumbs up for approval on the agenda. Looks unanimous. Thank you, everyone.

**Move to approve**

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

##### **February 24, 2022 Regular Meeting**

MS. LOE: Everyone should have received a copy of the February 24th meeting minutes. Were there any amendments/edits to those minutes?

MR. STANTON: Move to approve the minutes.

MS. KIMBELL: I'll second.

MS. LOE: Moved by Commissioner Stanton. Seconded by commissioner Kimbell. We have a motion to approve the minutes. I'll take a thumbs up for approval on those. Seven to approve, one abstain. Thank you.

**Move to approve the minutes**

#### **V. PUBLIC HEARINGS & SUBDIVISIONS**

##### **Case # 46-2022**

A request by Engineering Surveys & Services (agent), on behalf of SAP Holdings LLC (owner), to rezone two parcels containing approximately 19.05-acres from A (Agriculture) to M-C (Mixed-use Corridor). The vacant site is located northeast of the US 63 and Paris Road interchange, and contains the addresses 4150 Paris Road and 3501 Hinkson Creek Road.

MS. Loe: All right. We're going to move into the public hearings and subdivisions. I just want to remind all the commissioners that we are on audio transcript this evening. So please wait to be called on before making any comments. All right. Our first case, Mr. Zenner.

MR. ZENNER: Ms. Loe, before we begin this section which has got our Trifecta, 45, 46, and 100 will all be read as one single title. The staff report has been prepared to be a continuous staff report. And then the following set of cases is a -- is a double, and if you will read both cases, 92 and 93's titles together as well, and then you will take separate votes according to each of the components of those requests.

MS. LOE: All right. We can do that. Okay. So our first three cases of the

evening are case 46-2022.

**Case 46-2022**

**A request by Engineering Surveys & Services on behalf of SAP Holdings, LLC, to rezone two parcels containing approximately 19.05 acres from A (agriculture) to MC (mixed-use corridor). The vacant site is located northeast of the U.S. 63 and Paris Road interchange, and contains the addresses 4150 Paris Road and 3501 Hinkson Creek Road.**

**Case 45-2022.**

**A request by Engineering Surveys & Services on behalf of SAP Holdings, LLC, seeking approval of a conditional use permit allowing a 19.05-acre site to be improved with a travel trailer park. The vacant site is currently zoned A (agriculture) and is located northeast of the U.S. 63 and Paris Road interchange and contains the addresses 4150 Paris Road and 3501 Hinkson Creek Road.**

And finally,

**Case 100-2022**

**A request by Engineering Surveys & Services on behalf of SAP Holdings, LLC, seeking approval of a one-lot final plat containing 19.05 acres. The unimproved site is currently zoned A (agriculture) is located northeast of the old -- of U.S. 63 and Paris Road interchange and contains the addresses 4150 Paris Road and 3501 Hinkson Creek Road.**

MS. LOE: May we have staff reports, please.

MR. KELLEY: Yes. Thank you, Madam Chair. And for purposes of the minutes, this is Brad Kelley speaking as well. As you mentioned, this is a three-part request. The rezoning and conditional use permit were previously advertised early in January and given notice prior to that December. Those were tabled on the January 20th date, a date certain until today, and postcards were given out for the final plat in early February.

To kind of familiarize yourself with the site, it is located at the corner of the 63 and route B interchange. It's kind of a narrow-waged shaped lot with access both on Route B and Hinkson Creek Road. As you can see here, across Route B, there's a large number of industrial facilities. Those are currently zoned IG, and farther to the east, there's a significant amount of

agriculture property that has yet to be approved, some of which is being farmed. The request contains the zoning conditional use permit and one-lot final plat. I'm going to go through them in that order, just kind of a brief breakdown of the site, then specifically address each part of the request, and then at the end give my recommendation for all three with an order for the motions.

The applicant's general intent is to develop the site with a 36-bay RV park and accessory store and office site with it. The applicant has indicated that they're interested in using the undeveloped portion of the site for zip lines, high rip courses, and other recreational amenities. This site was annexed into the city and assigned ag zoning as part of mass annexation in 1969. Along this corridor, it's predominantly industrial uses or heavy commercial uses with some pockets of MC zoning located farther east to the southwest along Route B. The site has several natural features along the sites, heavily wooded area with several significant trees, there's a Blue Line Stream, there's a portion of floodway on the property, in addition to shaded, AE, flood plain, and parts near the Blue Line Stream contain slopes up to 50 percent grade.

It is within the urban service area and has access to all city utilities. The future land use map in the comprehensive plan identifies the two parcels as neighborhood and open space with the neighborhood being representative of the agriculture zoning at the time and open space being overlaid more portion of the stream and portion of the site to the east. In staff's review, this is considered in the context of zoning. We find the neighborhood designation to sort of be inappropriate designation for the site given its direct proximity to the freeway interchange. We think that would be more appropriately designated as a commercial, and looking at the future land use map here, it may just be indicative. That's not grid parcel by parcel analysis. So we would find commercial and open space to be the most appropriate here.

Looking at the request for MC zoning, that zoning district is intended for regional commercial nodes with high visibility to highway, freeway traffic we find that the request to be consistent here given its proximity to the freeway. Floodplain overlay zoning does apply to a portion of the southeast part of the site where it's stated AAE on the Boone County FEMA flood maps. Staff notes that majority of the site is undevelopable due to the natural features that are on the

site including stream buffer, steep slopes, forest, floodway, floodplain, et cetera.

When looking at the zoning, beyond just the zoning, the UDC has a number of protections that are available, including climax forest, preservation of significant trees. Given it's within the floodplain, a floodplain development permit will be required. It also has a portion of floodway on the site which no development is permitted at all, and 15 percent of open space is required to be retained per the UDC as well.

Moving to the conditional use, conditional use request is for a travel trailer park which is a conditional use in both the existing ag zoning and the requested MC zoning. They run with the land unless they've been otherwise conditioned, and we evaluate them on six criteria found within the UDC.

The site plan that I'll show here in a moment shows 36 travel trailer sites and a 5,000-square foot building intended to be a -- kind of the administrative building that may have some accessory retail, facilities for showers, laundry, restrooms, et cetera, that would be found customary to a travel trailer park. It also has access to Route B with a pre-approved point of access by MoDOT, so it would be subject to a final right-of-way permit by MoDOT, but it does have access to Route B.

Here's the proposed site plan that's been submitted to us. As you can see, the 36 travel trailer sites and the store. I would note that these are on the developable -- developable portion of the property closest to the off ramp for 63. The stream buffer is also shown on here as well. The 5,000 square foot building is laid behind a parking area. I would just note that two of the trailer sites are within the side setback for MC. We're not suggesting that the site plan be conditioned as part of this request, but the -- those would be handled via final permitting. They would be able to build those within the setback. So this -- this proposal does comply with the -- the MC or ag district in terms of the setbacks and dimensional standards aside from those two sites that I was noting.

Given that we find this to be more appropriately designated as a commercial district on the future land use plan, at least on this portion, we find it to be consistent with the comprehensive plan. Looking around at the adjacent character, conditional use permits is one of the criteria as noting that the use is going to be consistent with that and within the zoning classification. In this case, since we're kind of determining zoning as well, retail is not a principal permitted use in agriculture, but it is in the MC zoning. So given the size of the

store and the potential for retail, we're suggesting that the size of the structure be limited to 5,500 square feet.

Basically to intend that the retail is limited to keep within the agriculture zoning; however, if it's rezoned to MC, we don't see the need for that condition as well. We're also looking at the number of travel trailer sites here as well. We find the 36 to be appropriate for the site given its ag; however, if it's rezoned in MC which supports more intense uses, we don't see a need for that condition as well.

As I noted, the site does have access to Route B. MoDOT has looked at it and will accept and review a final right-of-way permit when that time comes. The site is served by all city utilities and has adequate capacities for the use. Given its proximity to other industrial facilities on the other side of Route B and throughout the corridor, we've noted that the use is significantly less intense than the other industrial uses, so we don't see this having any adverse impact on the surrounding properties.

Moving onto the plat, consists of two unplatted tracts that they're proposing to plot this as one lot. The street -- Blue Line Stream that runs through the site kind of separates the property into a developable portion near the interchange and then low-lying area within the floodplain to the southeast. The plat dedicates standard 10-foot utility easements and right-of-way for Hinkson Creek Road, but no additional right-of-way for Route B is required.

Here you can see the plat with the stream buffer running through the middle. I've noted in one of the technical corrections that within the stream buffer there's slopes of up to 50 percent grade. Anything greater than 25 percent requires the stream buffer to be widened. We've noted that to the applicant, and they are working on making those changes now.

Additionally, they've noted significant trees to us on the tree preservation plan; however, they did note them within the area that was climax forest or haven't noted the climax forest as well, so they're working on bringing us a revision that shows that as well. All around, the staff finds the plat to be fully compliant with the exception of the technical corrections that we are waiting on a resubmittal at this time.

So in conclusion and in the staff report, specifically about the zoning, I noted that we had -- we looked at several criteria for supporting approval and some for supporting denial. We looked at the surrounding zoning given the adjacent industrial uses in zoning, its proximity to a commercial node, its

visibility to the highway, and how that's consistent with MC, and that the -- there are several existing protections through the UDC and through the FEMA floodway as well as being criteria that would support approval, but looking at criteria that support denial, the future land use map designates this as neighborhood and commercial -- or sorry, neighborhood and open space. Again, we would note the commercial being the more appropriate portion than neighborhood, but a significant portion of the site is designated as open space, so we find that -- the whole MC to be inconsistent with the future land use map.

Again, noting the several environmental features on the site, more than half of the site is not developable, and thus, these uses aren't able to be developed on more than half of the site, so we find it to be severely limiting and inappropriate to grant MC zoning to a site which can't support the uses on more than half of the site. So to that extent, we support MC for a portion of the property but not to the tract and whole. Looking to the conditional use permit, we find this conforming with the area but recommends conditions just so that's consistent with the underlying zoning whether we determine that's ag or MC. Next moving onto the plat, again, it's been reviewed by staff. Aside from the technical corrections, it is compliant with the UDC.

Staff's recommendation is to deny the requested MC zoning, approve the conditional use permit for a travel trailer park subject to the condition that limits the number of travel trailer sites, and the square footage of the building, and then finally, to approve the final plat subject due to technical corrections. Alternatively, if the commission feels that the existing UDC regulations are sufficient to ensure the site's natural features are protected, then MC may be recommended, and then those conditions omitted from the second recommendation above. With that, I'm happy to answer any questions you may have.

MS. LOE: Thank you, Mr. Kelley. Before we move onto questions for staff, I would like to ask any commissioner who has had any ex parte related to this case to please share with the commission, so all commissioners have the same benefit of the information on the case in front of us. None. Are there any questions for staff? Mr. MacMann?

MR. MACMANN: Thank you, Madam Chair. I'll try to make this as quick as possible.

And one of these questions might be for the agent. Open space. Does Mr. Griggs have anything going on around here, parks and rec?

MR. KELLEY: Thank you. I noticed that in the staff report but failed to mention it here. So a proposed primary trail does run adjacent to the site closer to Highway 63. I indicated that at a future date true lease (phonetic) may be coordinated with the applicant. I've spoken with the parks department this week, and they've relayed that this portion of the trail is very preliminary. They don't have any solid designs.

MR. MACMANN: So it's out but in the future.

MR. KELLEY: Yes. They are not requesting a trail at this time.

MR. MACMANN: All right. Second question. Again, trying to make this really quick. This is an RV park. What can you tell me -- and this may be a question for ESS, their blackwater arrangements, their sewer arrangements for RVs.

MR. KELLEY: They do have -- they would have a pump station on site.

MR. MACMANN: Okay. And the last question, I'm opposed to split zoning. It would be easier if it was two lots to split it that way. And this may be a question for the applicant also. I share your concerns, RE, the -- what would be split zoning and the ability to protect the sensitive areas in there, but we'll get to that later. Thank you very much.

MS. LOE: Thank you, Mr. MacMann. Any additional questions for staff? Commissioner Stanton.

MS. LOE: Thank you, commissioner MacMann.

BEN ROSS: This is the property along on Route B. This is a photo of it. Did anyone have a chance to go out to see the property as you're evaluating this? You did? Great. I went there this morning and took a picture looking back up towards Route B and the site that we want to develop is pretty flat. There's lots of trees. We're trying to save as many trees as we can because -- for a travel trailer park, trees are a good thing. I estimate we'll save about 75 percent of the total trees on the property. In this picture, the ridge line on the right side is Paris Road, and on the left side is the off ramp of Highway 63, and the site sits quite a bit lower than those major corridors, and it was pretty cool, because when I was down there, I really couldn't hear the traffic. I think because it's so much lower than the roads. The sounds from the traffic is -- goes over you, and you don't really hear it. This is our concept plan which is in the staff report. And we'll come back to this and talk more about this later. I want to highlight a few things.



As far as the MC zoning, we agree -- and the staff agrees with us that the front part of the site is developable. It's next to two major corridors, Highway 63 is a freeway, grade separated interchanges. Paris Road is a straightaway. Route B is a five-lane major arterial. It's got lots of traffic on it with all the industrial development that's going on in that corridor since, you know, the past few years, Swift Meat is going in there, Aurora Dairy is open. I'm sure there's other properties that will be developing in the future in this area.

Like the staff report said, we do have approval from MoDOT. When they widened Paris Road, they granted access rights to this property. We're allowed to put in a 60-foot wide driveway. We don't want to have near that wide, and there's some flexibility in where it goes, as you can see on the concept plan.

Public sewer is available. You had a question about how the -- the travel trailers will handle their wastewater, so it will be pump into the city of Columbia public sewer system which is a great thing. The yellow -- well, first of all, the pink lines on that map are the public sewer lines, and the yellow cloud shows the sewer that Mr. Paul and Andrea Paul, they paid to design that, so that sewer line is designed and approved by the city. It's ready to be constructed anytime. It goes into a pump station that has two pumps. They pump 150 gallons a minute. And right now that pump station is only pumping 29 gallons per minute. So there's plenty of access capacity as the staff report said, so wastewater is not a concern at all.

So the big question, and it talks about it in the staff report on page 3, alternatively, if the commission feels that the existing regulations are sufficient to ensure the site's natural features are appropriately protected, then MC may be recommended. I'm going to try to explain to you how the natural restrictions and the other regulations -- basically, we agree with the staff that the southern two-thirds of the site are undevelopable. We're not going to grade that. There's going to be no road. There will be no road onto the Hinkson Creek. We would have to cross the Blue Line Stream three times to put a road down there. I'll show you a picture of that in a minute, but we want the MC zoning because we might do some commercial recreational uses.

We mentioned ideas of zip lines or high ropes course or some kind of like team building activities where people go out and do some activities on the trails in the woods. Maybe trails, mountain bike trails, you know. We want to

be able to have people see the natural beauty of the property. It's a great piece of property, but it's undevelopable from the standpoint of clearing the trees, grading, building down there. It just won't work.

We agree with the staff that part of it is undevelopable, and because we can't do mixed zoning, we wanted to be able to use part of the woods for these commercial recreational uses. Maybe a sign. You could have a sign down by the trail that says, hey, come get a soda at the general store. When you're done with the trail, you're thirsty, come up and get a drink. You know, a sign would be illegal if we don't have MC zoning.

So let's look at some of the restrictions of the property. Here's a floodplain. And Mrs. Stone's house is the -- our neighbor to the south, and the red and blue cross hatching, that is the floodway which the staff report talked about. For all intents and purposes, you can't do anything in the floodway. No grading. No building. The blue is a floodplain. So again, the top part next to Route B is where we want to build. The southern half or two-thirds is undevelopable. We can't build there. So where I made the yellow circle, that's the part in the floodway, and then the floodplain is really, basically, undevelopable.

We have a tree preservation plan. We've gone out and surveyed all of the 20-inch diameter trees. And we're trying to work around those as best we can. Trees in a travel trailer park just like in a state park. Trees are a good thing. We're trying to save as many as possible. The crosshatch area is a tree preservation. That's another city requirement. So if we do some tree clearing up on the upper part where it is developable, we need to save trees on the rest of the site. So that's our current tree preservation plan.

But here's the plat. So let's review the limits to development. First of all, you have FEMA floodway. I made that red, because that's a major stop sign. We cannot do anything in the floodway. It's federally government regulated. It's got city overlay district. Next is a floodplain. Okay. So that's only restriction, then you have the Blue Line Stream which is regulated by the Army Corp of Engineers. To put a driveway through the area, we would have to get permission to put culverts in, and these would be giant culverts. Lots of grading, and we're not doing that. We're not putting a road onto Hinkson Creek.

The city requires a stream buffer. They want the stream buffer to be a little wider than what we're showing here, which we're working on. So with

-- look at the south end of the property. The only reason that white corner is there at the left side of the screen is because there's some large trees there, and if we made that tree preservation area, we could not count on saving the significant trees. So the developable part just like the city staff report said is up by Route B.

From a storm water standpoint, you know, we're not asking for a construction permit, but when we do, we'll have to follow all the city requirements with storm water detention. The -- there will be, you know, some paved roads and pad sites for the RVs to park on, so there will be some increase in some pervious area, but the city requirements will require us to have storm water detention such that the peak runoff after we develop -- whatever we do, we put in the 5,000-square foot building, the peak runoff, off the site will be no more than what it is today. So Mrs. Stone's flooding concern, the peak flow will be no more -- normally it's less. It'll be a little bit less than what it is just because of the way the city development requirements are.

MS. LOE: Mr. Ross, you've had six minutes. I've allowed you to go over because you're speaking for several cases, but if you can summarize --

BEN ROSS: I'm almost done.

MS. LOE: Great. That would be great.

BEN ROSS: But if you just look at this picture, you can see all the colors. We cannot develop on the south end. Here's the tree preservation. Another thing. We don't think easements on top of easements is necessary to protect this part of the property. We did talk about high ropes courses, and in talking with Brad, he said that this would be considered an outdoor recreational or entertainment use, which if we have MC zoning, we can do. If we don't have MC zoning, we have to come back for a separate conditional use permit. So, you know, the -- the area we're talking about, this is over a thousand feet away from Ms. Stone's house. It's fairly small areas. We're not going to have a zip line a thousand feet long on this site. That would not work. It would be from tree to tree, kind of thing. So next, I'd like to ask Ms. Andrea Paul and Seth to come up and talk about their vision for the site.

MS. LOE: If I can first ask if there's -- can we do any questions for you?

BEN ROSS: Please.

MS. LOE: And then just -- help keep the record straight. Were there any

questions for Mr. Ross? Commissioner MacMann.

MR. MACMANN: Thank you, Madam Chair. Mr. Ross, can you go back to the floodway overlay on the top. Okay.

BEN ROSS: This one?

MR. MACMANN: Correct. That one right there.

BEN ROSS: Okay.

MR. MACMANN: The one -- there it is. Right there. It appears to me that the southeastern toe of this property where it touches Hinkson Creek Road is entirely covered in floodway.

BEN ROSS: That's right.

MR. MACMANN: Is that a correct characterization?

BEN ROSS: Correct.

MR. MACMANN: It is also my understanding, according to FEMA regulations, you can't build a road down there. You can, but there are about 12,000 hoops to make that happen?

BEN ROSS: Right. You have to do, what, a no rise, so it's very difficult and expensive. They have no desire whatsoever to do that on this property.

MR. MACMANN: All right. That's the point I want to clarify. Just real quickly, going back to a couple of other things, on the technical corrections, I don't want to speak too much for my fellow commissioners, but if you all had that technical corrections stuff already worked out, that would probably work more in your favor, just FYI. I have no more questions.

MS. LOE: Thank you. I just wanted to clarify. I believe you stated this for the record already, but there's no proposed road to Hinkson Creek Road?

BEN ROSS: Correct. We can make that a condition if you want. There will be no road.

MS. LOE: Thank you. All right. Any additional questions for this speaker?

Commissioner Burns. MS. BURNS: Thank you. My understanding is that the travel trailer park is a conditional use in both MC and ag, then also the ropes course would be a conditional use. So you could obtain your objectives with the conditional use permits while this remains agricultural.

BEN ROSS: Right. Mrs. Paul will address some of those concerns, too, but you're right. We could go back for a second conditional use, if we wanted to do that outdoor entertainment, slash, high ropes course, yes.

MS. BURNS: Okay. Thank you.

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

ANDREA PAUL: Hi. My name is Andrea Paul, and address?

MS. LOE: Yes, please.

ANDREA PAUL: 7777 East New Haven Road, Columbia, Missouri 65201.

Anything else you need from me?

MS. LOE: That's it.

ANDREA PAUL: Okay. As I said, my name is Andrea Paul, and this is my husband, Seth. We are coming to you today, not as big corporate developers, but as two people who have made Columbia our home for 23 years ago because we fell in love with the city, and we wanted to do something better here. Four years ago by chance we bid on -- on this property at auction, at the intersection of Paris Road and Highway 63. Before seeing it, our thought was to build a construction complex, because Seth has an excavation company here in town; however, after winning the bid and walking the property, we immediately knew it was meant for so much more.

After taking some time, actually about four years, to really understand, study the land, and the natural habitat, we realize that the best fit was to maximize the natural beauty and minimize the impact of growth, and we think the way to do this is to blend the infrastructure into the biggest and natural asset of the property which is the park like features. So we want to -- as Ben mentioned, we want to keep a significant amount of trees. Based on the engineer conceptual plan, we think we can save 75 percent of the trees which is significantly higher than the 25 percent requirement. We want to incorporate natural rock walls, based on the topography of the land to ensure that we minimize removing trees, natural shrub, and maintain the peacefulness of the property.

As Ben mentioned whenever you come in, you go down a hill, and it's very peaceful and quiet in this area. The individual spots that we have designed are going to be very large. They're going to have a lot of green space. We're going to keep the natural trees, plus we're going to add a lot of trees and shrubs and flowering -- flowering plants in addition to each lot, and then the structure that we plan on building, it will have a common area to provide amenities as well as a general store for guests, but we do want to make it two story, so we have a storm shelter for our guests in case of inclement weather, so we would need a little bit more than the 5,000 or 5,500 requirement in order to accomplish the safety feature.

As mentioned, over 12 acres will remain undeveloped. We have a vision of our guests being able to utilize the space for commercial recreational use, so this would not be utilized by the public. This would be utilized by our guests and access for that would come from the main developable area. What we want to use it for the commercial recreational use, walking trails, zip lines, high rope courses, basically, think family fun area. So you go on a family trip with your -- your kids and your RV, and

MS. LOE: Commissioner MacMann.

MR. MACMANN: I don't want to jump the gun. What I'd like to do is begin making a series of motions. Before I do that, I have a question for legal. And this may be a question for Mr. Kelley also. We'll be making three motions, rezone, the CUP, and combine the parcels. I am going to make an amendment. I would like to make the amendment to the second one before we address the CUPs to forbid a road on the southeast toe would that be the appropriate place to put that?

MS. THOMPSON: That would be a condition to the approval of the conditional use permit.

MR. MACMANN: So would I make the second one that I would be adding an amendment to that?

MS. THOMPSON: Correct.

MR. MACMANN: All right. That's said. Thank you. Staff, do you have --

MR. ZENNER: I would also - if Ms. Thompson would also speak to this, I believe it also be appropriate and possibly more impactful if a specific developer imposed restriction be added to the plat that indicates that there shall be no access provided to the site from Hinkson Creek Road. That condition, if agreed to by the applicant, cannot be removed other -- other than through a council action and would run in perpetuity with the land as platted, and I think that that would be --

MR. MACMANN: Given what you just said, given what you just said, did you just tell me to add that to the third motion, put it with the plat so the plat is recorded without access --

MR. ZENNER: I believe that --

MR. MACMANN: -- on the southeast toe?

MR. ZENNER: If the concern is the protection of the adjoining property owner, I think that the --

MR. MACMANN: And the water, the whole.

MR. ZENNER: And the water, I think that -- that in addition to making the

amendment in item number two.

MR. MACMANN: That it will be recorded and not just filed in the city ordinance somewhere.

MR. ZENNER: That is correct. Ms. Thompson --

MR. MACMANN: Ms. Thompson. MR. ZENNER: -- do you agree?

MS. THOMPSON: I don't have any opposition to it also being added to three. I think it definitely, though, needs to be in two as well.

MR. MACMANN: To cover our bases, I'll make those motions. I will add them in both, if that's okay with everyone.

MS. LOE: We need to open up public comment again, so if you can wait one minute. I know you -- I know you have a comment. Commissioner Geuea Jones.

MS. JONES: Thank you. When we're making the CUP motion, do we need to break out the conditions or can we take one vote on the CUP plus conditions?

MR. STANTON: (Inaudible) go up or down. MS. LOE: Commissioner Stanton.

MR. STANTON: Put them all in that motion and we either go up and down with it.

MS. JONES: Okay. I'm just trying to be clear how many votes we're taking.

MR. MACMANN: I think it would -- if we and --

MS. LOE: No discussion on the --

MR. MACMANN: I'm sorry. I was trying to clarify. I'm -- please. Go ahead.

MS. LOE: Are we -- are we resolved? All right. I just wanted to follow-up on the square footage. They're showing a building of a 50 by 100. They've indicated that they want to do a storm shelter, safe room below. So I'm wondering if -- can we put a footprint instead of a square footage restriction, so just a footprint of 5,500, and then they can go up or down within that footprint, but if we do a square footage of 10,000, it could be

out -- we're giving them the permission to go up or down; is that --

MR. ZENNER: Ms. Loe, this is Mr. Zenner again, yes, I believe that probably is the more practical approach of establishing the footprint.

We're then obviously restricting the amount of impervious area that would be created without, basically, limiting how the structure square footage may be allowed to be constructed.

MS. LOE: Thank you. All right. If we finished how we're making motions, I'm

going to open the floor back up to public comment hearing.

BEN ROSS: This is Ben Ross speaking on behalf of the applicant.

Regarding the condition of no access onto the Hinkson Creek Road, please make that such that access from a road going up to the trailer park. We're not going to travel from there down and use it as a thoroughfare to get from Route B to Hinkson Creek Road, but the property owner still needs to be able to cut the grass on that piece of property. I mean, he needs to be able to drive his tractor off the road and maintain it, but he's on the far side of the creek there, so he -- he could -- you know, blocking his access from his own property is not right. It needs to be -- you're blocking the road from Route B to Hinkson Creek.

MS. LOE: Commissioner MacMann.

MR. MACMANN: If I may, Mr. Ross. My motion would relate to a road or built structure.

BEN ROSS: Right. Great.

MR. MACMANN: Natural maintenance and emergency services, there's no way we -- we couldn't stop that anyway.

BEN ROSS: Okay.

MR. MACMANN: But I agree with you it could be confusing to someone in the future.

BEN ROSS: All right. I appreciate making a 5,000-square foot footprint. The building is going to be on a hill, so it makes sense to have a walkout basement for storm shelter or maybe maintenance stuff or garage under there, so I like that idea.

And then lastly, I want to talk about on the conditional use side, our concept plan is highly conceptual, and we're showing -- can you make that -- show that on your screen, please. You know, we're trying to run a business here and actually make money and make it work. And we're showing some pull-through sites, you know, and maybe those won't be pull-through sites and may just be back-in sites, and that -- if you double -- each one of those pull-through sites, if it became two back-in sites, that would be a -- up to 50 spots, and we would like to have permission for 50 spots since you're not going to approve the MC zoning, which limits -- you know, if gas goes up to \$10 a gallon and people stop driving their RVs, what are they going to do here? That's why we wanted the MC zoning, so we could do a little more commercial in that building without coming back, but 50 sites is what we're requesting



instead of 36.

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

MR. STANTON: Fifty sites in its current configuration?

BEN ROSS: Roughly. This is a concept plan. You know, maybe the road will be a little bit closer to Highway 63 or whatever. We're not asking for permission to build this exact thing. We're asking for -- follow the UDC to create 50 sites total. It would be similar to this, but I'm not guaranteeing it's exactly that. The condition would be 50 sites, and then when we go for our building permit, we have to meet all the other city requirements.

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

Thank you. Any additional public comments? If you can, please give your name and address for the record.

DEE DOKEN: This is Dee Doken (phonetic), 804 Elgin Street, Columbia, and since you opened it up again, when you talk about outdoor family fun, some people think ATVs, horseback riding, motorcycles. I wonder if it's appropriate to -- because of the sensitive area to -- is there any way to put that limit on how the land is used?

MS. LOE: Any questions for this speaker?

Commissioner MacMann.

MR. MACMANN: Just a statement. If I'm reading -- Ms. Doken, if I'm reading the rest of the counsel right, we stay the concept of moving forward at this juncture. Of course, that can change. It stays agriculture, and if it's agriculture to engage in or build or develop recreational uses, they will have to come back to this body and to staff to ask for a conditional use permit for those activities and at that time those things would be reviewed.

DEE DOKEN: Like they would come back for the zip line?

MR. MACMANN: Correct. And that's one of the reasons we're not going to MC, because that opens that door more broadly, and this would allow, given the late nature of the changes and the discussions that I'm sure the Pauls -- this is what they want to do or one of the things they considered doing, this would make that -- those specific set of activities, those outdoor recreation, you know, enhanced family experience or whatever, that would have to come back to them, meet staff regulations, then come back to that body, and then at that time the environmental issues and the safety issues and all these other things would be discussed in -- in toto and specifically.

DEE DOKEN: All right. Thank you.

DON STAMPER: Don Stamper, a resident of Columbia, beautiful 2nd ward. A couple of thoughts. We've now heard a sudden -- it's like making sausage, you know? They say you don't -- public policy made -- it's kind of like being -- making sausage. We've now seen almost a 20 percent increase or almost 20 percent increase in the number of sites or pads. That ought to be debated in its own right instead of just tagged onto a discussion about a conditional use permit.

Secondary -- and I'm not opposed to them using their land. I think we have a right to know what's going to become of it and how it's to be done. And, so I think that we have to be careful with that. We also would be -- strongly encourage that the conditional use be limited to the site plan as it's submitted so that there's no creepage or no change in that regard. I respect their right to do business and their desire to make a profit, but I also am concerned about what ends up happening on a given piece of property.

And then last but not least, the expansion of square footage, the building we would like some assurances that it is going to be used for the purposes of what was stated and there won't be office space or other things that are provided for in the use of that building. So those are just some thoughts that I submit to you. I think I would suggest that this is ripe for a tabling and for it to come back before the commission after they work with the staff and clarify many of these points that have been raised in question but certainly, that's your call, not mine.

MS. LOE: Thank you. Any questions for the speaker? I see none. Thank you. Any additional speakers on this case? If there aren't, I'm going to close public hearing.

#### **CLOSE PUBLIC HEARING**

MS. LOE: Commission comment. Commissioner Burns.

MS. BURNS: I'm inclined to go with what we discussed here as far as a conditional -- remaining agriculture conditional use permits and not increasing the pad capacity, and if there needs to be a tabling or a withdraw, we go from there, but I think we've got enough that we've discussed and even with the building square footage and concerns about that, I don't know if we need to go back and readdress that, but as far as adding more, I'm concerned about that given the limited information that we have now.

MS. LOE: Commissioner Placier.

MS. PLACIER: I am also concerned about the 50 number, because if you consider that at a minimum maybe two people per slot and maybe it's not full all the time, but we're talking about 100 people potentially romping around in the -- in that sensitive woods, so that makes -- I want -- I -- we were told 36 and I would rather stick with 36 and not have this thrown at us. I thought maybe I missed something.

MS. LOE: Commissioner Kimbell. MS. KIMBELL: I would agree with Commissioner Burns. We either stick with what's currently here or table it.

MS. LOE: Based on my calculations, it's a 40 percent increase over what was proposed. Commissioner MacMann, motions?

MR. MACMANN: I am again ready to make a motion. A couple of things. One for the audience, I will be making these motions in the affirmative.

BEN ROSS: I'd like to withdraw the other motion, real time -- withdraw.

MS. LOE: I'm going to open it up the floor again.

#### **OPEN PUBLIC HEARING**

MR. MACMANN: I yield my time.

MS. LOE: Mr. Zenner, do you want to talk about options? Can they withdraw or do we table?

MR. ZENNER: The applicant -- the applicant has indicated that they would like to withdraw the project. That is an expression of almost what I would suggest called to question; however, calling the question to withdraw is basically voting no. So they can withdraw the request. I think when you look at it from the aspect of what does that do as it relates to jeopardy associated to being able to resubmit a similar application within the 12-month period, they have not obtained a recommendation of denial, and I think that it is appropriate for them to withdraw based upon the commentary that was made this evening and then provided by the public to allow them to come back with a refined application, one that may also include a secondary conditional use permit request to be able to handle all of the topics at one period of time. The applicant is normally given deference to their request, and they have asked to withdraw the project, and I would suggest to the commission that with the public present knowing that it's been withdrawn, no action is needed to be taken by the commission this evening.

MS. LOE: Can I follow-up with counsel on this?

MS. THOMPSON: Yeah. I don't have your rules in front of me currently, but the applicant does control their application and can withdraw their application prior to the vote. I mean, if, for instance, they were to request to table it or the commission would decide to table it, and then they, you know, withdrew it after that, I don't see that really as a meaningful change.

MS. LOE: All right. Commissioner MacMann.

MR. MACMANN: I -- a comment -- and I don't think we have to take any action. This allows -- I will say this. This allows them the flexibility. They seem like good people. They seem like they have most of a good plan. Seems like it needs some fine tuning. They do this. They can straighten it out, a few hours, a few days, a few weeks. We vote no -- they're sitting back for six months, 12 months.

MR. ZENNER: 12.

MR. MACMANN: 12. Okay. I submit we wish them a good night and thank them for their time.

MS. LOE: Commissioner Stanton.

MR. STANTON: So we don't need to say this case has been withdrawn?

MS. LOE: I think I'm going to say for the record.

MR. STANTON: Okay.

MS. LOE: -- cases 46-2022, 45-2022, and 100-2022 have been withdrawn by request of the applicant.

**WITHDRAWN BY APPLICANT**

**Case # 45-2022**

A request by Engineering Surveys & Services (agent), on behalf of SAP Holdings LLC (owner), seeking approval of a Conditional Use Permit allowing a 19.05-acre site to be improved with a 'Travel Trailer Park'. The vacant site is currently zoned A (Agriculture), is located northeast of the US 63 and Paris Road interchange, and contains the addresses 4150 Paris Road and 3501 Hinkson Creek Road.

**SEE MINUTE TRANSCRIPT FROM CASE # 46-2022**

**WITHDRAWN BY APPLICANT**

**Case #100-2022**

A request by Engineering Surveys & Services (agent), on behalf of SAP Holdings LLC (owner), seeking approval of a one-lot final plat containing 19.05-acres. The unimproved site is currently zoned A (Agriculture), is located northeast of the US 63 and Paris Road interchange, and contains

the addresses 4150 Paris Road and 3501 Hinkson Creek Road.

**SEE MINUTE TRANSCRIPT FROM CASE # 46-2022**

**WITHDRAWN BY APPLICANT**

**Case # 92-2022**

A request by McClure Engineering (agent), on behalf of Fike Properties, LLC (owner), for the assignment of permanent zoning, upon annexation, of two parcels to IG (One-family Dwelling District). The subject site is currently zoned County M-LP (Planned Light Industrial) and County R-M (Moderate Density Residential). The 5.34-acre property is located approximately 700' east of Route 763 on the north frontage of E Prathersville Road.

MS. LOE: We're going to move onto the next cases under public hearings and subdivisions. And these are -- we're doing two this time.

MR. KELLEY: I have these prepared as two separate ones, but I -- I could combine them, if you would like to.

MS. LOE: We're on a role with a combined --

MR. ZENNER: Let me ask the question before we have a similar situation that we had at our last meeting. Do you need to take a break?

MR. MACMANN: I would like to.

MS. LOE: Yes. We're going to take a five-minute break, everybody.

MR. MACMANN: Thank you for your forbearance, everyone.

(Silence in audio.)

MS. LOE: All right.

UNIDENTIFIED MALE: Ready to go.

MS. LOE: We're going to reopen planning and zoning commission meeting, March 10th, 2022, and we're going to combine the next two cases.

**Case 92-2022**

**A request by McClure Engineering on behalf of Fike Properties, LLC, for the assignment of permanent zoning, upon annexation, of two parcels to IG, industrial general district. The subject site is currently zoned county MLP (planned light industrial) and county RM (moderate density residential). The 5.34-acre property is located approximately 700 feet east of route 763 on the north frontage of east Prathersville Road.**

**Case 93-2022**

**A request by McClure Engineering on behalf of the Fike Properties, LLC, for approval of a one-lot final plat to be known as Fike Properties plat**

**one. The 5.34-acre property contains two parcels and is located approximately 700 feet east of route 763 on the north frontage of East Prathersville Road.**

MS. LOE: May we have staff reports, please.

MR. KELLEY: Yes, you may, Madam Chair. And again, for the purposes of the minutes, this is Brad Kelley speaking. I've prepared these to talk about the permanent zoning upon annexation first, and then the plat afterwards. I'll do my best to roll through them. The -- both the zoning and the plat were advertised with postcards on February 11th. The zoning had advertisement in the newspaper on February 22nd.

To give some context of the site, this is on the northern bounds of the city on Prathersville Road. On the top portion of this graph, you can see Highway 63. And you can see the sites connection via Prathersville Road to 63. Generally throughout this area, you can see some larger industrial uses with the concrete and aggregate facility directly to the north and its office facility to the east. And then to the south is Emery Sapp & Sons, Mechanical Construction and Contracting facility which is about 150 acres.

Discussing the zoning, they're requesting IG industrial zoning. It is currently county planned industrial and moderate residential density. Talking to the county, the current M-LP zoning permits uses as came to what is in the city's IG zoning. This site is in the city's urban services area and contiguous to city on western and southern property lines to the south of being across east Prathersville Road.

The site specifically has future land use map designations of employment and neighborhood respective of the parcel zoning. The site is largely designated as employment with a small portion that's zoned RM designated as residential. Looking throughout the area, the designation of employment is that predominant future land use throughout here with some pieces of commercial near the interchange and intersection nodes and some residential farther along to the east. As I noted kind of about some of the uses throughout here, the pattern is mostly industrial with some heavy commercial uses, other commercial, and residential.

To the west, it's a parcel within the city that is zoned MC. It contains a gas substation plant. Property to the north and to the eastern zone are RM and MLP in the county respectively containing a concrete and

aggregate manufacturing facility. Would note that that use is permitted in the parcel to the east but to the north that is a nonconforming use given it's a large tract used as a concrete facility now. It is the county zoned to be -- unlikely to be redeveloped for residential in the future and will probably remain in that use. And to the south is county ML and city and industrial, and they're used by manufacturing and vehicle repair facilities now. Regarding the residential properties to the east along Prathersville Road, the county notes that those residential properties are the oddity here, and they are in a state of transition.

There is a concurrent plat that we'll get into in just a moment that proposes these two parcels to be consolidated into one lot. This proposed lot will meet the requirements of the requested industrial zone and all UDC requirements will apply to development. And again, I presented these -- prepared these as two presentations, so I'll lead into the final plat now.

Again, public info postcards were given on this on February 11th. They're requesting a one-lot final minor plat for 5.34 acres of property. Concurrent request is for IG zoning upon annexation. The site is currently unimproved containing two unplatted parcels. The plat will grant legal lot status and will comply with IG lot dimensions. There are no steep slopes or significant trees on the site. There is a 100-foot wide type two stream buffer encumbering the southeast portion of the site. The plat also dedicates the standard 10-foot utility easement and a 33-foot required half width right-of-way for Prathersville Road. And there's (inaudible) on the site, but it would be required width development.

Staff finds the plat to be fully compliant with the UDC with the exception of some minor technical corrections. They have submitted a revised plat. Those are under review. Some of the review has been completed, and those have been addressed. I think there's just one outstanding item right now, so with that, staff recommends approval of industrial zoning upon annexation and approval of the final plat subject to minor technical corrections. With that, I'm happy to answer any questions you may have. MS. LOE: Thank you, Mr. Kelley. Before we move onto questions of staff, I'd like to ask any commissioners who have had any ex parte to please share that with the commission 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? Good job, Mr. Kelley. All right. If there's no questions for staff, we're going to move onto

the public hearing.

**PUBLIC HEARING**

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

JOHN PAGE: Bear with me, I'm moving a little slow. I had a knee replacement recently, so.

MS. LOE: No.

JOHN PAGE: I'm moving slow.

MS. LOE: You're doing really well.

JOHN PAGE: About three and a half weeks, so.

MS. LOE: Good job.

JOHN PAGE: My name is John Page. I have property at 1339 Prathersville Road. I have the property immediately to the west of this property, and I am in full support with what the Fikes want to do here. I'm currently a city island in the county, and I'd welcome them to join me in the county or in the city, so one thing I do -- I guess would like to talk about is screening, and I'm not in favor of screening in this case. We have commercial operations all around this. We have trees and my fence line, there's trees and there's bushes and there's some on the east end of their property as well, and I think that that could act as screening. I sometimes feel like that when you do screen it, it becomes an eyesore in itself, so I would urge you to think about that as you're thinking about this proposal. Thank you.

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

Thank you. Any additional speakers on this case?

RYAN FULLER: Good evening. My name is Ryan Fuller. I'm with McClure Engineering, 1901 Pennsylvania Drive. I think Brad's report did a pretty good job of summarizing our request. I would add that we did have a interested parties meeting. We hosted that on Monday. Mr. Page attended, and he was the only one, though invitations to that meeting were sent out to all of the property owners within 500 feet. I'm not sure if Brad received any other correspondence in support of or in opposition to, but I'm happy to answer any questions you may have for me. And the Fike family is also here in the audience and will talk briefly about their request.

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



Mr. Fuller. Any additional speakers on this case?

DAVID FIKE: Good evening. My name is David Fike. I'm here on behalf of Fike Properties and Heartland Stone, 3008 David Drive. My family has been in fabrication for 30 years, over 30 years. My dad started. We're three generations of fabricators and working towards the future side for our company for a long time. We hope to put Heartland Stone here on this five acres. If you have questions, I'd be happy to answer them.

MS. LOE: Thank you. Any questions for this speaker? Mr. Fike, I had a question. Mr. Page talked about screening. Looking at the zoning, I'm not sure any screening's required, so I'll follow up with staff, but are you aware of any screening?

DAVID FIKE: I'm pretty new to this. MS. LOE: Okay.

DAVID FIKE: I thought the -- something was said about planning and zoning and what we were asking for might require some screening, if we backed up to residential property. This -- the surrounding property I think is zoned residential, but it is being used as commercial.

MS. LOE: All right. I'll check with staff. Thank you. Any additional speakers? If not, we'll close the public hearing.

#### **CLOSE PUBLIC HEARING**

MS. LOE: Commissioner comment. Mr. Kelley, if I can follow-up with you about the screening. Is there a screening requirement for this parcel?

MR. KELLEY: Yeah. As within the industrial zone as an industrial use, I believe it requires level three buffer adjacent to the MC to the west. You know, for example, considering existing vegetation and buffering, there is the opportunity for the city arborist to inspect the site and consider that and its recommendation for the buffering as we'll discuss in another case later tonight. In many cases, the existing vegetation and screening on the site is better than what a level three could offer.

MS. LOE: Okay. So just so there's a level three between an MC and an IG?

MR. KELLEY: Yeah. Between the IG zone and the other nonindustrial zone, it's a level three.

MS. LOE: Got it. All right. Thank you. Commissioner MacMann.

MR. MACMANN: Thank you, Madam Chair. Just to make sure I understand this, the Fikes have the opportunity for administrative relief from a professional whether we do anything or not; is that correct?

MR. KELLEY: In the consideration of existing vegetation, the arborist, yes, can consider that existing vegetation is sometimes greater than a level three. And would, therefore, have not to replace that with the level three buffer.

MR. MACMANN: Question. Will the existing vegetation which perhaps would be judged as a screen be required to stay in a similar state to what it is now?

MR. KELLEY: I'm not certain on the maintenance requirements for the existing vegetation now, but it couldn't be removed.

MR. MACMANN: It could not; is that what you said?

MR. KELLEY: Right. That would be removing the buffer, right.

MR. MACMANN: That sounds personally -- without me seeing it, I feel that the administrative relief is the path to go there. I have to, you know, see it. Thank you, Mr. Kelley.

MS. LOE: Commissioner MacMann.

MR. MACMANN: Madam Chair, I'm prepared to make two motions if my fellow commissioners have no other questions or concerns that they are expressing. In the matter of case 92-2022, rezoning the Fike property from the county zoning designation to city designation, IG, I upon -- dependent upon annexation, I move to approve.

MS. RUSHING: Second.

MS. LOE: Commissioner Rushing has the second. Motion made by Mr. -- Commissioner MacMann.

We have a motion on the floor. Any discussion on the motion? Commissioner Geuea Jones?

MS. JONES: For the record, I would like to state that this is a consideration of the zoning only. We're not making any determination on the appropriateness of annexation. That is not our role.

MS. LOE: Any other discussion? If not, Commissioner Geuea Jones, may we have rollcall, please.

MS. JONES: Chairperson Loe?

MS. LOE: Yes.

MS. JONES: Commissioner Stanton?

MR. STANTON: Yes.

MS. JONES: Commissioner Burns?

MS. BURNS: Yes.

MS. JONES: Commissioner Rushing?

MS. RUSHING: Yes.

MS. JONES: Commissioner MacMann?

MR. MACMANN: Aye.

MS. JONES: My vote is yes. Commissioner Placier?

MS. PLACIER: Yes.

MS. JONES: Commissioner Kimbell.

MS. KIMBELL: Yes.

MS. JONES: Commissioner Carroll is absent. By our vote of eight with one absent, the motion carries.

MS. LOE: Thank you. Commissioner MacMann?

MR. MACMANN: Madam Chair, if I may. In the matter of case 93-2022, a request by McClure Engineering on behalf of Fike properties with approval of a one-lot final plat known as Fike Properties plat one, I move to approve.

MS. RUSHING: Second.

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

MS. JONES: Chairperson Loe?

MS. LOE: Yes.

MS. JONES: Commissioner Stanton?

MR. STANTON: Yes.

MS. JONES: Commissioner Burns?

MS. BURNS: Yes.

MS. JONES: Commissioner Rushing?

MS. RUSHING: Yes.

MS. JONES: Commissioner MacMann?

MR. MACMANN: Aye.

MS. JONES: My vote is yes. Commissioner Placier?

MS. PLACIER: Yes.

MS. JONES: Commissioner Kimbell?

MS. KIMBELL: Yes.

MS. JONES: Commissioner Carroll is absent. By our vote of eight with one absent, the motion carries.

MS. LOE: Thank you. Recommendations for approval will be forwarded to City Council.

**In the matter of case 92-2022, rezoning the Fike property from the county zoning designation to city designation, IG, dependent upon annexation, move to approve.**

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

**Excused:** 1 - Carroll

**Case # 93-2022**

A request by McClure Engineering (agent), on behalf of Fike Properties, LLC (owner), for approval of a one-lot final plat to be known as 'Fike Properties Plat 1'. The 5.34-acre property contains two parcels and is located approximately 700' east of Route 763 on the north frontage of E Prathersville Road.

**SEE MINUTE TRANSCRIPT FROM CASE # 92-2022**

**In the matter of case 93-2022, a request by McClure Engineering on behalf of Fike properties for approval of a one-lot final plat known as Fike Properties Plat One, move to approve.**

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

**Excused:** 1 - Carroll

**VI. PUBLIC HEARINGS**

**Case # 96-2022**

A request by McClure Engineering Co. (agent), on behalf of Legacy Investors Group, LLC. (owner), for a conditional use permit (CUP) to allow 'Mechanical and Construction Contractors' on a 4.41-acre site currently zoned M-C (Mixed-use Corridor). The property was previously improved with a landscaping service. The subject site is located approximately 250' northwest of Bearfield Road on the north frontage of S. Old 63 and is commonly addressed as 3100 S. Old 63.

MS. LOE: We're moving onto public hearings. MS. LOE: May we have a staff report, please?

MR. KELLEY: Yes. Thank you, Madam Chair. A public notice for this request was given via postcards on February 11th and advertised in the paper for -- on February 22nd. Again, as I note in the staff report, the applicant held an interested parties meeting last week and submitted minutes with those as well.

To familiarize ourselves with the site, this is on Old Highway 63 on the northern frontage surrounded by residential subdivision to the north and some multi-family properties to the west. To the east are some MC properties. Office use, pool, and to the south tower. Then the -- as you mentioned, the site is zoned MC. Property zoned R1, RMF, and MC, previously used as a

landscaping business. Again, that's what's being proposed here as the principal use, which they have a land permit that's used currently. In addition to that, they are proposing some tenant spaces that may house construction contractors that are similar to their use but that use is a conditional use in MC and the basis for this request.

Mechanical and Construction Contractors may have similar impacts to the proposed landscaping business in terms of noise, operation, sound, traffic, et cetera. The proposed site plan has outdoor storage area located at the rear of the property closer to the R1 subdivision to the north. The building is 14,000 square feet located near the Old 63 frontage and near the western property line, so on the southwest part of this site plan.

They're proposing level three landscape buffers adjacent to residential property to the north and west. And some -- and again, kind of as we're discussing earlier, some parts of the existing landscaping, particularly to the north are greater than level three buffer and the arborist has considered those to be, you know, greater than what's required, so they're to be maintained. Staff also notes that 43 percent of the site is being proposed to being landscaped or maintained in pervious surface but that does include the outdoor storage area.

As we evaluate conditional use permits, we look at six criteria found within the UDC, and before I move onto that, I will show their landscaping plans just so you can see in detail, if you would like, their proposed landscaping, specifically noting the level three buffer to the west and to the north on this site adjacent to the residential properties. In addition you can see some topo lines to the north, showing an earth and berm that kind of separates this property from the R1 properties to the north, that may help in buffering and mitigating some of the proposed impacts of the use.

Getting to the evaluation criteria, the structure and lot both comply with the MC district, and I would note that landscaping businesses are subject to use specific standards in MC, and I would recommend that as a condition of this conditional use permit that those same use specific standards would apply to the contractor as well.

The proposal is considered to be consistent with the comprehensive plan. It is designated as a commercial district on future land use map which permits regional uses which in this district may depend on access to major roadways such as the Arterial of Old 63. The proposed use may be found

within commercial and employment designations, and I would again point that -- point out that scale is important to consider here. We're smaller scale. Smaller scales of this use may be more appropriate in commercial; whereas, larger scales such as Emery Sapp & Sons that I pointed out in the previous case, I -- would be more appropriate in an industrial or employment area where that's 150-acre site that has greater impacts at that scale.

The comprehensive plan does talk about supporting in field and development mix uses where land uses can be integrated in considering specific considerations such as what you may do with the conditional use permit. Conditions may be applied to further integrate those sites and mitigate impacts.

The request conforms to the contextual character and within the same zoning that's around it. This specific criteria points out the consideration can be given to landscaping, billing form, and other site conditions. I think that's essential to consider in this request.

The site is largely located within a predominantly residential area and residential corridor as well, so significant conditions are to be expected and provisions include as part of their site plan to make it consistent within its contextual character. They provided significant landscaping for the residential buffering. The outdoor storage area -- has requirements to be screened per the UDC, and on the site plan specifically, the building is limited in scale and setback from the R1 neighborhood to the north and buffered -- be a level three buffer from the residential properties to the west.

Staff recommends requiring development to the site to conform to the site and landscaping plan to ensure that the specific criteria is met. Requiring this to conform to the site also limits the scale of the building as well, so any expansion to building footprint or additional buildings, et cetera, would require a revision to this conditional use permit.

Adequate access is provided. Old Highway 63 is a minor arterial street which may provide access for retail neighborhoods and employment centers. The driveways which are remnant of the old drive-in theater are being consolidated and brought into compliance with current standards.

Discussing with public works, a traffic study is not required due to the small scale of the development, and public works noted that they are evaluating potential improvements to the roundabout to the southeast and its associated truck apron.

The infrastructure is in place to support the use that's served by all city utilities. No issue with capacity. And the final criteria regards significant adverse impacts to surrounding properties. I would note that this use in general does present the potential to have adverse impacts to property owners, and in this case, scale is important to consider due to the small scale nature of the site and the features on the site plan, limited scale of the footprint, and the increased landscaping. These buffers and conditions will mitigate visual and most audible impacts from the use.

The proposed use of this scale will have similar impacts to the landscaping business which is permitted by right and other uses permitted by right and MC. The use -- staff's (inaudible) use is consistent with the residential area but not dissimilar from the landscaping use permitted or other uses permitted in MC. The site and its development is subject to all UDC requirements including landscaping and neighborhood protection standards, and again, as we noted, conditions may be imposed.

Staff believes conformance to the site plan and standards for a landscaping business are essential. Our recommendation is to approve the CUP for Mechanical and Construction Contractors on the property subject to the following conditions. The first requiring conformance to the site plan. The other three conditions relate to what is required for a landscaping business and MC relating to grinding or reprocessing of materials on the site, requiring the -- where vehicles and equipment are stored and repaired.

So again, to maintain that the Mechanical and Construction Contractors use operates in a similar manner and is held to the same standards as the landscaping business on the site. With that, I'm happy to answer any questions you may have.

MS. LOE: Thank you, Mr. Kelley. Before we move onto questions for staff, I'd like to ask any commissioners who has had any ex parte prior to this case related to this case to please share that with the commission so all commissioners have the benefit of the same information on the case in front of us. If there is none, are there any questions for staff? No. All right. We will move straight to public hearing.

#### **PUBLIC**

#### **HEARING**

MS. LOE: If there's anyone in the public who would like to come forward and

share comments with us, we would welcome that.

RYAN FULLER: Hi. Good evening again. Ryan Fuller, McClure Engineering, 1901 Pennsylvania Drive, here in Columbia. We submitted the request on behalf of the applicant, Lance Lanier (phonetic), with Legacy Investments is also here in the audience. He's also the owner of Lanier Landscaping that is intending to move onto this site and is leasing or taking a portion of this building that we're asking to be covered by the conditional use permit.

As Brad indicated, we held an interested parties meeting. It was attended by three members of the -- the board of the neighboring subdivision, Bluff Creek. We had a lot of good discussion. Their concerns were mostly based in noise that was generated, light coming from the site, because of some issues they've had with some of the other commercial properties in the area. We were able to talk through what we're proposing, and I felt like it addressed all of their concerns. Hopefully, no opposition here tonight would support that as well.

The way we see this conditional -- the uses under the conditional use permit working would be no different than the landscaping service on the site. The -- the outdoor storage area is a fenced in and screened area, so not to be an eyesore to the surrounding properties. It's fenced to provide security. We've had multiple businesses that have had issues with catalytic convertors being stolen or equipment being vandalized, which we're hoping to deter that with this area being fenced and also not to be an eyesore for the neighbors.

Similar to the landscaping company, we want to be able to market the -- the tenant space in this building to other uses similar residential construction companies similar to -- Solar Sam is one company that does residential and commercial solar panels that we've had discussion with. Unfortunately, have not been able to come to an agreement on terms yet, but companies that will work similar to Lanier in terms of employees arriving at the site in the morning, getting their work orders, and assignments for the day, collecting any materials that they need from the outdoor storage area, and leaving. This is not something where there will be construction or loud equipment running throughout the day. That was one of the biggest concerns of the neighbors. The idea of us being there in the morning to collect materials and go out to the job site, and then return at the end of the day really addressed any concerns that they had with noise.

And as Brad indicated, I met with the city arborist when we developed



the landscaping plan and designed all of the buffer here around the property. It's predominantly level three screening which requires an eight-foot tall screening device. In this case, we elected for a vegetative butter -- buffer, if you picture large tall shrub-like looking trees, eight feet tall in addition to other flowering and budding trees and bushes to help beautify and screen the property from the surrounding uses.

So I believe that addresses the concerns that were voiced to us, and I'm happy to answer any questions you guys --

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

MR. MACMANN: Thank you, Madam Chair. Sir, if we were to move forward in a situation, whereby, the recommendations that Planner Kelley has added here on the screen that's in front of you, do you all have any objections or concerns with that?

RYAN FULLER: No, we do not. MR. MACMANN: Thank you, sir.

MS. LOE: Any additional questions? Commissioner Placier?

MS. PLACIER: Would you consider the addition of these other contractors to the same site to result in a more intense of the site as more traffic going in and out, more people?

RYAN FULLER: So yes, as -- as the tenant space are filled, there would be additional employees and additional traffic on the site, additional materials being stored in the outdoor storage area.

The site, as currently designed, provides the required parking and other features as if the whole building was occupied, so I don't see the -- any of the site improvements or infrastructure is being lacking when those tenant spaces are filled.

MS. LOE: Commissioner Geuea Jones.

MS. JONES: How many tenant spaces are we talking about?

RYAN FULLER: So.

MS. JONES: It looks like maybe three.

RYAN FULLER: Yes, three. And one of those is -- is Lanier, that intends to move in as soon as the building is ready.

MS. JONES: Okay. Thank you.

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

LANCE LANIER: Hi there. My name is Lance Lanier. I'm the owner of the

property at 3100 Old 63 South. I am a prior firefighter of the city, five years until I was injured on duty which led me to start Lanier. We primarily do landscaping, outdoor living, pool installation, and excavation. We're just looking for being able to get other tenants into our property and set our feet in the ground, so. Any questions?

MS. LOE: Any questions for Mr. Lanier? I see none. Thank you.

LANCE LANIER: Thank you.

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

#### **CLOSE PUBLIC HEARING**

MS. LOE: Commissioner comment. Commissioner MacMann.

MR. MACMANN: If my fellow commissioners have no other concerns, I would like to make a motion. In the matter of case 96-2022, a request by McClure Engineering on behalf of Legacy Investors for CUP, conditional use permit, to allow Mechanical and Construction Contractors on the property that Legacy already owns, I'm going to move to approve, and I'm going to add the additional conditional uses as delineated by staff. I will read them aloud so they are in the record, as we do not have anything but an audio recording, and they are as follows. Approval of the CUP, the conditional use permit, for Mechanical and Construction Contractors shall be subject to the following conditions.

Development of the site shall significantly conform to the proposed site plan.

No grinding or reprocessing of materials or debris shall be permitted on the site. Vehicles and equipment used as part of such business operations may be located at the site provided they are screened from adjoining property in accordance with provisions of the UDC and are not located forward of the principal building on the site. And repair of vehicles or equipment used as part of such business shall be conducted within a fully enclosed structure. With this condition, I move to approve.

MR. STANTON: Second.

MS. LOE: Seconded by commissioner Stanton. We have a motion on the floor.

Any discussion on this motion? Seeing none, Commissioner Geuea Jones, may we have roll call, please?

MS. JONES: Chairperson Loe?

MS. LOE: Yes.

MS. JONES: Commissioner Stanton?

MR. STANTON: Yes.

MS. JONES: Commissioner Burns?

MS. BURNS: Yes.

MS. JONES: Commissioner Rushing?

MS. RUSHING: Yes.

MS. JONES: Commissioner MacMann?

MR. MACMANN: Aye.

MS. JONES: My vote is yes. Commissioner Placier?

MS. PLACIER: Yes.

MS. JONES: Commissioner Kimbell?

MS. KIMBELL: Yes.

MS. JONES: And commissioner Carroll is absent. By our vote of eight with one absent, the motion carries.

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

**In the matter of case 96-2022, a request by McClure Engineering on behalf of Legacy Investors for CUP, conditional use permit, to allow Mechanical and Construction Contractors, move to approve, subject to the following conditions. (1) Development of the site shall significantly conform to the proposed site plan. (2) No grinding or reprocessing of materials or debris shall be permitted on the site. (3) Vehicles and equipment used as part of such business operations may be located at the site provided they are screened from adjoining property in accordance with provisions of the UDC and are not located forward of the principal building on the site, and (4) repair of vehicles or equipment used as part of such business shall be conducted within a fully enclosed structure.**

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

**Excused:** 1 - Carroll

**Case # 98-2022**

A request by A Civil Group (agent), on behalf of Finley and Rebecca Gibbs (owners), for a design adjustment from Section 29-5.1(d) of the UDC relating to waiving sidewalk construction. The 0.88-acre subject site is zoned R-1 (One-family dwelling) and is located on the south side of Rollins Road, approximately 950 feet east of S. Greenwood Avenue.

MS. LOE: That brings us to our next case for the evening.

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

MR. KELLEY: Yes. Thank you, Madam Chair. Again for the record, this is Brad Kelley speaking. Public notice for this request was given via post card on February 11th and advertised in the paper on February 22nd. Have received several phone calls about this request, probably 15 or 16 in the last couple of

weeks and before you -- you guys have a couple of letters of correspondence that came in this week, then there were additional letters included in the staff report as well. Generally, the phone calls related -- were largely general inquiries and just confirming that this was specifically about the sidewalk and many of the calls noted there are no other sidewalks in the area, then one of the calls was from a property owner to the west who didn't have a comment specifically about the sidewalk, but more concerned with -- not concerned, just inquiring about the recent plat for this that I'll get into in a moment.

The site is located on Rollins Road, and Greenwood has some frontage on Red Bud as well. It's a largely wooded area and residential area completely sounded -- surrounded by single-family dwellings in R-1 zoning. The site was recently platted as one lot under Quarry Heights, plat 7, I believe that's approved in January. Again, it is zoned R-1. The applicant's desire generally is to build a single-family structure with that current subdivision regulations require that sidewalks are constructed with new development. Waiver for such a request is done via design adjustment. On unapproved streets, we would look at Policy Resolution 48-06A which discusses fee waivers. This doesn't apply since the street is improved with curb and gutter.

On the graphic you see on your screen, I've shown where the sidewalk would generally be required, so you can see approximate length and scale for the street frontage. They would be required to construct approximately 390 feet of sidewalk which would be constructed within the public right-of-way. Reviewing design adjustments, we look at the criteria in Section 5.2 of the UDC. Getting to those staff notes, there are no sidewalks within the neighborhood. Sidewalk construction at this time may not significantly benefit the owner or neighbors at this time, given it wouldn't connect to any other sidewalks; however, a waiver of sidewalk construction may hamper future sidewalk proposals in the area.

We do note that while there's no sidewalks area, sidewalk gaps, and filling the sidewalks start somewhere. Looking through the additional criteria for design adjustments, we look at the comprehensive plan objectives. In this case, we know livable and sustainable communities and goals of connectivity, accessibility, and safety and note that in general sidewalks or rather, the lack of sidewalks do present a danger to pedestrians and note that this particular street frontage is located downhill on a curve.

Looking at generally around the context as well, it's within a

residential neighborhood, and the site is located within a quarter mile generally walking distance of the MKT Trail. There are no unique site conditions to the site. Looking -- looking around at the site, conditions are typical for what you'd find in a neighborhood street or on a vacant lot.

Several calls and the design adjustment request by the applicant notes that the site is wooded. Staff looked at the site and noted that construction of sidewalk would not result in the elimination of any significant trees noting that the sidewalk would be constructed within the right-of-way.

Just to kind of give some images of the site so we can have some context, this is beginning on the northern portion of the site, and then going downhill and around the curve. You can see the street here and moving to the next one again just so we can have some visuals of the street frontage that we're discussing.

While there are no sidewalks in the area, its construction on the frontage is practical would improve safety and is consistent with the comprehensive plan. Waiving sidewalk construction in the future may discourage future sidewalk projects in the area. With that, we recommend denial of the design adjustment to section 29-5.1(d) requiring sidewalk, and I'm happy to answer any questions you may have.

MS. LOE: Thank you, Mr. Kelley. Before we move onto questions for staff, I'd like to ask if there's any commissioners who wish to recuse themselves on this case? Commissioner MacMann.

MR. MACMANN: Thank you, Madam Chair.

MS. LOE: Anyone else? Before we ask questions, I'd like to ask any commissioners who have had any ex parte related to this case to please share that with the commission now so all commissioners have benefit of the same information on the case in front of us. Seeing none, are there any questions for staff? Seeing none, we will open up the floor to the public hearing.

#### **PUBLIC HEARING**

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

KEVIN MURPHY: Kevin Murphy with A Civil Group, office at 3401 Broadway Business Park. Good evening, Madam Chair and commissioners. I've enjoyed this neighborhood through friends and their families for 40-plus years. It is probably one of the most walkable neighborhoods in the city. If

you've ever spent any time in this neighborhood, the MKT Trail is to the south. They also have a lovely quarry and park area that this neighborhood in particular is able to enjoy, and there's constantly families, children, pets walking throughout this neighborhood. I live probably half mile away, and I walk my dog from there down to this neighborhood.

Some -- against contrary belief sidewalks aren't a necessity everywhere. This has been a very safe situation. There are -- this area is completely built out. This is anomaly. This lot here and for thousands of feet around, there are no sidewalks in these subdivisions. 1,200 feet to Stewart Road is the closest one where Stewart is a busy street and getting pedestrians off of a street like that is the idea that I think we need to be looking at.

There's talk about this being an improved street; although, it has curbs and gutters in it. That's not the only way to look at it, a street being improved. The right-of-way should be graded and adequate for putting in sidewalks. There should be adequate storm sewers, and in this particular case, there's a core of years, intermittent stream that runs directly across the street, directly behind the curb, along Greenwood there and crosses Red Bud, and then follows, eventually crosses Lakeshore to the -- further to the south and again, follows all along the back of the curb. I had -- I apologize. I had a bunch of handouts with pictures and such to show to you, but it seems like somebody mistakenly picked it up and took it from me, so I got the boss's copy here.

Besides that, this lot in particular -- again, kind of the southeast corner, there's roughly an acre and a half again. This comes down to the -- it drains down to this and undersized inlet there that picks up the water right at the back of the curb. That would need to be addressed. Again, when we ask folks to build sidewalks, they should be building them in improved right-of-ways where you shouldn't have to go out and -- and do this extensive storm sewer work and grading and -- and things of that nature just to put in a sidewalk.

The sidewalk, per city standards, the right-of-way should be presentable and buildable for a sidewalk that is not a case -- the case here again with the stream on either sides of the street. There are rock bluffs just down the street that would make it nearly impossible to -- to construct a sidewalk next to -- there are other options for building sidewalks. The city seems to forget that they have the power to tax bill Section 2296, I believe it is, if the city through public hearings and through this neighborhoods' input and

whatnot decided that sidewalks needed to be in here, they can have that, and then each individual owner, the whole city wouldn't have to pay for it. The people benefitting from it could -- could pay through the tax bill process for their adjacent properties to put this in.

Another option would be to put a multiuse path in the street. Typically, we call them bike paths. Many other communities call them multiuse paths. Bikes anywhere but downtown are able to share the sidewalk with pedestrians. Typically, it's a -- yeah, anywhere -- in older neighborhoods, most of the neighborhoods in town are four-foot sidewalk. Nowadays, for the last 20 years or so, it's a five-foot sidewalk. A typical bike lane that's painted in the street is a six-foot lane that gives adequate room for pedestrians and bicyclists to use, that if it's safe enough for a bicyclist to use that path, why wouldn't it be safe enough for pedestrian to use that path?

I'm sure that -- I think that's about all I had. It's a wooded lot. The owner does not plan to create a yard in it. They're basically going to have a spot for the house and a driveway. They want to leave -- if you've seen this lot and drove by, it's -- has -- wood cover with beautiful trees up to the right-of-way. The previous owners have done eclectic rock and wood sculptures in the area that would need to be relocated or -- or destroyed in putting in the sidewalk, and it's something that the neighborhood would enjoy. If you have any questions, I'd be happy to answer them.

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

FINLEY GIBBS: Good evening. I'm Finley Gibbs. I'm the owner of this piece of property. My home address is 106 South Greenwood Avenue which is actually right up the street. And part of the reason why I wanted to come here today was to talk about, you know, perhaps less engineering-based issues and more practical issues about the neighborhood.

What Mr. Murphy said is absolutely right. There is -- the closest sidewalk is up north of the property on Stewart. If you go west, you have to go to Manner Drive which is on the other side of West Boulevard before you hit a sidewalk. If you go east -- well, there really isn't one to the east because Edgewood, then curves back up to Stewart. That is part of our walking route. And I ride my mountain bike down onto the Katie trail or the MKT, excuse me, and I ride through that area quite a bit. It is a very, very low traffic area.

And one of the things that I thought about when we're looking at this was

that the addition of a sidewalk there, because there are no other sidewalks nearby. Yes, you would be taking pedestrians off of the roadway in that particular 390-foot section, but in order to do so, you would be forcing pedestrians to ingress onto the sidewalk, and then leave the sidewalk in locations that are not controlled by any kind of light or crosswalk or anything of that nature, and I submit to you I don't think that helps pedestrians safety to -- to have zero sidewalks, and then you come -- you know, you've got to step onto a sidewalk, and then get back onto the street because you've got more interaction coming in and off the street, and since bicyclists wouldn't be allowed on that sidewalk in general, it won't help us with bicycle traffic.

People are used to seeing people on the streets and that means that, you know, one of the big concerns is visibility, because that is a hill there is addressed because there's so few cars going through there, and they're so used to seeing everybody out walking their dogs and things of that nature.

Also -- and this goes to what Mr. Murphy said, I don't want to put 18 or 1,900 square feet of impermeable surface out there. That's what we're talking about, a 390 feet in length with 5 to 6 feet in width. You're talking about -- you know, if my math is right, close to 2,000 square feet of impermeable surface. I actually intend to try to put a permeable surface driveway in, if possible, because the way this lot is laid out and the way the water flows. I don't want to be doing anything to collect water, if at all possible. I want it to stay within the wooded lot, and he was right. I don't intend to put a yard in. I think that it's -- it's important to remember that this neighborhood -- yes, it is wooded, and it doesn't make this property unique that there are trees on it, but what's unique about it is there are a lot of trees there. I think you saw the overhead shot, and it is really thick. We would love the philosophy of having a little, say, 2,000-square foot house right in the middle of that lot, basically invisible in the summertime and, you know, in the winter when the leaves are off, it would be visible.

Final point, this piece of property -- right where it says Rollins Road at the top of the lot there which is on the north side, that is a really substantial slope. If you put a straight sidewalk in there, you're going to have to take on -- I'm going to have to take on measures to deal with ice and snow, because the slope there is steep enough that traditional sidewalks are likely to not function at all when weather is bad, and I think it would be a great challenge to -- you know, for safety reasons to keep all that clear.

So far as far as I know five of the 22 people that received cards have sent



something in to the city indicating their acceptance of this. The property due north right above the S in Rollins, that's Brian (phonetic) house. I believe he sent an e-mail tonight. I think that the house due west of there has also sent in an e-mail and two houses on Red Bud due south of my property have also sent e-mails or I think it was Tracy Rice (phonetic) has come in when we were trying to merge the plots together and said this doesn't make any sense to put a sidewalk in here, and then Clair -- I'm not sure how to pronounce her last name. I don't want to mess it up, but there right due south right about where the D on Red Bud is, has also sent an e-mail in to the city. And there's an Andy Overman (phonetic) who I don't know, who apparently has sent in an e-mail. It's going to be my goal before the city council reviews this to make sure that you hear from more neighbors. I think weather kind of suppressed things tonight. Thank you for your time. I really appreciate it. And if you have any questions, I'm happy to answer them.

MS. LOE: Thank you, Mr. Gibbs. Any questions for this speaker?  
Commissioner Geuea Jones.

MS. JONES: We get this kind of request all the time and the justifications are almost always identical. Is there something that is truly unique about this property other than there aren't sidewalks on either side? Because for us to approve this, we need something more than just, I'll be the first one on the block because that -- that justification is given to us repeatedly. So I'm looking for something more than that here.

FINLEY GIBBS: I think this would be an extreme example of that. As far as something more, that slope where it says Rollins is pretty severe. I think the paperwork says 8 to 10 percent. I dispute that. It's -- I'm sure it's more than that. And that does matter. With regard to construction and also the way the water would come down on the north edge of the property, on the sidewalk, unimpeded down to where that little ditch was that you saw in the photographs, that's going to be an issue. There's going to have to be a lot of structure built up to support that. And, you know, there's going to be a cut-off point where the utility of having a sidewalk -- and I'm a believer in sidewalks. I grew up out in Rothwell Heights, and I've lived here on North Greenwood or South Greenwood for -- I don't know -- about ten years.

I've been here since 1982. Big fan of our infrastructure, but sometimes it just doesn't make sense, and in this case, this is an extreme example of it not making sense, because there isn't a sidewalk anywhere in that photograph.

And the question about whether if we added -- you know, if you gave me permission to not put a sidewalk in, would that suppress other people's ability to get sidewalks? You know, absolutely not.

A waiver by itself is a singular instance of changing something. And, so if you grant me a waiver, it doesn't suppress other people's abilities to either argue about whether we're going to put a sidewalk in or add them, but the other thing you can see from that picture, there aren't any buildable lots near there that would require a sidewalk. There's -- there's nothing else around it. So it -- the lot that's across the street, they're zoned by the city. I -- I don't see a location where this issue would come up again and again. I think, as Mr. Murphy said, if the city decided that the whole street should be sidewalked, well, that's another issue, and we'd have to address it at that time. But for right now, it just -- it seems like it would be a sidewalk to nowhere.

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

MS. RUSHING: When I went out to look at this and I came around the curve, there were people walking in the street, and they were walking on the wrong side of the street. How would you protect pedestrians -- how would you get them off the street if they're not -- if we're not going to build sidewalks?

FINLEY GIBBS: That's a great point, because the nature of that turn going from the south and up the hill on Rollins means that a lot of times people walk on the north side of the street on the right side of the street which is where you're supposed to be on a bicycle, but if you're -- you know, if you're on foot, it's much safer to be on that side of Rollins, because you can see up the hill, cars can see you sooner, and it's not quite as steep on the outside as it is on the inside.

MS. RUSHING: They were coming down the hill, so they --

FINLEY GIBBS: Oh, they were coming down the hill?

MS. RUSHING: So they wouldn't be able to see someone coming from the top down.

FINLEY GIBBS: Oh, so they were on the right-hand side of the road coming down the hill?

MS. RUSHING: Well, I'm going up. FINLEY GIBBS: Okay. Gotcha.

MS. RUSHING: So they are on the left-hand side. My left-hand side. Their right-hand side.

FINLEY GIBBS: I think I got it figured out now. So they would have been on the south side of the roadway. And you're coming west up the hill. Okay. Gotcha. You know, if we put a sidewalk in, that would mean that those people would have

to cross the road.

MS. RUSHING: Or they would have already crossed the road.

FINLEY GIBBS: Well, but if they're -- if they're going the proper direction, if they were going on the left side of the road to get to the sidewalk that's -- that's proposed, they would have to cross over the right side of the road, get on the sidewalk, walk down it, and when they got down to Red Bud, they'd have to cut back over from the sidewalk and that -- that was my concern that I stated before which is that it doesn't make sense to make people, you know, leave the roadway, and then come back on the roadway all within 400 feet.

MS. RUSHING: Oh. I done a lot of walking. And I can tell you it never bothered me to step onto a sidewalk and --

FINLEY GIBBS: No. And it shouldn't. I totally agree with that point. The thing, though, is

for safety purposes, if you've got little kids running around, things like that, bringing them off the road and then back onto the road, to me -- and I'm not an engineer. I'm just -- you know, I'm a -- a lawyer.

That means I don't know much about a lot of things. But with that said, to me, that seems like less of a safety factor especially given how wide open things are when you get further down Rollins right about where that says subject site there. When you get to the bottom of that hill and you start -- oops. You start to head down towards the MKT -- and I don't think you can build sidewalks anywhere south of Red Bud, because I think that's a flood zone down there, and I think that there's also -- I know there's also bluffs on either side, because that's an area I walk in, too, with my wife and my dogs. It's less than a half mile from our house up in Greenwood. It is a concern, but that could also be handled by, you know, putting a multiuse path on the street itself. Frankly, the best spot for a sidewalk would be on the other side of the road, but I'm not going to say that because I have absolutely no authority.

MS. RUSHING: You just did, so.

FINLEY GIBBS: Yeah. It just means that on that side of the road the people would be on the outside of the curve, and you can see them from a further distance.

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

FINLEY GIBBS: Thank you very much.

JAY GEBHARDT: Good evening. My name is Jay Gebhardt, civil engineer with A

Civil Group. What makes this property unique is -- what makes this request unique -- I think Ms. Geuea Jones was getting to that, for one, we have a singular lot in an established neighborhood that's been there forever and the patterns of pedestrian walkways have been established, so just the fact that this is a vacant lot in this neighborhood is something that's unique. It's also unique that we have so much support from the neighborhood and neighbors that adjoin this because they're the ones that walk it. They're the ones whose children are using this street to go see their friends, ride their bikes, and all that. So to me, that's a unique thing, and we can talk about engineering things and, you know, when this street was built, a sidewalk wasn't contemplated as part of the construction.

And, so the storm drainage that Mr. Murphy talked about is a significant issue. There's -- basically, if you guys have seen the stack rock statutes down there, they're basically in a dry streambed, and that's going to have to be filled in to be able to build a sidewalk to city standards, and that's going to be pretty disruptive to that lot, and I think that's why the neighbors want to see that. And forget about this lot. How do you get from here to the trail on this side of the road? It's pretty -- I mean, it would be a major construction project to -- to construct a sidewalk down there.

So, you know, we always hear you got to start somewhere. Well, this neighborhood started a long time ago. And, so I think, you know, I -- I, like Finley, grew up in Rothwell Heights. I -- I grew up without sidewalks, and I'm still here. You know, it's not something that I don't think has to be done because the neighbors and the people drive through the neighborhood are accustomed to people walking in the street, and it's frequent here. So, but, anyway, I'll let you -- I'll answer any questions, and if you have any, I'll be glad to answer them.

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

ROBERT FLETCHER: Hi. My name is Robert Fletcher, and I live at 702 West Rollins. So the one directly to the west of this plat -- and we have a -- we have a sewer line that runs west to east through this plat with an easement and that sewer line ends about halfway down the -- the shaded area, which I presume would be underneath any new sidewalk that was constructed, so we would just like to know (inaudible) shows that if you were to construct a sidewalk wouldn't affect the functioning negatively of our sewer line.

MS. LOE: Thank you. You're on city sewer or this is a private -- yeah.

ROBERT FLETCHER: This is a private sewer

MS. LOE: A private sewer line. I'm going to let staff address this one.

MR. KELLEY: Yeah. So this came up today, so I discussed a little bit with our building site staff and our sewer engineer as well. It is a private common collector that runs through this site. There is an easement through the property that's not well defined, so it's noted on the plat. Talking about building permitting, so not necessarily the sidewalk, but for building permitting that would come in and be reviewed by staff that wouldn't be any damage to the sewer line. In the case of damaging the line, construction of a home or any heavy equipment that would go over may damage it. I don't know that that would be the same case for constructing a sidewalk given it would be less intense work to build a sidewalk than a home, but I can't confirm that based on the limited info that I have.

MS. LOE: Thank you, Mr. Kelley. Is the easement shown on the plat we received as part of the report or no?

MR. KELLEY: It's noted, but it's -- the actual width and location is not because it's not defined where it's recorded at the county recorder, but it's presumed to be over the line that runs horizontally through the site.

MS. LOE: All right. So we don't know the -- you know, the exact location.

ROBERT FLETCHER: Yeah, we do. It was at one point flagged, but I don't think it currently is at the moment, but it's -- it's slightly to the north of the center of the line, slightly to the north of the center, running from west to east.

MR. KELLEY: Yeah. We know the location of the line. I think it's the easement that's not well --

ROBERT FLETCHER: Oh, sorry.

MR. KELLEY: -- that's not located on the plat. So there's the actual physical line -- okay.

MS. LOE: I'm not sure that answers your question very -- but thank you for bringing it up.

ROBERT FLETCHER: I don't know how you construct a sidewalk, so. That was my concern.

CHRISTINE BOILS: Sorry. Christine Boils, 702 West Rollins Road. It wasn't just the sewage line that we're concerned about, but also the water drainage coming down that hill and everything, and Mr. Murphy did mention that, you know, drainage might be a problem if a sidewalk was put in, so I just wanted consideration to be given to that.

MS. LOE: Thank you. Any questions for these speakers? I see no extra

questions. Thank you. Any additional speakers on this case? If we're not, we're going to close public comment.

**CLOSE PUBLIC HEARING**

MS. LOE: Commission comment. Commissioner Placier?

MS. PLACIER: Well, I do have a lot of knowledge of this lot. I don't live in this direct neighborhood, but I do walk to it to get to the trail. And probably three or four times a week, go down that hill, walking on the side of the road that my parents taught to me walk on, and never having felt any danger at all. If there were a sidewalk there, I would not use it probably because I would fear ice. I would rather be on the road where it's been plowed and/or treated because sometimes I walk down there in -- in winter.

Another aspect of the lot in addition to the quarry sculptures, which we have enjoyed for over 30 years walking by there, the previous owner of the lot who built the sculptures also cleared the lot completely of invasive honeysuckle and planted native wild flowers all along the road. And that is not evident in any, you know, photos that we have, but in the spring, it's a beautiful thing. Those would all go if the sidewalk were installed. So this is something that -- that, you know, I don't have any personal connection to the owner or stake in this, but it is something I experience multiple times a week and have been dreading what might happen, so.

MS. LOE: Thank you. Commissioner Burns.

MS. BURNS: I appreciate the thorough discussion on sidewalks, because we seem to get this, as Commissioner Geuea Jones says frequently, but in this particular case, I think a fully developed neighborhood I think of the walking patterns that are established. I live in a neighborhood without many sidewalks and walk with a group three times a week. We don't walk on the sidewalks. We walk on the road. It's just what we're used to. It's a newer sidewalk that was installed, and we don't utilize it, and again, because of the ice, I agree with that. I know that we gave a variance up on Greenwood about six years ago because, again, it was a sidewalk to nowhere, and with the -- the fully developed neighborhood and the neighborhood support that we don't usually see that people have taken the time to either come or communicate to us their desire not to have a sidewalk built leads me to accept a design adjustment and not require the sidewalk be constructed.

MS. LOE: Commissioner Geuea Jones.

MS. JONES: I worry about two things, and first, I'm worried about the way that

how we decide on these sidewalk cases. I think we have to be very careful about we have a set of criteria. Whatever rationale we use has to fit within that criteria. And -- and, so I just -- I want to make sure we get on the record rationale that makes sense given -- given our constraints.

The second thing is I'm going to tell on myself a little bit here. I cut through here when things are busy on Stadium and Broadway. I cut through here from Stadium to get to -- west to get to my house. And much like Commissioner Rushing, I have to be very, very careful on this curve, because people act like that road is a sidewalk, and they are not cautious on it, and I am surprised there hasn't been more injuries around that corner, and I -- I think the fact that that specific blind curve is where we're talking about, the sidewalk means that pedestrians' safety is a little bit different than if we were doing it, you know, two lots up where we're in the straightaway where you can see coming both directions.

So, I mean, I -- I fully recognize that I will probably be in the minority here, but I don't really like the precedent of starting to grant sidewalk waivers in R-1, and I particularly don't think this is a good curve to allow people to continue walking on the roadway without any other safety improvements. That's my two cents.

MS. LOE: Additional comments? Commissioner Kimbell.

MS. KIMBELL: Just for clarification, new development regarding with the UDC, any type of new development, residential -- technically, residential in this one. We're considering it a new development in a fully developed area of housing; right?

MR. KELLEY: I think the particular thing here is that it's -- it's a new plat; right? There's some criteria for old plats and whether subdivisions were built out, et cetera. In this case, this is a new plat under the UDC, so there's that aspect. There's also the portion of -- there is a -- basically a built-in waiver for large lots in R-1 where they don't have to build sidewalk. This lot is not that size. It doesn't meet that threshold for being, like, in an estate lot, basically. So because it's under that, it's required to build sidewalk.

MS. KIMBELL: Okay. Thank you. Thank you.

MS. LOE: Commissioner Burns?

MS. BURNS: If there is no other conversation, I'd be happy to make a motion. I'm going to make it in the affirmative in the matter of Quarry Heights plot 7 design adjustment the sidewalk, I'm going to recommend to approve the design

adjustment to section 29-5.1(d) and not require a sidewalk.

MR. STANTON: Second.

MS. LOE: Seconded by Commissioner Stanton. We have a motion on the floor to approve the design adjustment. Any discussion on that motion? I saw one or two confused looks. I just want to make sure we all understand.

MS. BURNS: My motion indicates that there does not need to -- sidewalk construction will not be required.

MS. LOE: It's approving the waiver.

MS. BURNS: Yes.

MS. LOE: All right. Any discussion? If not, Commissioner Geuea Jones, may we have roll call, please?

MS. JONES: Chairperson Loe?

MS. LOE: Yes.

MS. JONES: Commissioner Stanton?

MR. STANTON: Yes.

MS. JONES: Commissioner Burns?

MS. BURNS: Yes.

MS. JONES: Commissioner Rushing?

MS. RUSHING: No.

MS. JONES: Commissioner MacMann abstains. My vote is no.

Commissioner Placier?

MS. PLACIER: Yes.

MS. JONES: Commissioner Kimbell?

MS. KIMBELL: Yes.

MS. JONES: Commissioner Carroll is absent. By our vote of five yes, two no, one absention, one absent, the motion carries.

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

MR. ZENNER: Old business.

MS. LOE: All right.

**Recommend to approve the design adjustment to Section 29-5.1(d) and not require a sidewalk.**

**Yes:** 5 - Burns, Loe, Stanton, Kimbell and Placier

**No:** 2 - Rushing and Geuea Jones

**Excused:** 1 - Carroll

**Abstain:** 1 - MacMann



**Case # 99-2022**

A request by A Civil Group (agent), on behalf of John and Sarah Maddock (owners), for a design adjustment from Section 29-5.1 of the UDC relating to construction of sidewalks along the Old Highway 63 and Stadium Boulevard frontages of property addressed as 1600 Old Highway 63.

MS. LOE: All right. That brings us to our final case for the evening.

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

MR. PALMER: Yes, you may. Thank you, Madam Chair. Real quick, public notice was sent on February 16th in the form of eight postcards and advertised on the 22nd and letters sent to the property owners shortly thereafter on the 22nd or so. It would be the -- I think it was the 24th on that.

We like to do these contextual aerial maps. This one is a little different. I was trying to make it a little clearer that the -- the road cut on Stadium is -- is rather deep, and of course, the rock wall resulting is tall there, but that doesn't really quite do it justice, but as you can see, the Old 63 corridor kind of snakes towards the top of the page. You can see Grindstone nature area denoted there which will come up later. It's really all that's important here.

So you might remember this property came through for a plat back in August. The original request included this design adjustment. Staff review, staff indicated not much support for that design adjustment at the time. And as such, the applicant withdrew the design adjustment aspect of the request. They're now submitting that design adjustment separately, and there's any number of reasons that they've done this, this way, and they can do that.

So anyway, like I said, relief from any section of the code requires evaluation based on the five criteria that you discussed in the last case. I'll reiterate them again. So the design adjustment should be considered -- consistent with the comp plan. Second, it shouldn't create adverse impacts for adjacent land or the landowners or occupants. Also, it shouldn't significantly impact safety in terms of pedestrians and traffic, bicyclists, and so on.

The design adjustment would address unique feature of the site and wouldn't decrease improvements compared to other developments, other similar developments, and lastly, it shouldn't create adverse impacts on the general public health, safety, and welfare.

So the applicant in their design adjustment worksheet pointed to a

number of reasons why they believe the waiver should be granted. We generally agree with most of their stances. There is an exception I'll get to in a minute. The applicant does point to previous waivers that were granted when construction was unfeasible due to topo or other site constraints. That's often a primary reason why we do grant the waiver for sidewalk construction; however, the area does lack connectivity with adjacent neighborhoods, and this is kind of a major corridor that lacks any type of the lower level pedestrian and bicycle connections. There's a bicycle trail or path on the south side of Stadium here, and you'll see that in a moment. You can also kind of see it in the vignette photo I added there just begins -- this is the subject site in the lower right-hand corner, and this -- this is actually a sidewalk, slash, bike lane here. It's, really, the shoulder of the roadway in that location. There's a sidewalk constructed adjacent to the shoulder, I think, there. We'll see it in a photo here, so we can verify that, I think.

This is the last remaining parcel on the intersection without sidewalks. There were major improvements done to this intersection in the last two to three years, and that's why I put this vignette in. You can see the sidewalks on these other four corner -- or other three corners, and actually, this property had to do some pretty major design work in order to get a sidewalk that works there, and it's also part of our trail system. In that location that comes -- it cuts under the roadway and goes north and also has the sidewalk -- or the crosswalk connection across Stadium in that location. Kind of that aerial shows a conscious effort that we've been making in recent years to add -- add to the connectivity in this area.

The traffic division also noted need for connection from this site to the south along Old 63 that would connect to the Hinkson Creek and Grindstone Creek Trails. Again, that's the Grindstone nature area. In this image, you can see the parking lot for Grindstone, and then the trails go to the east and west away from there, and there is currently no connection along the western side -- or I'm sorry, eastern side of the roadway there. There is, however, connection on the -- on the western side. I'm getting my directions mixed up tonight.

Let's see. So I did mention that we do have extreme topography on Stadium. The area grade at the -- the building space at grade is narrow. It is within MoDOT right-of-way which is where we would have the sidewalk anyway, but there's really not enough room to construct a sidewalk with the existing shoulder and bike lane in that location, at least not as much as we would normally have for construction equipment and so on. MoDOT has also

indicated that they would not support a right of use permit for work to be done in their right-of-way in that location, and they would not accept the -- the sidewalk for maintenance purposes after it is dedicated because of concerns about pedestrian safety with potential falling rock hazards, and also the -- the proximity to the roadways and other uses in that location. Again, the area there that they would have to build the sidewalk is immediately adjacent to the shoulder, and that's fairly typical, but MoDOT -- the kind of conglomeration of factors, they would not be supportive of a sidewalk in that location.

Traffic division also noted that what little pedestrian traffic we have along that corridor is usually bike traffic. Some pedestrians in the existing shoulder and bike lane were put in that for that reason, and they seem to be operating well and are sufficient for the traffic loads that that corridor sees. Again, this is the bike lane and the sidewalk, quote/unquote, that I had mentioned. The bike lane actually goes up onto the sidewalk here and exits back onto the roadway and shoulder up here. This is the subject site to the right. This is, basically, just east of the intersection looking back to the east. I went the wrong way.

This is kind of the other end of the property looking back west. You can see a major grade change here, very little space to add a sidewalk outside of the existing shoulder. And that's -- I think that pretty much does it on that picture.

So our recommendation, actually, would be for approval of the design adjustment on the Stadium frontage and denial of the design adjustment for Old 63. And I would be happy to answer any questions.

MS. LOE: Thank you for that. Before we move onto 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 so all commissioners have the benefit of the same information on the case in front of us. Commissioner MacMann, ex parte?

MR. MACMANN: I'd like to get your opinion and Mr. Murphy's. About four months ago, I ran into Mr. Murphy waiting for a movie, and this sidewalk came up and this exact project came up. I expressed opinions similar to what Ms. Geuea Jones expressed earlier, because this is an issue we get a lot, and Mr. Murphy repeated what we often hear and what we'll probably hear in just a bit. So I am going to toss it to the group. If you all or if Mr. Murphy feel I should recuse on this, I will do so and without hard feelings; however, if not, I will stay.

If any of you or Mr. Murphy or Mr. Gebhardt think --

MS. RUSHING: Well, the issue is whether you can hear the case.

MS. LOE: Commissioner Rushing. Can you -- you need to be recognized --

MS. RUSHING: I'm sorry, Joy Rushing.

MS. LOE: -- before speaking, but -

MS. RUSHING: I'm sorry.

MS. LOE: -- also just to clarify with Mr. MacMann, we're asking for ex parte.

You're asking to be recused, because you spoke to someone about the case?

MR. MACMANN: I -- here's what I'm saying is, if any -- after given what I've just told you, if any of you or if Mr. Murphy feel that I cannot be for the sake of absolute transparency and fairness to everyone, I will recuse.

MS. LOE: I think you need to make a decision about recusal. We cannot make that for you. So are you asking to be recused?

MR. MACMANN: Well, I don't want to give anyone course for appeal. I'm going to ask Mr. Murphy his view of this. Given that there are no objections, I will continue.

MS. LOE: I'm going to take that as you having shared your ex parte with us. Does anyone else have any ex parte? All right. Any questions for staff? Commissioner Rushing.

MS. RUSHING: I agree with your recommendation on the Stadium frontage because that bluff there is a pretty good statement about a sidewalk. On the Highway 63 frontage, there's a ditch along there. How -- how would they build the sidewalk to one side of that ditch or --

MR. PALMER: The right-of-way in that location is fairly wide, so. My initial thought is it could be moved probably far enough away from the roadway in that location to get away from a ditch, if it's right there on the edge or vice versa. It could be moved closer, if the ditch is on the other side. I'm not picturing it in my head at the moment, but -- yeah, I didn't put a picture of that side up. But yeah, I think the right-of-way exists there, that they can maneuver a sidewalk for at least everything -- well, it's pretty wide on the south side, too, until they get to the very south end of the property there. I don't think they'll have any issue with that. And if not, it'll just -- you know, they'll -- they'll grade and -- and mitigate whatever kind of impacts they're creating, so it may -- you know, probably worse case scenario they're looking at putting a storm drain in under the sidewalk.

MS. LOE: Additional questions, commissioner Rushing?

MS. RUSHING: No.

MS. LOE: Commissioner Geuea Jones?

MS. JONES: Where does Stadium end and Old 63 begin? But that big deep cut curve because --

MR. PALMER: Something I mentioned in the staff report but didn't get on here, the crosswalk improvements that happened on the other three corners, actually connect to this property. This is a -- an accessible, what I would call an apron, like a driveway apron. You know, you see them on sidewalks everywhere. They've connected that crosswalk to this site, and I would say that that is the logical demarcation of where the sidewalk would connect from the south, and then would not then travel around the corner to the -- to the east.

MS. JONES: Is there a way we can require them to build a sidewalk on Stadium up to where the bike lane goes up onto -- I guess it's a shoulder, not technically a sidewalk? I don't know.

MR. PALMER: Yeah, I believe you can condition your approval based on that.

MS. JONES: Because the -- the cliff part makes sense to me, but this flat part that leads up to there does -- it makes no sense to me that they couldn't build something there, and I think MoDOT would probably give them what they need there, especially given we've already got stuff coming in.

That's -- maybe that's for legal and/or Mr. Zenner to contemplate while we listen to further testimony.

MR. ZENNER: What I would suggest is, you'll notice where the crosswalk comes eastward into the corner of the subject site and immediately you can see in the lift out the ramp area for the sidewalk that's built just to the east of the radius where the radius ties back in, that's where the ramp is. I think the -- the connection of the sidewalk apron where the crosswalk comes in over to where the ramp is, it is possible how that ties back into the right-of-way of Stadium because the ramp obviously comes -- it's not in the intersection. It's beyond the intersection to get them back off where there was room to put the sidewalk in, in that particular location. It's a MoDOT issue. It's technically capable of being done. That's all part of their property's frontage, and therefore, how the MoDOT permit would basically be issued to work within that right-of-way, because there's likely a dual right-of-way situation here, state right-of-way, and then city right-of-way on Old 63. I'm not quite sure our condition is necessary.

If the condition is, is you want a -- a sidewalk built around the radius of the intersection to connect the Stadium frontage sidewalk back to Old 63, that may be the motion. How technically that occurs, I'm not sure -- I'm looking at this, and I'm more concerned about the fact that you take a bicyclist, and they've got to make this weird south diagonal, then they've got to go back up, and if you're following the flow of traffic on Stadium, riding a bike on Stadium like a vehicle, you're going to stay out in the travel lane. You're not going to come all the way back to this sidewalk, but for the purposes of being able to get a pedestrian to take the sidewalk all the way around to walk up Old 63, should they choose to do that, I think the point you're making is very valid, and I -- technically, it can be done. It's just going to require some coordination on the permitting end.

MS. JONES: Thank you.

MS. LOE: Any additional questions for staff? Seeing none, we're going to open up the floor to public hearing.

#### **OPEN PUBLIC HEARING**

KEVIN MURPHY: I'm Kevin Murphy with A Civil Group, offices at 3401 Broadway Business Park. I would like to hand out some information here. Just briefly, the connection Ms. Geuea Jones was talking about, we have a site plan in -- being reviewed current -- currently and that connection is being made from that apron into the crosswalk around the corner to the east to connect in there. Actually, we would be building a sidewalk at the back of the road. It does not have a curve in there, and it will come in on the back side, and then WILL jog over to the -- the path that way. We're also proposing heading south from that to

KEVIN MURPHY: Certainly. And that's -- that's making a connection from Stadium Boulevard from the crosswalk and getting it back to a usable pedestrian pathway. Again -- again, we would stripe a crosswalk across there, and there's a four-foot or so -- four-foot or five-foot island there to use as a -- a pedestrian haven. Somebody can get halfway across the street safely. If traffic is going, rest and pause and continue on.

Again, continuing it to the south is a major engineering feat to get that sidewalk in there, and again, the city, you know -- well, you can even -- well, I feel if the city wanted sidewalks in here, as they were putting this sidewalk in adjacent to Old Highway 63 from this -- this is all brand new sidewalk that the

city just put in. If they felt that was necessary -- because they previously had a path along here that went, if they felt that was necessary, why wouldn't they not feel that was necessary?

MS. LOE: Well, we can speculate until the cows come home, so.

KEVIN MURPHY: It's a nightmare is what it is. issues.

MS. LOE: It does look like there may be

KEVIN MURPHY: Uh-huh.

MS. LOE: Are there any additional questions for Mr. Murphy? I think you've covered the bases.

KEVIN MURPHY: Sorry to keep --

MS. LOE: No. I appreciate getting this exhibit. This is very useful in describing what you're --

KEVIN MURPHY: We're willing to do what we can --

MS. LOE: -- planning on doing.

KEVIN MURPHY: -- reasonably, and I'm happy to answer any questions, if you have any.

MS. LOE: Commissioner Geuea Jones.

MS. JONES: I assumed that in addition to all of this, part of what you're doing, which I think we had a case not too long ago is you're rebuilding that site; right?

KEVIN MURPHY: They're gutting the inside of that building and redoing it. They're not tearing it down. We're improve -- some of the pavement is broken, and we're improving that, and we're extending some pavement to the north, yes.

MS. JONES: So does that mean that this driveway, which right now is not fabulous, you're going to be redoing that driveway as well as all of these sidewalks?

KEVIN MURPHY: Yes.

MS. JONES: Okay. Thank you.

KEVIN MURPHY: A portion of that driveway. Some of it is in decent shape and --

MS. JONES: Sure.

KEVIN MURPHY: -- as you get up.

MS. JONES: It needs some repair.

KEVIN MURPHY: Yes. Yes. We're repairing that as well.

MS. JONES: Thank you.

MS. LOE: Any additional questions for Mr. Murphy. I see none at this

time. Thank you, Mr. Murphy.

JAY GEBHARDT: Good evening. My name is Jay Gebhardt, A Civil Group, 3401 Broadway Business Park. I have a unique perspective of this, because I was in the public works in the early '90s when this was designed from a highway to what's out there now, and a lot of discussion was given about sidewalks. You have to remember this was a 24-foot highway. This was Highway 63, and then when they built new 63, it became old 63, and the city came in and widened it, put curb and gutters on it, and there was a lot of discussion about sidewalks and where they would benefit the most and where -- what they could afford to do. And because of the park, Grindstone Park, they've decided that the -- that side of the road should have the sidewalks on it. And, so the bridge was built that way over Grindstone Creek and the culvert on our property wasn't extended on the north side because of that, and that is truly the big issue.

We're compliant, and we believe the pedestrian way on Stadium is adequate. We're building a sidewalk all the way down to the north side of our driveway. We're providing access across to the west, and then that last section is the section where it's just a deep hole that the city left when they designed the road. And it would be, you know, looking for a unique situation, and this is - - you were probably looking at a couple hundred-thousand dollars just to extend that and fill that and -- and build a sidewalk on that last section.

So it's really not feasible for this property owner, and it's really not feasible for the city, so I -- I'm glad to answer any questions. One other thing, if you look on the other side of the road, the conservation department owns most of that land, and it's all conservation department. There's a piece owned by the city, and then it's conservation land again, and it goes all the way up to those apartments.

So there's really -- would be no reason that the conservation department ever have to build a sidewalk on that -- that side. So that's just another example of why we don't believe having a sidewalk continue on that side of the road is -- is necessary.

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

JAY GEBHARDT: Thank you.

MS. LOE: Thank you.

MR. MARROW: -- Morrow, 2001 Mob Hill. We're the only adjacent (inaudible). We agree with the -- with what he said about (inaudible) in addition to that, the



ditch that everyone keeps mentioning, we walked that area, because we live there. There's not -- let it to build a sidewalk, there's not enough space to even walk on the shoulder there or safely.

The city -- actually, the conservation land was actually a land swap lease with the City of Columbia for the parks and rec department who recently developed waters and moss there, and when that -- that's just been in the past 20 years. They're still working on that, but they didn't at that time re -- at the time of redevelopment didn't install sidewalks on that side of the road either. We already have a problem with our private drive being like a de facto city park trail, and if that terminated there, that's where it would terminate, because the city is not going to continue it.

So south of that -- where he's -- the ditch south of their drive to our drive would be that section. That would be our concern. It's more of a safety issue with us because we already get peculiar traffic through our yard.

DONNA MORROW: Donna Morrow, 2001 Mob Hill (inaudible) ditch it would be (inaudible) for them to be requested (inaudible).

(Silence in audio.)

DONNA MORROW: -- bridge. And yes, I agree.

MS. LOE: Can you -- we need you in the microphone.

DONNA MORROW: Oh, sorry about that.

MR. ZENNER: Pull it down towards you.

DONNA MORROW: Sorry about that. I was just concurring with Mr. Murphy's assessment that it would require engineering feat for the south of his driveway to extend the sewer and/or a bridge -- bridge would need to be created, and the proposal of extending from Stadium to Mob Hill would lead directly and end at our driveway, so -- because it wouldn't extend any further. So that would be our safety concern.

MS. LOE: Ms. Morrow, can you just restate your name and address for the record?

DONNA MORROW: Donna Morrow, 2001 Mob Hill.

MS. LOE: Thank you. Thank you for those comments. Any questions for these speakers? I was

wondering about your driveway myself, when I was checking out the site.

DONNA MORROW: It is very private. Yeah.

MS. LOE: And yeah, you're sandwiched in there between the park, like you say. Thank you. If there's no additional public comments, we'll close public

hearing and move onto commission comments.

**CLOSE PUBLIC HEARING**

MS. LOE: Commissioner Geuea Jones.

MS. JONES: I have been thinking about how to word this, and I want to check in with legal about whether or not my thoughts with correct. I think we can state the motion if -- if it is the consensus of how we want to do it to state the motion to go from the existing headway on Stadium to the driveway and proposed crosswalk of this property as shown on the exhibit provided to us and attach the exhibit to the record, question mark?

MS. THOMPSON: Yeah. I mean -- this is Becky Thompson. I think the wording is sufficient if Pat and -- and Rusty agree. As far as attaching that document as an exhibit to go to council, at least for a visual, I think that would be helpful. I imagine that they will also get those documents at that level admitted, but I think it can come from you all as well.

MS. JONES: My thought is that often -- or I've noticed that sometimes what we see and what gets shown to counsel can sometimes change. So I'm thinking is there a way to say this is what we looked at tonight, since it is not in a staff report or anything?

MS. THOMPSON: Mr. Zenner, do you have any thoughts on that as far as how you all upload documents?

MR. ZENNER: I would suggest that the way that we would approach this is if the motion is made such that the design adjustment is being granted, pursuant to the exhibit presented by the applicant, along the Old 63 frontage, we will attach this to provide clarity for that as sidewalk exhibit. Proposed sidewalk construction exhibit on 63 -- on Old Highway 63. I think that's how we would handle it and attach.

And I think it's a simpler way of approaching the request is to -- if it is the desire of the commission to approve the requested waiver for the construction of sidewalk along the Stadium boulevard frontage as requested by the applicant and approve a partial design adjustment of sidewalk construction along the South Old 63 frontage subject to the applicant installing sidewalk as shown on the exhibit presented this evening.

MS. JONES: I think this is a -

MS. RUSHING: What he said.

MS. LOE: Commissioner MacMann.

MR. MACMANN: I would just say, for clarity sake, if we can recall in both the

situation, and then logbook (sic) situation, we made direct reference to the applicants how they send those along. So we're not, you know, breaking any new ground here.

MR. ZENNER: I would suggest that the exhibit is the most relevant component of the packet provided to you this evening. I'd also like to express that this is the first time we were aware that there was a construction plan had been submitted, so this is the first time we, as a staff, has seen this document as well. Given had we been provided this information in advance of this meeting, this evening's discussion may have been streamlined. So whatever action the commission desires to take (inaudible).

MS. LOE: I think we're deliberating who is going to make the motion.

MR. MACMANN: We are deliberating who is going to make the motion. I just - I -- for the record sake, this is Commissioner MacMann. I do agree with Ms. -- with Commissioner Geuea Jones; however, it's her motion or it's her idea. I was thinking that it would be better if she made it so she encapsulated all of her ideas, and I didn't skip anything. I will gladly provide a second, Commissioner Geuea Jones.

MS. LOE: Commissioner Geuea Jones.

MS. JONES: If none of the other commissioners have comments, I would move partial approval of the design adjustment for section 29-5.1(d) on both the Stadium frontage and the Old 63 frontage in the matter of case 99-2022, so that a sidewalk will run from the existing ped way on Stadium around the corner to the driveway of the existing property as shown on the exhibit provided by the applicant and included in the staff report to council.

MR. MACMANN: Second.

MS. LOE: Seconded by Commissioner MacMann. We have a motion on the floor. Any discussion on this motion? We are talked out. All right. Commissioner Geuea Jones, may we have roll call, please?

MS. JONES: Chairperson Loe?

MS. LOE: Yes.

MS. JONES: Commissioner Stanton?

MR. STANTON: Yes.

MS. JONES: Commissioner Burns?

MS. BURNS: Yes.

MS. JONES: Commissioner Rushing?

MS. RUSHING: Yes.

MS. JONES: Commissioner MacMann?

MR. MACMANN: Aye.

MS. JONES: My vote is yes. Commissioner Placier?

MS. PLACIER: Yes.

MS. JONES: Commissioner Kimbell?

MS. KIMBELL: Yes.

MS. JONES: Commissioner Carroll is absent. By our vote of eight, with one absent, the motion carries.

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

**Move partial approval of the design adjustment for Section 29-5.1(d) on both the Stadium frontage and the Old 63 frontage in the matter of case 99-2022, so that a sidewalk will run from the existing pedway on Stadium around the corner to the driveway of the existing property as shown on the exhibit provided by the applicant and included in the staff report to council.**

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

**Excused:** 1 - Carroll

**VII. PUBLIC COMMENTS**

MS. LOE: Any more public comments? No. They're talked out, too. All right. Staff is never talked out.

**VIII. STAFF COMMENTS**

MR. ZENNER: I have been so quiet this evening. You all may have forgot I was here. You do have a meeting coming up on March 24th. It will be significantly less than where we are tonight and our last meeting. We only actually have a total of four cases, and this caseload may become less as we determine if we're going to have any cases that may get delayed. I believe 105-22 may be a case delayed due to some technical issues that we're working on right now.

So you have one subdivision plat which was scheduled for this evening; however, had some issues that were unresolved so that did not make tonight's agenda. We have the return of the historic preservation overlay district request for 910 and 912 East Walnut. This is the City of Columbia's property that is proposed to be subdivided with the existing structures on Walnut being retained with the HP-O placed upon them, and then the rear of the property being utilized as a recycling center in the downtown.

818 East Broadway is a CUP request, and this is in the MDT, so this is something that is anomaly. This is for self-storage, and we are currently in review on this project. There are some technical building code issues that are being discussed with the applicant; however, those building code issues do not necessarily relate to the context of the CUP. So depending on how the applicant would like to approach this, it is possible that this particular item may be tabled to allow for some of the building code related matters to be addressed to ensure the viability of the project. Otherwise, it will be evaluated based on general CUP criteria that we have. And this is an oddity in the fact that self-storage normally has use specific standards associated with it. This is a self-storage facility that would be a basement level of the building at 818 that has alley access so that further makes it a unique case as well.

And then 109-22 is a request off of Bluff Creek Drive. This is just to the south of the bridge, future bridge location that would connect to the East Pointe Subdivision where the movie theater -- Hollywood Movie Theater is located. This is the former plan district property that actually had a plan expire on it due to inactivity. They are coming back requesting the plan be approved with revisions, density has been reduced, and some other aspects of the project have been addressed. This has a design adjustment with it, and that design adjustment is a requirement due to the fact that the overall development of Bluff Creek is over what was at the point the hundred lot maximum pursuant to the pre-UDC. It is well over the 30-lot maximum when you take all development into account. Previously, the waivers associated with having development over 100 lots was approved. The conditions have not changed any.

Actually, we are preparing to submit to the commission for consideration the final preliminarily platted plat in Bluff Creek which would complete all of the original approved development. This particular development site was rezoned several years ago which created the additional dwelling unit lots that triggered the discussions of the early variance requests that were dealing with access, so that will become -- it's a mandatory requirement for the design adjustment on that; however, the conditions are generally the same for what has been previously granted, and the development has actually been improved due to its reduction in total number of units.

So you have an idea of what we're talking about, our plat here off of College Park, this is a church property just to the north of the school being proposed to be divided to create a developable parcel to the south. You have the

downtown building at 818 East Broadway, and then our other -- my apologies. 818 is here, and our other property here was the HP-O overlay, and then on your last panel on the map that is the property for the Bluff Creek project which will be a revised PUD and Cotwald Cottages, I believe, was the original name of the project, and it may be proposed to something different.

Work session for our March 24th meeting, we will be getting back to short-term rental issues so we can continue to hammer away on that topic, and if any of the planning commissioners did take a picture of the dry erase board before the end of our last work session, I'd greatly appreciate it, if you can send me that, because apparently somebody erased all of our work, so we all may implode because we don't know what we've been talking about. Highly unlikely.

We appreciate you all for hanging out with us again for another three and a half-hour meeting almost. And we're done with our comments. Thank you.

MS. LOE: Thank you. Commission comments.

## IX. COMMISSIONER COMMENTS

MS. LOE: Commissioner Burns.

MS. BURNS: Yes. Just quickly. I'd like to request that, if at all possible, we start our regular meetings at the advertised time of 7:00 o'clock. I just think that's out of respect to people who are paying applicants and attorneys to be here that if possible we can start our regular commission meetings as stated advertised time of 7:00 o'clock.

MS. RUSHING: And I would like to amend that request that we leave work session 10 minutes early so we can be in here in time to start the meeting.

MS. LOE: I would like to ask commissioners to please come on time, so we can start our meetings promptly. We were 15 minutes late today, because we were missing a quorum, and that would keep us from running late and having time for our discussions. Any additional comments? Commissioner Stanton.

MR. STANTON: I'm never going to be on time because I work until 7:00 and never been on time in eight years, so, if that was directed towards me.

MS. LOE: It was not.

MR. STANTON: It ain't going to change.

MS. LOE: Only eight years?

MR. STANTON: Eight.

MS. LOE: Wow. Any other comments?

Commissioner MacMann?

MR. MACMANN: Thank you. I've been recognized. Thank you, Madam Chair.

MS. LOE: Sorry. It's only quarter 'til 10:00.

MR. MACMANN: A comment, and then I'm going to move -- make a motion. Regardless of when we convene, we often run late. I appreciate taking the time, but we have the people's time also to consider. With that said, I love you.

**X. NEXT MEETING DATE - March 24, 2022 @ 7 pm (tentative)**

**XI. ADJOURNMENT**

MR. MACMANN: I move to adjourn.

MS. JONES: Second.

MS. LOE: I need a second. Thank you. Commissioner Geuea Jones seconded.

We are adjourned. Thanks, everyone.

(Audio ended.)

**Move to adjourn**