

MINUTES
PLANNING AND ZONING COMMISSION MEETING
COLUMBIA CITY HALL COUNCIL CHAMBERS
701 EAST BROADWAY, COLUMBIA, MO
MARCH 9, 2023

COMMISSIONERS PRESENT

Ms. Sara Loe
Mr. Anthony Stanton
Mr. Michael MacMann
Ms. Robbin Kimbell
Ms. Peggy Placier
Ms. Shannon Wilson

COMMISSIONERS ABSENT

Ms. Tootie Burns
Ms. Valerie Carroll
Ms. Sharon Geuea Jones

STAFF PRESENT

Mr. Pat Zenner
Mr. Rusty Palmer
Mr. Brad Kelley
Ms. Rebecca Thompson

I. CALL TO ORDER

MS. LOE: I would now like to call the March 9th, 2023 Planning and Zoning Commission meeting to order.

II. INTRODUCTIONS

MS. LOE: Mr. Zenner, may -- may we have roll call please?

MR. ZENNER: Yes. Ms. Loe? Ms. Loe? Are you here?

MS. LOE: Oh, here. Sorry.

MR. ZENNER: Mr. Stanton?

MR. STANTON: Present.

MR. ZENNER: Ms. Burns? Mr. MacMann?

MR. MACMANN: Present.

MR. ZENNER: Ms. Carroll? Ms. Geuea Jones? Ms. Placier?

MS. PLACIER: Here.

MR. ZENNER: Ms. Kimbell?

MS. KIMBELL: Here.

MR. ZENNER: Ms. Wilson?

MS. WILSON: Here

MR. ZENNER: You have six; you have a quorum.

MS. LOE: Thank you, Mr. Zenner.

III. APPROVAL OF AGENDA

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

MR. ZENNER: No, there are not. I apologize. I'm working with a new video, but there --

MR. KELLEY: Yes. There should be an amendment to the agenda. There is a preliminary plat that is before the rezoning on the agenda; is that correct?

MR. ZENNER: Yes. So in the agenda, the preliminary plat for Case 94-2023 actually should follow the proposed permanent zone, which is Case 97-2023. And in the presentation, it has been corrected, but the agenda, it does not have that corrected. Thank you very much, Mr. Kelley.

MS. LOE: Thank you. I'll take --

MR. STANTON: Move to approve.

MS. LOE: Thank you.

MR. MACMANN: As amended, second.

MS. LOE: Moved by Commissioner Stanton, seconded by Commissioner MacMann. I'll take a thumbs up on the agenda as amended.

(Unanimous vote for approval.)

MS. LOE: It looks unanimous. Thank you, everyone.

IV. APPROVAL OF MINUTES

MS. LOE: Everyone should have received a copy of the last minutes for the last meeting. Any additions or edits to those minutes?

MR. MACMANN: Move to approve.

MR. STANTON: Second.

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

(Four vote for approval; two abstain.)

MS. LOE: We have four for approval, two abstains. Thank you.

V. PUBLIC HEARINGS

MS. LOE: All right. That brings us to our first case for the evening -- public hearing.

Case Number 59-2023

A request by Engineering Surveys and Services, Inc. (agent), on behalf of SAP Holdings, LLC, seeking rezoning from A (Agriculture) to M-C (Mixed-use Corridor). The subject site is located directly northeast of U.S. 63 and Route B interchange and is commonly addressed 4150 Paris Road.

MS. LOE: Question. Are we going to do these cases together or --

MR. KELLEY: Two separate cases.

MS. LOE: All right. Thank you.

MR. KELLEY: We want them two separate.

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

Staff report was given by Mr. Brad Kelley of the Planning and Development Department. Staff recommends approval of the M-C zoning map amendment.

MS. LOE: Thank you for that report. Before we move on to questions for staff, I would like to ask any Commissioners if they 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. Seeing none. Are there any questions for staff? Commissioner MacMann?

MR. MACMANN: Thank you, Madam Chair. Planner Kelley, question. This is my question for Mr. Zenner, too -- a procedural question. Would we normally place Ag or R-1 as a holding zoning classification next to an I-G area?

MR. KELLEY: I don't know what we do for -- if we do holding zone districts now, and I would almost --

MR. MACMANN: We've brought some things in as Ag, I do know that. I mean, not large tracts, but I don't recall any of them being, like, butted up against an I-G.

MR. ZENNER: Well, what I would tell you in the time that I have been here, we have never taken in a mass annexation such as in 1969. And so the land use designations typically are more reflective of what the end use would be. Back in 1969 when we took in the 18 or so square miles that that annexation included, the Planning Commission wasn't prepared to assign zoning at that point. And therefore, the choice of the Ag as a holding zone and then the developed pattern that followed that was incremental, most likely, over time up the corridor. So the leftover remnants that were never processed are why you have the situation here as it exists. Today, I would be shocked if we probably would do something like that --

MR. MACMANN: And that's why I brought it up just because we've parked some things in Ag --

MR. ZENNER: Uh-huh.

MR. MACMANN: -- not many, but a few. I just don't want to get a property owner the wrong idea. With Ag, it should go to R-1. It's, like, uh, no.

MR. ZENNER: I think the other thing that we have to think about is since the 2017 adoption of the UDC and the revisions to the Ag zoning district specifically, which now prohibits the ability to divide the property into more than two lots, an Ag parcel into more than two, without having to go through a zoning action, does provide some protection. Prior to adopting the UDC, the Ag zoning district would actually allow you to develop R-1 residential subdivisions, consistent R-1 residential subdivisions in the Ag zoning classification. And that could be problematic because then, of course, you have possibly prime agricultural land being, you know, left in that zoning category, but being developed into commercial residential subdivisions, commercial or residential subdivisions, and that -- that's hence the reason the Code change.

MR. MACMANN: I just -- I want to keep our developers happy. That's all, Pat. Thank you very much. Thank you, Madam Chair.

MS. LOE: Thank you. Any additional questions for staff? If there are none, we will open up the floor to public comments.

PUBLIC HEARING OPENED

MS. LOE: If anyone has any comments that they would like to share in this case, please come forward. We need your name and address for the record. We do limit you to three minutes for individual comments, six minutes if you're speaking for a group.

MR. ROSS: Good evening. My name is Ben Ross of Engineering Surveys and Services, with an address of 1113 Fay Street. I'm here today representing SAP Holdings, LLC, as a mixed-use M-C zoning change. Here's a picture of the property from Route B. It's in the northeast part of Columbia. The red star is the property at the intersection of Highway 63 and Route B. And the yellow shading is a historically disadvantaged community as determined by the federal government. And I know the City is interested in more retail and commercial type development in the northeast part of Columbia, so I think this meets some of the City goals. As staff mentioned, it is on two major roads. Highway 63 is a freeway. It has over 33,000 annual average daily traffic. And State Route B is a five-lane major arterial. It's got almost 20,000 average annual daily traffic. We think that's a good complimentary situation for M-C zoning. Like the staff said, the -- all your public utilities are available at the site already. There is a sewer, a lift station that's designed and easement is already acquired, so we can accommodate whatever sewer flow is generated by this site. We also have existing MoDOT access. There's a lot of restrictive right-of-way, but they do have a 60-foot-wide driveway authorized by MoDOT. And that's all I was going to say for the M-C zoning. Should I talk about the use -- the conditional use yet?

MS. LOE: No. Let's wait, since that case is being presented separately.

MR. ROSS: Okay. And I would be happy to answer any questions or come back up for -- if you have questions later.

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

MR. STANTON: I've seen this case before, so we're still working with the same amenities and all that good stuff, we just kind of moved them -- in a sense, you worked with the neighbors? Everybody is cool now?

MR. ROSS: Well, we worked with staff. You know, our development plan is basically the same. When we were here a year ago, we thought that the fact of all the flood way and flood plain and big creeks on the southern part of the property really made it undevelopable, but we didn't think we could get that through City Council, so we tabled it. And we've since subdivided the property. We created the stream buffers. So the property owner to the south, her property is not impacted at all because we're not changing the zoning on the contiguous part next to her.

MR. STANTON: Thank you, sir.

MR. ROSS: You're welcome.

MS. LOE: Any additional questions for this speaker?

MR. MACMANN: Just real quick.

MS. LOE: Commissioner MacMann?

MR. MACMANN: Mr. Ross, could you point on your map or mine where that driveway is -- that MoDOT access.

MR. ROSS: Sure. You can kind of see it by -- where the jog in the right-of-way is.

MR. MACMANN: Yeah. I see that. How close is that to the intersection?

MR. ROSS: Oh, it's pretty far away. The property line itself is 315 feet. (Inaudible.)

MR. MACMANN: That's all I wanted to hear. I wanted to hear that magical 300 number.

Thank you, Mr. Ross.

MR. ROSS: Sure.

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

MR. ROSS: All right. Thanks.

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

PUBLIC HEARING CLOSED

MS. LOE: Commissioner comments? Commissioner MacMann?

MR. MACMANN: If my fellow Commissioners have no further questions or comments, in the matter of Case 59-2023, zoning map amendment from -- to M-C zoning, I move to approve.

MR. STANTON: Second.

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

MR. ZENNER: Yes.

Roll Call Vote (Voting "yes" is to recommend approval.) Voting Yes: Ms. Loe, Mr. Stanton, Mr. MacMann, Ms. Placier, Ms. Kimbell, Ms. Wilson. Motion carries 6-0.

MR. ZENNER: The motion passes, six votes in favor.

MS. LOE: Thank you. Recommendation for approval will be forwarded to City Council. That brings us to the next related case.

Case No. 60-2023

A request by Engineering Surveys and Services, Inc. (agent), on behalf of SAP Holdings LLC (owner), seeking a Conditional Use Permit (CUP) for a travel trailer park. The subject site is located directly northeast of the U.S. 63 and Route B interchange and is commonly addressed 4150 Paris Road.

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

Staff report was given by Mr. Brad Kelley of the Planning and Development Department. Staff

recommends approval of the conditional use permit subject to the following conditions:

1. The travel trailer park shall be limited to a maximum of 80 travel trailer sites.
2. An approved land disturbance plan will be required prior to development of the travel trailer park.

MS. LOE: Thank you, Mr. Kelley. Before we move on to questions for staff, I will again ask if any Commissioner has had any ex parte related to this case, to please share that with the Commission now so all Commissioners have the benefit of the same information on the case in front of us. Seeing none. Are there any questions for staff? Commissioner MacMann?

MR. MACMANN: Thank you, Madam Chair. Planner Kelley, please talk to me about storm water and sewage -- and sanitary sewage, the plans for this site, and anything you think this is problematic, so on and so forth.

MR. KELLEY: Let's see. Sewer here, it looks like there is sewer on site, so they would be connecting to the sewer through there. Storm water, I know with development with platting, they've already -- we've already had some discussion with our storm water utility staff of improvements they would be required to do. I think there is some drainage that comes off Route B through the site, so the storm water staff have already taken a look at it and are aware, and I think they've discussed with the applicant to some extent of -- of what they'll need to do.

MR. MACMANN: They will be addressed by building and site then; is that correct?

MR. KELLEY: Yes.

MR. MACMANN: More specifically, in regards to the sewage, number one, number -- two things. Number one, I like your new land-use maps. Those are nice. And, number two, related to this case, there's a lot of sewage that gets dumped rather quickly. Can the sewer line running on this property handle this? How many dumps do we get a day; do we know about -- the answer to that question?

MR. KELLEY: I don't know the metrics or volume, but I do know that sewer staff reviewed this specifically and said there was capacity for it.

MR. MACMANN: All right. I'm -- that -- those are my bigger concerns. Thank -- I'll address that again with Mr. Ross. Thank you very much.

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

MS. PLACIER: Yeah. My question was with the density because it already looks plenty dense with 50. Why did you decide to set the maximum at 80?

MR. KELLEY: So talking to Mr. Ross, for me, my main concern here was looking at it in terms of the traffic impacts that we could get from the travel trailer sites. He provided information, and our traffic engineering staff confirmed it, that around 200, may 210, something to that nature, would be what would trigger the traffic study, and would be starting to talk about improvements. Mr. Ross and the applicants proposed 80. That gives them a little flexibility above 50, should they need to, but we think 80 is well -- well under what would start the discussion of improvements in a traffic study.

MR. ZENNER: And if I may, just as a -- an experienced camper since I travel in many parks of this nature. The 80 lots in the area, so one, the lots that are shown here is their initial improvements are typically what are necessary, obviously, to attract the type of recreation vehicle that is likely going to be coming to this location. So either a driveable or towable, the width of these units -- of the lots that you see here likely are not going to change given the necessity for having the facilities that will be there. It's the interior area that you see as the open space which may, at some point, give them an opportunity along with -- that may be where you get the additional 30 units. Potentially not, because many people that come to these types of facilities are looking for a particular amenity package. However, there is the opportunity, as was discussed in your prior request that came forward, the more natural portions of this site may provide for some offsetting of recreational uses that they would potentially need a secondary conditional use for. Therefore, what may get lost and what's shown on this plan as open space may be absorbed or reaccounted for if they were to expand in the more rugged portion of the site for active type of activities, which also may be something that a traveler may be looking for in a particular campground location. So the 30 units, as Mr. Kelley points out, is what really is -- where we believe that there -- the traffic impacts are not going to be generated. But from an operational perspective for somebody that attends and uses these types of facilities, you have an open space here that may be underutilized and may be able to be better used for additional campground spaces and it is being augmented potentially by the opportunity to use other natural space that they own for those purposes to offset that loss. So that's the logic that the access can handle it and the space that's on this site would have to be -- you would have to accommodate it from a drainage perspective. If you're going to add additional impervious surface to the site, they're going to have to make sure that that additional 30 lots could be accommodated in whatever they design.

MS. PLACIER: And I'm assuming, given that this is heavily wooded, at least from the visuals we have, that open area is wooded, so that would be sort of a cool visual for people staying there to pretend they were in the woods or something.

MR. ZENNER: Exactly. And I -- so, you know, with that, often you try to work with the assets that you have on your site. This probably would be preserved as significantly as they can. You can thin forested areas out to allow for you to be able to have clearance as well as width, but you may place limitations on slide-outs on units that expand the living space in that particular area, or it's potentially that you could create it as campsite locations, but may have services available to them, as well. So those campsites that would be more tent-like campsites still have traffic associated with them, and that's amount of traffic that is where the limitation is being drawn on.

MS. LOE: Commissioner MacMann?

MR. MACMANN: Thank you for the second bite at that apple here. Planner Kelley, I wanted to redirect a little bit. I didn't follow up as much as I could. Eighty sites would be accommodated by the sewer also; is that correct?

MR. KELLEY: Yes.

MR. MACMANN: Second question, they may in the future, and they've expressed an interest in doing this in developing these recreational amenities throughout the site, and that's by right for them; correct?

MR. KELLEY: On the M-C property, yes.

MR. MACMANN: All right. I just wanted to make sure that we didn't -- we weren't missing something. Thank you very much.

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

PUBLIC HEARING OPENED

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

MR. ROSS: Ben Ross with Engineering Surveys and Services, with the address of 1113 Fay Street. Could you put my screen up, please?

MR. KELLEY: Dalton, we'll get it.

MR. ROSS: There it goes. Okay. Turn this back to the sewer slide, just to answer Mr. MacMann's question. On Hinkson Creek, there's a brand-new sewer that's been built -- (inaudible.)

MS. LOE: Mr. Ross, can you -- sorry. We're going to ask to have you on that microphone.

MR. ROSS: Speak in the microphone. Sure. Okay. On the right-hand side of the screen is a pink line. That's a brand-new sewer. It's, like, 30- or 42-inch diameter. It's a big one that flows up Hinkson Creek and catches a lot of the big industries, like, 3M and Aurora Organic Dairy. Our sewer is actually a pump station and it's going to pump across Paris Road into that industrial zoned property that has another pump station that was designed for all that industrial use, and that pump station flows into a 14-inch diameter gravity line. So the fact that we've got a lift station that's going to average out the flow, you know, it's not going to be a continuous flow, it's going to gather waste and then pump it and then stop into another pump station that's also going to average out the flow, and the 14-inch diameter pipe, that's pretty big for the uses along the area. So, like the -- I agree with staff. I don't think there's any problem with the sanitary sewer. Storm-water wise, we will have to -- as with any development in Columbia, follow the ordinances and the storm-water requirements. And the peak flow after development, you know, not just this site, but any site in Columbia, will be less than what it is beforehand. So any concern the neighbors have about development, their peak flow will be less, so I think we're helping them. The big issue is the highway, you know, Paris Road is a State highway. It's got five lanes of traffic and wide shoulders, and they have no detention whatsoever, so that water runs off and, you know, goes down that creek right there. But when development happens, we'll make it better. Here's a great picture of the site. Once you kind of get down off the road and kind of go down a slope, it really flattens out. And this is the area that would be useful for development for the travel trailers. And you see a lot of the smaller

trees. But the cool part, I think, is the roads are higher. So when I was here, you really couldn't hear the sound of the traffic very much. You know, it's -- it's a nice spot. It will be a good place to go camping and it is flat, you know. There is creeks around the perimeter and the slopes, but once you get down to the middle of the site, there's these small trees and it's a pretty flat site there. It will be great for -- for development for a travel trailer park. We talked about this a little bit. This is a rough concept plan. We don't have the resources to really develop this too much right now until we get some kind of approval from the concept, a conditional-use plan. I think the sites will be more of angle to the road, so you can back your trailer in. We did negotiate with staff to settle on 80 travel trailer sites, and we think that's just good from a flexibility standpoint for their, you know, economic viability of the property. And then the traffic impact is quite small. To generate 100 trips in the peak hour, you're required 230 occupied campsites. You know, that's not -- you know, total campsites is occupied campsites, and they may not even be occupied that much very often, you know. So you're adding with -- with the 80 travel trailer sites were showing, if it's fully occupied, it would add 35 vehicles in the peak hour onto a road that has 19,000 cars a day. So this impact to the road system, I believe, is quite small. Then we just have some pictures that the -- the Paul's picked out kind of for their vision of the site. They do want to be lower density than many travel trailer parks around the country. You know, we're trying to keep the trees. We're trying to keep it nice. Some amenities here and there. Maybe some water features. But that's -- that's their vision. We hope you support it. We agree with the staff that it's a good use of the property, and we ask for your support. I would be happy to answer any questions.

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

MR. STANTON: Go back to my original question beforehand. How far down the road are we going to do with the amenities, or are you still going to do those, or -- I love this project, but the 80 is scaring me because I felt like you guys did everything you needed to do. You -- you worked it out, made it where the neighbors could be happy, you know, all that. I love it. You did everything you had to do. You were also talking about a zip lines before. You were talking about all this kind of maybe trails through there. Is that still possible? Does it have a window? Where are we at with all that?

MR. ROSS: I think it is possible.

MR. STANTON: And can it fit in this envelope that you currently have versus what you had before?

MR. ROSS: Right. You know, we would like to use the property as best we can and maintain the visual appeal at the same time. So maybe in some areas where it is a steeper ground, a zip line would be possible on the M-C zoning. But I don't know if you all want to come up and --

MS. LOE: We will need your name and address for the record.

MR. PAUL: Seth Paul, 7777 East New Haven Road, Columbia. The -- the way it works, the way you've got it to where we've got the M-C on the upper lot and we're leaving the lower lot Ag, that kind of takes all that other stuff off the table because you can't do it because that's agricultural. So I don't

think there's going to be any concern with zip lines or whatever else you're worried about.

MR. STANTON: I wasn't worried. I was digging it, but I was asking.

MR. PAUL: What else -- I mean, what else -- what else is on your mind?

MR. STANTON: Okay. So you have the wiggle room of 80.

MR. PAUL: It's just a number we picked. It's way less than the industry standard per acre because we figured you guys would negotiate us down to two, you know.

MR. STANTON: I don't want it to look like a baby New York City in the middle of the woods, I guess, is what I'm getting at as far as density and the whole bunch of it. And is this just RVs or is it campsites for tents? I mean, kind of help me -- master vision?

MR. PAUL: No. Do you want to get in on this?

MS. PAUL: No.

MR. PAUL: Okay. So, no. We don't want New York in the woods because the land doesn't -- it doesn't, from a construction standpoint, allow it. And I've said that before, 364 days ago, that it's -- it's a real unique piece of property, and that's about the only good use for it. And I'm trying to convey that, and you guys think I'm lying, but that's all it's good for that we found.

MR. STANTON: No. I'm just for Missouri, you've got to show me.

MR. PAUL: All right. So -- so no on the super high density. It doesn't work, it doesn't fit the property mechanically or aesthetically. Next question was --

MR. STANTON: Not me. You've -- I love it. I just wanted to hear, you know --

MR. PAUL: Yeah. And they used just a random number. I don't think you can get 80 in there, like, the conceptual drawing that everybody gets hung up on, and they're, like, oh, there's a big park in the middle, I sketched that up in about five seconds. So this is going to change. It's going to be better because it will be perfected. I don't think you can get 80 in there, but that's the number we're going to go with as a limit. I don't think -- I think, mathematically, economically, we don't need that number to make it pay the bills. This is just something -- this is hobby for me for retirement -- you know, something to do. I don't want to dig holes forever. All right? We're good?

MR. STANTON: I know. Right?

MR. PAUL: Are we good?

MR. STANTON: Yeah. Thank you.

MR. PAUL: All right. Thank you.

MS. LOE: Any additional questions for Mr. Ross? I see none. Thank you. Any additional speakers on this case? If there are none, we'll close public hearing.

PUBLIC HEARING CLOSED

MS. LOE: Commission comments? Commissioner MacMann?

MR. MACMANN: I have a -- I have a request of staff. Yes, that's exactly what I wanted you to do. Commissioner Stanton, I'm sorry, I just want to do that little housekeeping bit before I went any

further.

MR. STANTON: I wanted to commend both the City and the applicants on -- we've seen this case before. They did everything they needed to do to make a win-win, make it happen. The owners seem like they're good to go. I like the concept. I liked it from the beginning. I'm glad they worked everything out. I plan to support it.

MS. LOE: Any additional comments? Commissioner MacMann?

MR. MACMANN: Thank you, Madam Chair. If my fellow Commissioners have no other questions or concerns, in the matter of Case 60-2023, conditional use permit for 4150 Paris Road, with the following amendments as presented by staff, not to exceed 80 travel trailer sites and an approved land disturbance plan will be required prior to the development of the travel trailer park, I move to approve.

MR. STANTON: Second.

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

Roll Call Vote (Voting "yes" is to recommend approval.) Voting Yes: Ms. Loe, Mr. Stanton, Mr. MacMann, Ms. Placier, Ms. Kimbell, Ms. Wilson. Motion carries 6-0.

MR. ZENNER: We have six votes, the motion carries.

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

VI. PUBLIC HEARING AND SUBDIVISION

MS. LOE: This brings us to our Public hearing and Subdivision section of the agenda. Yes. Remind me, we're doing Case 97-2023 first?

MR. ZENNER: That is correct.

MS. LOE: And we're doing these separately?

MR. ZENNER: Yes, we will.

MS. LOE: All right.

Case Number 97-2023

A request by Simon & Struempf Engineering (agent), on behalf of JR2 Development, LLC (owners), for approval of R-1 (One-Family Residential) permanent zoning subject to annexation of 16.52 acres located north and west of the approved Fox Creek Subdivision addressed as 3901 North Highway PP. This request includes two separate parcels, one to the north and south of the existing Fox Creek Subdivision, that is zoned Boone County A-2 (Agriculture). A concurrent request (Case Number 94-2023) seeks approval of revision to the existing Fox Creek Subdivision Preliminary Plat adding the new acreage and adjusting the previously approved lot arrangement.

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

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

recommends approval of R-1 zoning as permanent City zoning, upon annexation.

MS. LOE: Thank you for the report. Before we move on to questions of staff, I would like to ask any Commissioner who has had any ex parte related to this case to please share that with the Commission now so all Commissioners have the benefit of the same information on the case in front of us. Seeing none. Are there any questions for staff? Nice job, Mr. Palmer. All right. We'll move on to public comments.

PUBLIC HEARING OPENED

MS. LOE: If anyone has any comments they would like to share on behalf of this case --

MR. SIMON Yes. Keenan Simon, 210 Park Avenue, Columbia, Missouri. I'm the engineer that is applying on behalf of the applicant. If you have any questions, I'm available, but Rusty pretty much covered everything. Thank you.

MS. LOE: Any questions -- wait, wait, wait. wait.

MR. SIMON: Sorry.

MS. LOE: Any questions? Commissioner MacMann?

MR. MACMANN: Thank you. Two things. Mr. Simon, our recorder had a little bit difficult time following you.

MR. SIMON: Sorry.

MR. MACMANN: You were a little far from the microphone and you were a little quick.

MR. SIMON: I apologize. Keenan Simon, 210 Park Avenue, Columbia, Missouri 65203.

MR. MACMANN: Just making sure. She gave me a strange face there for a minute.

MR. SIMON: Sorry about that.

MR. MACMANN: She does that. That's okay. We're just making sure we're getting it on the record here. These -- this is all split up, I know, but I'm going to skip ahead a little bit. Do we have a price point for these when they come on line?

MR. SIMON: So generally this is trying to find that first-time home-buyer scenario. A lot of these lights -- lots have been priced in that range around -- trying to keep it below \$50,000 cost-wise. The homes are anywhere from the mid-twos to mid-threes, depending on walkout, slab type scenario.

MR. MACMANN: That's what I wanted to know. Thank you, Mr. Simon.

MR. SIMON: You're welcome.

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

MR. SIMON: Thank you.

MS. LOE: Any additional speakers on this case?

MR. BEVINS: Good evening, my name is Auston Bevins; I'm the property owner at 3904 Ladue Court. I would share the boundary on the southern subject site, which is still currently Boone County. I am not the owner of that parcel, and so my comments here are -- I hope to be reasonable. I do have an individual concern with the development for -- rather the annexation of the portion that is not within City

limits. Nobody wants to be disturbed by development of their homes, and I recognize that. However, for my family, we actually have a very unique situation. One of my family members has an extreme auditory disorder, and so we actually specifically moved to our home because it was one of the quietest places that we could find in Columbia. And so as we look ahead to the development of this, an unknown time line of how long these things -- how long each home could be built, and quite a wide open time for construction within the City noise ordinances, which is 7:00 to 7:00 on a weekday and a 9:00 to 5:00 on a Saturday, I have concern on how that would drastically impact my family -- not myself, but my family's quality of life. And so, again, I'm not seeking to be unreasonable, but just to share this concern and hope that there could maybe be some sort of remedy between myself and the developer. So that's my first comment. And then the second comment, and this more geared towards the public involvement, and so there -- I may just need to be correctly informed. I notice on the agenda that it said that a postcard was mailed October 7th, and a letter was mailed on February 15th. However, I received this postcard February 9th, and I have not received a letter. And so I would just request further information if this letter has more relevant detailed information than the postcard, I just don't have that, and so I would -- I would request that. And I believe those are -- those are my -- my comments. Thank you for listening.

MS. LOE: Thank you, Mr. Bevins. Regarding the information, I'm wondering if that gets sent to the property owner?

MR. PALMER: Uh-huh. Yeah. Letters and postcards typically would be sent to the property owner. If you got a postcard, you probably should have gotten letter.

MR. BEVINS: Okay.

MR. PALMER: But the letter and the postcard say essentially the same thing.

MR. BEVINS: Okay.

MR. PALMER: What it does is it allows us a little bit of leeway to make modifications in that time frame, so the letter might have more up-to-date information, but in this case, nothing has changed along the way. So the postcard got -- got to you. Like I said, generally, it would go to the owner, though, so I'm not sure.

MR. BEVINS: And I am the owner.

MR. PALMER: Oh, okay. I thought you said that you weren't --

MR. BEVINS: Yes. Sorry for that. So I'm the owner of 3904 Ladue Court.

MS. LOE: I did, too.

MR. BEVINS: I apologize if I misspoke that. Thank you for that clarification.

MR. PALMER: Yeah. I'm not sure why you didn't get a letter, but I'll -- I can double check it for sure.

MR. BEVINS: Okay. Thank you.

MS. LOE: Thank you, Mr. Palmer. Commissioner MacMann?

MR. MACMANN: Thank you, Madam Chair. The just FYI, and if -- we have Commissioners

absent here, and they would say this. We don't approve annexation.

MR. BEVINS: Okay.

MR. MACMANN: We're going -- we're going to approve the change in zoning or not change in zoning.

MR. BEVINS: The change in what?

MR. MACMANN: The zoning.

MR. BEVINS: The zoning thing. Yes. Yes.

MR. MACMANN: And the replatting and the other three -- two actions that come after this.

MR. BEVINS: Sure.

MR. MACMANN: In regards to your peculiar needs, I would suggest that you speak with Mr. Simon behind you, and I'm going to be very confusing. And before the construction starts, you also need to speak with Mr. Simon and building site development. I'm not sure there's much that can be done as far as accommodations. I appreciate -- I work with a population who have a similar issue -- similar issues. I'm not sure what could be done, but staying in contact with the development people in the City may be your only course.

MR. BEVINS: Okay. Thank you. I appreciate your insight.

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

MR. BEVINS: Thank you for your time.

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

PUBLIC HEARING CLOSED

MS. LOE: Commissioner comments? Commissioner MacMann?

MR. MACMANN: If my fellow Commissioners have no other comments or concerns, in the matter of Case 94 --

MS. LOE: No.

MR. PALMER: It's 97, please. Yes.

MS. LOE: It's 97.

MR. MACMANN: Thank you.

MR. PALMER: Sorry.

MR. MACMANN: And thank you. You did remind me, and I just read it straight off the -- strike that last. In the matter of Case 97-2023, permanent zoning for 3901 North Highway PP to R-1 pursuant to annexation, I move to approve.

MR. STANTON: Second.

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

Roll Call Vote (Voting "yes" is recommend approval.) Voting Yes: Ms. Loe, Mr. Stanton, Mr. MacMann, Ms. Placier, Ms. Kimbell, Ms. Wilson. Motion carries 6-0.

MR. ZENNER: Six votes, motion passes.

MS. LOE: Thank you. Recommendation for approval will be forwarded to City Council. This brings us to our second case on this property. Actually, it's a related -- related parcel, but not --

Case Number 94-2023

A request by Simon & Struempf Engineering (agent), on behalf of JR2 Development, LLC (owners), for a revised preliminary plat expanding the approved Fox Creek Subdivision to 121 lots, and a design adjustment to Section 29-5.1 of the UDC pertaining to the maximum permitted block length. A concurrent request seeks the annexation of the property and permanent R-1 (One-Family Zoning) on the subject tract.

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

MR. PALMER: Yeah. Sorry. Hopefully, I can clarify some things for you. Staff report was given by Mr. Rusty Palmer of the Planning and Development Department. Staff recommends approval of the Fox Creek Subdivision Preliminary Plat No. 2, and the requested design adjustment for Section 29-5.1 of the UDC pertaining to the maximum block length, pursuant to minor technical corrections.

MS. LOE: Thank you, Mr. Palmer. Does that conclude the report? Okay.

MR. PALMER: I just wanted to get you to the right slide there.

MS. LOE: All right. Before we move on to questions of staff, I would like to ask any Commissioners who have had any ex parte related to this case to please share that with the Commission so all Commissioners have the benefit of the same information on the case in front of us. Seeing none. Any questions for staff?

MR. MACMANN: I want you to ask your question.

MS. LOE: First question I have, Mr. Palmer, is simply a note for the record since we seem to be dancing around this annexation issue. In the second paragraph of the report, it states that concurrent request, Case 97-2023, proposes to permanently zone and annex an additional 16.52 acres. I would just like for the record to note that that should be permanently zoned upon annexation.

MR. PALMER: Correct. Yeah.

MS. LOE: All right. Can you go back to the slide showing the distance of the street lengths between the intersections? That one. Yep. So in the report, it had identified that the block lengths were 635 feet and 690 feet, and this slide shows --

MR. PALMER: Yeah. It is focused on the one that's to the west, that 700 was the 690 in the report. It's -- it's -- it's right around there. Being that it's a curve on the south end there, it just measured out differently when I did the measurement today on this slide. But, again, it's roughly six -- 700 feet, is what I would say.

MS. LOE: But do we also have a 750-foot and 820-foot lengths?

MR. PALMER: Yes. And the 820 is -- is what was approved previously. The southern half of this is what is new information, basically, so --

MS. LOE: That was approved in 2016, I believe.

MR. PALMER: Correct.

MS. LOE: Prior to the UDC?

MR. PALMER: I believe -- yes. I don't know what the requirement was at the time, but --

MS. LOE: Okay. Commissioner MacMann?

MR. MACMANN: Thank you, Madam Chair. A couple of things. We keep the -- I don't mean to ask this rhetorically, but I am. We keep the block lengths short for what reason?

MR. PALMER: There's a -- there's the long straight-away roadway safety concern where it leads to more speeding traffic. Then there's also just the accessibility aspect of it in terms of emergency services. A lot of that is in --

MR. MACMANN: That's where I was going.

MR. PALMER: A lot of that would be affected by a dead-end street where this connects in multiple directions.

MR. MACMANN: But the fire department is totally okay with that?

MR. PALMER: Absolutely, yeah. They -- they --

MR. MACMANN: I'm going to ask that one more time. The fire department is totally okay with this?

MR. PALMER: Yes.

MR. MACMANN: Okay. You brought up something and then we said we didn't need to pay attention to it. I'm going to go back to it for a moment to the inter-lot connectivity.

MR. PALMER: Uh-huh.

MR. MACMANN: What you say doesn't matter. Why are we even -- you confused me when you brought it up.

MR. PALMER: I'm confused now, too, so --

MR. MACMANN: Well, we're not getting anywhere here, Mr. Palmer. Could you return to the slide that demonstrates the inter-lot connectivity, the ingress and egress?

MR. PALMER: That one there?

MR. MACMANN: That one right there. While you were presenting this, you talked about something that didn't matter. What are you talking about?

MR. PALMER: I'm not sure I remember that aspect.

MR. MACMANN: Just --

MR. ZENNER: I can answer the question for Mr. Palmer because it was actually my observation, as I was reviewing the staff report, and forgot to change the design annexation component that Ms. Loe brought up, and that is my error. I'll vouch for that. The issue that Mr. Palmer was talking

about, about the second design adjustment that was requested, or that was identified and that the applicant requested for was the interconnectivity of providing stub streets to the adjoining properties to the north and to the southeast -- or to the southwest. The Code, as Mr. Palmer pointed out, and as I went back and reread the Code section, specifically prohibits the City from being able to require stub street connections to be made to developed or previously platted parcels.

MR. MACMANN: Can I stop you just right there?

MR. ZENNER: Uh-huh.

MR. MACMANN: I do understand you. Okay? Now I understand why it was brought up. Because of that, although Mr. Simon made this request, we do not need to address that issue at all; is that correct?

MR. ZENNER: No. That is correct. So the staff report makes a -- makes a connection to the fact that there was a second request, that we do believe that it would be -- it would have been appropriate to provide the connections, but because the Code prohibits the requirement, that -- that design adjustment wasn't needed. It was advertised, but it was, as we were finalizing the report, not needed to be considered by the Commission because the Code automatically exempted it.

MR. MACMANN: With that in mind, I might have a question for legal. Do we need to delete it? I mean, what -- I just want to make sure we have our i's and our t's all straightened up here, because it was advertised.

MR. PALMER: So that request won't be for -- I mean, it will be laid out in this report, and then there's an explanation as to why it's been, basically, withdrawn.

MR. MACMANN: I'm trying to make this -- I'm trying to make this as clear for Council as we can when they get it, and we've already got five things. Number one, we're deleting the extra ingress-egress. Number two, we must address, and I'm sure legal is going to want a separate motion for the design adjustment for the long streets.

MR. ZENNER: That is correct.

MS. THOMPSON: Yes.

MR. MACMANN: Yeah. Okay. And then the notes at the end there about the sewer and the other things also.

MR. ZENNER: There is notes already. They're plat notes that are on the plat that were applied by the applicant, and through the preliminary platting provisions, a developer can self-impose restrictions, so there is no need for a vote on those.

MR. MACMANN: Okay. How could I address that, just subject to technical corrections? Will that get everyone?

MS. THOMPSON: That's sufficient.

MR. MACMANN: Thank you. Just want to make sure. It was getting a little ragged there. That's all. I just want to make it a little tighter. Thank you very much. Madam Chair?

MS. LOE: Any additional questions for staff? Seeing none, we will open up the public hearing.

PUBLIC HEARING OPENED

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

MR. SIMON: Keenan Simon, 210 Park Avenue. I am the -- I am representing the applicant, JR2 Development. All right. So I'm going to try and just touch base on a few things here to support -- I'll try not to watch the news. One second.

MR. PALMER: I think if you just move the mouse off of it, it'll go away. Maybe not.

MR. ZENNER: Go ahead and start.

MR. SIMON: I'll try and be short and sweet here and just note a couple of items to support Rusty's report to you guys. Previously -- previously approved plat from 2016 is very similar in nature to what we have. Aside from the expansion to the north and to the south, in general, the design adjustment that we're requesting, what we have is Webster Grove Drive on the west had side of the property. There is Forester Avenue on the east hand side of the property has approximately 24 foot of elevation difference between those two streets. If we were to make a direct connection like noted in Rusty's report that would allow for cut-through traffic, it also would require a very steep roadway. With the loop design, it allows for a very gradual slope to connect these two streets, so that is the basis behind the design adjustment. It really has to do with the grade difference between those two existing streets and making sure that we can provide that connection in a -- in a manner that would allow for emergency services to -- to access that without a steep -- a steep drive, if that kind of makes sense. Looking at this display, whenever we were kind of talking about the stub roads and, I guess, provide a little bit additional support on why we were not wanting -- or why we felt like it was not reasonable to provide a stub to the west, the definition, number one, the lots are developed and they are platted. Number two, there's no sewer capacity within this rectangle block of 11 lots that are developed here. Furthermore, there's no additional connectivity to where a development could, I guess, have a second means of access to allow for higher density development behind this without removing a house. I just wanted to kind of touch base on why we went back and had the discussion about these -- essentially a stub road to that -- to that area. And it's a very similar condition to the north. There's two nice developed estate lots directly -- directly to the north of us. And, once again, it's the same scenario. There's no sewer capacity to develop this area now. We are -- Fox Creek -- the Fox Creek development is pumping about a mile away down on Wyatt Lane west of -- west -- if you follow Mexico Gravel Road west. So with that, if you have any questions, I'm here to answer.

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

MR. SIMON: Thank you.

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

PUBLIC HEARING CLOSED.

MS. LOE: Commissioner comments? I'll jump in. Regarding the long streets, we've had some other proposals come in that have exceeded the 600-foot minimum. And, Mr. Palmer, if you can go back to the screen that shows the road lengths? When I read the report, I thought we were talking more in the 635 up to 690, but then seeing this, I'm beginning to feel like we're talking longer lengths. Regardless, in previous cases when we've exceeded the length, and I've gone back to the text in the UDC, which identifies local streets shall be designed to provide convenient and safe access for all modes of transportation, including bicycles and pedestrians, to all properties and to permit efficient drainage and utility systems. So we've heard tonight that the fire department has signed off on this layout allowing emergency vehicle access. However, I'm still concerned about promoting pedestrian and other modes of access through this community. In those other situations, we've included a pedestrian path through the block, through the long block to help, and I have to admit that is what I'm contemplating might make me more amenable to approve -- or supporting the long blocks here. Additional comments? Commissioner MacMann?

MR. MACMANN: Thank you, Madam Chair, for reminding us of that. I do remember two others that we had where -- as we're looking at it lateral or horizontal connectivity. I will say this one in particular, and not to disparage his name, but to use him as a good example. Mr. Crockett had one and he had somewhere to go with his walkway. Where could these folks go with their cross-cut walkway? There is a developed subdivision to their west. Correct? I -- I get your point completely. I totally do, but I do remember that case. I think we had this a couple of times where we've added horizontal or vertical -- excuse me -- cut through, but there was some place for them to go. I mean, number one, I would get out of here. Can you imagine walking out. It's a -- it's a third of a mile to get -- to walk out, you know, if you want to go one way or the other, and you happen to be far enough away.

MS. LOE: I'm not sure a destination is required. I'm thinking it's more to promote connectivity at a pedestrian scale within the community. Even within my own neighborhood where what -- you might have block lengths about this -- but we definitely have cul-de-sacs and the neighborhood children cut through my backyard to avoid having to go around along the full length. It's that type of connectivity to allow neighbors to walk and meet.

MR. MACMANN: I'm with you. I live downtown, as you know, and we -- it's a lot of short blocks. When you contemplate, if we may go back and forth here a little bit. If you contemplate those type of cut-throughs, would be you would be thinking about dividing this central area; is that what you're thinking? Just to make it easier to move from point A to point B?

MS. LOE: I would. We've heard that there's some elevation change. I think for pedestrians, that may not be such a challenge and some people might welcome having a bit of a variation. My mother complains that the Katy Trail is too flat, so she -- she likes the fact that I live on College Park Hill.

MR. MACMANN: This would not be too flat.

MS. LOE: And I see the same people going up and down the hill. So, yes. Some people

welcome that, but I also think that it could be adjusted depending on the terrain. It doesn't necessarily have to fall right at one spot, just break it up.

MR. MACMANN: Madam Chair, may I redirect you?

MS. LOE: Commissioner MacMann?

MR. MACMANN: Thank you. We have two options, is that -- well, three options. We could ignore what you said. We could vote the design adjustment down and, in that case, we would have to vote the plat down, or we can do something that always make me a little uncomfortable, and that's legislate from the dais. Do any of these plats options intrigue you?

MS. LOE: I guess I would like to know what the Commission -- I don't -- I don't want to dictate.

MR. MACMANN: I understand. You and I have been discussing, but we have other Commissioners here.

MS. LOE: Commissioner Stanton?

MR. STANTON: I see the design. They've got the first variances approved in their first time. I just did the math. They looked at it and said, hey, they got away with it on the first one, let's go ahead and double it because the distance is 1,455 on the top that they got approved, and 1,450 on the second part. So they were, like, hey, we got it approved the first run. Let's go for it and ask for a variance on the second one. They gave me a first one, they're going to give me the second one, and I don't have to put a walkway in.

MS. LOE: Mr. Palmer, was the requirement or was the 600-foot maximum extant when this came through the first time?

MR. PALMER: I believe it was. I don't know the answer to that, off the top of my head, though.

MS. LOE: I thought it was 750.

MR. ZENNER: I believe it was 750. We did not have a -- we had a -- terminal dead end streets were at 750-foot maximum, and I cannot remember what block length maximum was in the pre-2017 code. This is the design that was approved with this original plat. At that time, there was no contemplation of completing the loop that you see shown here with the property that has been acquired to the south. Had the property to the south been acquired at the time that this plat was originally approved, the design adjustment likely would have been considered for the entire loop street that was there given the exact same conditions exist today as it relates to topography. So the question is, is what was approved in 2016 with this plat, which did not have any different topographical related issues, is that not a reasonable extension of the approval? Yes, we may have more options and more definition within our current UDC as it relates to block length. But had all things been considered equal with the additional 11-plus acres to the south having been acquired and incorporated in this, would it have been likely at that point that we would not have approved the same design adjustment that is now being sought. I completely understand the approach that you're taking with mid-block breaking in order to allow for pedestrian access, but if we were trying to create pedestrian accesses that are usable by all classes of

citizens regardless of their handicap, creating a steep grade access to cut through that block does nothing potentially to support those particular individuals when, in fact, the loop street does create the option for people to be able to circulate safely through the neighborhood, maybe not through a cut-through, but it does allow for that type of access. We have not evaluated, nor has the applicant evaluated, putting a cross-cut-through sidewalk system in this neighborhood. You know, you have an option to request that the applicant give consideration to that, and bring this back in a month or when we have our next Planning Commission meeting for further evaluation, or, as Mr. MacMann as pointed out, you could deny the design adjustment straight up. With that, you, in essence, then deny the plat, as well. But, I mean, there -- what's being asked for at this point was not something that was explored by staff given its belief that the circulation pattern was supported by our fire service and, in essence, was not creating any less desirable an outcome as it related to circulation. Now, no -- no offense taken in regards to the observation and the desire for pedestrian cross-connectivity, but all these roads will be built with sidewalks for pedestrians to traverse the development on already as well.

MR. PALMER: And I can add, too, that that vehicular connection at least with the associated sidewalks was contemplated during the concept review phase of this project, and at that time, staff and the applicant were in agreement that that grade was just more of a negative impact given its -- it's 20 feet. I'm not sure of the depth of the lots, but, you know, it's ten plus percent slope, which I believe falls outside of our standard street desired range, you know. And then also just -- again, there is a connection provided to the property to the southeast, and if that property were developed, there is essentially another route through all of the development here, which was seen as a benefit and also as a requirement because that lot is not developed as of yet. So in looking at the grand scheme of things, this is kind of localized. The loop is obviously kind of a speed bump in the design, but hopefully in the future, at least that other connection that's provided to the south will provide almost a bypass around the loop, around that south edge of the loop, so --

MS. LOE: Any additional questions or comments -- sorry? Commissioner Placier?

MS. PLACIER: Just to follow up on that, is that grade the same for the entire length of the loop, or just where it was --

MR. PALMER: It varies. Mainly, though, in its direction. You can kind of make out topo lines on this map. Basically, at the north end, it's straight. I believe, west to east, I think it slopes downhill. And then on the south end, it gets back to straight, but in the middle, it's kind of a drainage channel. So there's kind of a two -- two whole sides facing each other. And in the middle where the drainage is is where that roadway connection appears to be logical, but it's also probably the worst place for -- in terms of slopes.

MS. PLACIER: Yeah. I just don't want to -- I'm agreeing somewhat with Commissioner Loe that I don't want us to get into a position down the road where everybody is wondering there's no way to get to that other part of this place except going all the way around. You know, I can't walk over there. It

doesn't seem that there is an easy remedy at this point, given the topography, but it -- it does seem to be a missed opportunity.

MS. LOE: Additional comments? Commissioner MacMann?

MR. MACMANN: Just a logistical point. Planner Palmer, could you put the road lengths back up for me, please?

MS. PLACIER: Oh, I understood what it was --

MR. MACMANN: Okay. All right.

MS. PLACIER: Yeah. You don't have to -- yeah.

MR. MACMANN: Well, I wasn't for sure until I started going through it myself.

MS. LOE: Commissioner MacMann?

MR. MACMANN: Thank you, Madam Chair. Request for legal. As that one is critical, we should do the design adjustment first?

MS. THOMPSON: Design adjustment first, yes.

MR. MACMANN: Could you put that up for me, please? In the matter of Case 94-2023, approval of a design adjustment to 69 -- to Section 29-5.1(c)(ii) approving block lengths over 600 feet, and subject to minor technical corrections, I move to approve said design adjustment.

MR. STANTON: Second.

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

MR. MACMANN: Just for our audience, all motions must be made in the affirmative, just so you know that. Thank you. I'm done.

MS. LOE: I have a comment. So I understand that this block length may have maybe preceded by an earlier plat. However, I do believe that it is being replatted. I do believe the layout is different. And while the route -- a route between east-west route may not be accessible, not all routes are required to be accessible. And the accessible route is often the longest route given the grade restrictions on -- for accessibility. So I'm not ready to dismiss a pedestrian route simply because it's not accessible, especially if another route is. So I also feel we're being inconsistent in asking for provisions of the Code to accommodate other modes of circulation as stated in some cases, but not others. So I am -- I just can't support this as it is. Commissioner Stanton?

MR. STANTON: Commissioner Loe, you're completely correct, but the previous plat, they got the green light. So they used that as precedent to get the second, so they -- you know, we --

MS. LOE: Mr. Stanton, I'm simply explaining my -- my --

MR. STANTON: I'm saying I approve, but --

MS. LOE: You are free to vote any way you want. Commissioner Placier?

MS. PLACIER: I think we also understand that a developer is going to develop the maximum

number of lots and this design is designed to do that. We only can see one design. You can -- only can see one plat. And, again, I -- I -- it has been pointed out to me that the practicality of this, but I do still argue that it's a missed opportunity not to allow more pedestrian or bike or other kinds of circulation that we have in -- in many other neighborhoods closer to the -- the center of Columbia where people can get around much more easily without a car.

MS. LOE: Any additional discussion before we call the roll call? Seeing none. Mr. Zenner, may we have a roll call, please.

Roll Call Vote (Voting "yes" is to recommend approval.) Voting Yes: Mr. Stanton, Ms. Kimbell, Ms. Wilson. Voting No: Ms. Loe, Mr. MacMann, Ms. Placier.

MR. ZENNER: Split vote, three-three. That is a recommendation -- there is a no recommendation, but it is a vote, so that's what happens when we only have six Planning Commission members. Applicant is not out of the woods yet. You still have your second motion. Since we have a no recommendation, Ms. Thompson, that is not a negative, so therefore, action on the preliminary plat is appropriate; is that correct?

MS. THOMPSON: They can still take action and -- and make a motion on the preliminary plat, yes.

MR. ZENNER: And both recommendations, the no recommendation and what your recommendation is on the preliminary plat would be forwarded to City Council. I guess the point I am making is that no recommendation is not a recommendation that requires a denial. If I may, before we have discussion and make a motion, let me ask the applicant something.

MR. MACMANN: Can I ask a legal question?

MS. LOE: Mr. MacMann?

MR. MACMANN: Thank you, Madam Chair. Ms. Thompson?

MS. THOMPSON: Yes.

MR. MACMANN: Three-three is a no. It's a negative vote. Right?

MS. THOMPSON: I'm trying to pull up your rules and procedures here now. Just give me one moment.

MR. MACMANN: Okay. I was -- I'll -- I'm under the understanding, and that's why I'm talking to our attorney, that unless it's a majority vote, it's a no vote. We have two option, yes or no.

MS. LOE: I thought it was a no recommendation.

MR. MACMANN: If we voted three to three, it is no. That's why I want -- I'd love Ms. Thompson to clarify that point for us. If we didn't vote -- we don't have a majority, Mr. Stanton. It's a no. So I just want to make sure before we go on any further.

MR. ZENNER: Ms. Thompson, if you were to go to the City's community development page, go to the Planning and Zoning Commission, the Planning and Development and the Planning and Zoning Commission, their rules of procedure are there. I believe what we have previously in past incidences

where you have had a tie vote, that vote, and if you recall correctly, the first vote on the short-term rental ordinance was a six -- a three-three split, that was a no recommendation. It was a recommendation that there was no recommendation because you do not have a prevailing side, and that is why it's considered -- it's a vote, but it doesn't have an up or down. If I may, while Ms. Thompson is looking for this, since we -- I can convey to you things and not have to open up the public hearing. In conversing with the applicant, the capability of being able to address the issue of pedestrian connectivity that would not be fully accessible can be incorporated into the design. It would require a redesign or it would require a modification to the design. So there are possibly two ways this could be addressed. This can be addressed through reconsideration of your previous vote to specifically allow -- to allow the design adjustment with the proviso that upon the approval or consideration of the preliminary plat, an additional condition is added that a connection be provided between the two loop streets, to which point then we would require that that adjustment be made, reviewed, and approved prior to forwarding to City Council for the document. And that would be tied, I would probably suggest that we will hold both the permanent zoning, as well as the preliminary plat, if necessary in order to do so. The public hearing request to set the public hearing for the first meeting in April of Council has been forwarded, so that is already in the queue. However, we have the opportunity to potentially push that public hearing date back at this point. So it is entirely in your hands as to how you would like to handle this, but the applicant has communicated that they would be willing to consider that modification to the plat.

MS. LOE: Thank you, Mr. Zenner. Commissioner MacMann?

MR. MACMANN: I am deeply uncomfortable with revoting on something we just voted for, number one. Number two, an option, as I see it, is that an applicant in this situation does not want to have a vote in the negative on their plat. That plat could be withdrawn at any time, and reapply to this body. If it's a no, there's months ahead. So far, the design adjustment has been not forwarded.

MR. ZENNER: The jeopardy clause does not -- if I am not incorrect as to the procedure to the Code -- does not apply to technical items such as subdivision plats or design adjustments. It applies to land use changes. So, i.e., rezoning requests. The recommendation on the rezoning request was to recommend approval of the permanent zoning subject to annexation. So, yes. You could deny the preliminary plat. Mr. Simon could come back on behalf of the applicant and resubmit at the next application deadline a brand-new plat. However, what I understand and I believe what's been discussed here this evening is what I would believe as a -- as the administrator of the subdivision code and the technical requirement, something that is a technical change, that we easily can accommodate, based upon any direction that you give us. Hence, the reason why I offer the opportunity for you to reconsider your motion, which is permissible, to be able to just maintain moving forward with this particular project and not necessarily inconveniencing the applicant unreasonably.

MS. LOE: Commissioner Wilson?

MS. WILSON: I would entertain reconsidering it simply because we didn't have the information

before we voted, so the vote wasn't really informative. So it seems to me that voting again would be appropriate.

MS. LOE: Thank you. Commissioner Stanton?

MR. STANTON: I would like to make a motion.

MS. LOE: Well, Commissioner Thompson, or sorry -- Ms. Thompson?

MS. THOMPSON: A couple of things. What Mr. Zenner informed you all regarding a tie vote is correct. Section 21 of your Rules and Procedures states that in the event of a tie vote, the motion shall be sent forward to the City Council without recommendation, but with indication of the tie vote. So there would be no recommendation as -- as said by Mr. Zenner. You all may reconsider the motion. You can make an alternative motion if it is to approve the design adjustment with an additional condition. That would be then a different motion.

MS. LOE: Do we need to withdraw the first motion or --

MS. THOMPSON: No. If -- if you're making a different motion to --

MS. LOE: It's a different motion.

MS. THOMPSON: A different motion would be to approve the requested design adjustment with a stated condition, that would be then a separate motion.

MS. LOE: All right. Thank you. Commissioner Stanton?

MR. STANTON: That's how I see it, Madam Chair. As it relates to Case 94-2023, I move to approve the requested design adjustment from Section 29-5.1(c)(ii) permitted block over 600 feet in length with the provisions of a pedestrian connection between the loop, the two streets in the loop.

MS. LOE: Is that enough, Mr. Zenner, for you to --

MR. ZENNER: That's enough guidance. We'll work with the applicant to facilitate.

MR. STANTON: Per technical corrections and staff approval.

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

MS. KIMBELL: I'll second.

MS. LOE: Second by Commissioner Kimbell. We have a motion on the floor. Any discussion on this motion? Seeing none. Mr. Zenner, may we have a roll call, please.

MR. ZENNER: Yes.

Roll Call Vote (Voting "yes" is to recommend approval.) Voting Yes: Ms. Loe, Mr. Stanton, Ms. Placier, Ms. Kimbell, Ms. Wilson. Voting No: Mr. MacMann. Motion carries 5-1.

MR. ZENNER: Amended motion to the design adjustment approved five votes to one.

MS. LOE: Thank you. We're going to move on to the preliminary plat. Commissioner Stanton?

MR. STANTON: I would like to make a motion, Madam Chair.

MS. LOE: Yes, please.

MR. STANTON: As it relates to Case 94-2023, I move to approve the Fox Creek Plat 2 preliminary plat pursuant to minor technical corrections.

MS. KIMBELL: I'll second it.

MS. LOE: We have a second by Commissioner Kimbell, moved by Commissioner Stanton. Motion on the floor. Any discussion on this motion? Seeing none. Mr. Zenner, may we have a roll call, please.

Roll Call Vote (Voting "yes" is to recommend approval.) Voting Yes: Ms. Loe, Mr. Stanton, Ms. Placier, Ms. Kimbell, Ms. Wilson. Voting No: Mr. MacMann. Motion carries 5-1.

MR. ZENNER: The motion passes five to one.

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

VII. PUBLIC COMMENTS

MS. LOE: Any additional public comments on anything? Going once. All right.

VIII. STAFF COMMENTS

MS. LOE: All right. Mr. Zenner, the floor is all yours. Staff comments.

MR. ZENNER: Thank you. Tonight we discussed in work session the potential that we may not have a work session on the 23rd of March. I will provide additional feedback to you if, in fact, that is going to be the case. Given the limited number of staff that we have left after this evening, challenges are abounding with us to be able to continue to maintain the management of our regular caseload. I would like to, again, at this point, give my greatest accolades and respect to Mr. Clint Smith, a senior planner with our department, who is moving on to become the planning director for the Jefferson City Planning and Protective Inspections Department. It's actually the City of Jefferson, so we have to get that right. But after a little bit more than ten years of being by our side, offering us quite substantive staff reports, he will be significantly missed and his efforts and his tenure have been greatly appreciated. Given that, we do have to prepare for another meeting. That meeting will be on the 23rd, and you do have several items that would be on that agenda, one of which is still in limbo. We have it shown as upcoming case, but we're not quite sure if we will actually have them on the agenda. What we do know is Case 107-2023, 5600 Mexico Gravel Road. That is a final plat. This was a previously -- permanently zoned and annexed parcel into the City. It will be final platted, and it is coming to you because it is not presently a previously platted lot. It needs legal lot status in order to obtain building permits, hence the reason it is before you, and it is a single, if I am not incorrect, just under ten-acre tract of land. And then the second item that we have on the agenda is a public hearing and subdivision -- it should have been just a public hearing request. I made the same error Mr. Palmer did today. I forgot to eliminate a title. It is a rezoning to amend the statement of intent associated with the Crosscreek development. And this particular address deals with Lot 108 of the Crosscreek development. It is a hotel site that the

Commission has previously reviewed and approved. And as it proceeded forward to the City Council, as you may recall, this is the particular parcel that had potentially private party litigation associated with it. It was identified as a part of doing additional due diligence as it related to that legal action, that there was a technical issue on behalf of the applicant that they would like to resolve to avert additional issues being created in the overall development. This amendment is to do just that. It is, in essence, to allow for an increase in the maximum square footage permitted to the overall development, but specifically allocated to just the site at hand, which we have already done the approval -- the review and the recommended approval on for new hotel on Lot 108. We will unpack the other details associated with this in the staff report. There is some interesting descriptive history that we'll have to give you as to why this is coming that it is coming, but to say the least, what is being sought here is basically simply an increase in the underlying maximum square footage of the Crosscreek development, and it is to accommodate the hotel site that you have already reviewed. And that hotel site is actually being held at City Council at second reading at this point until this proposed amendment comes forward so they can be paired together to ensure that there is complete connectivity and transparency in what's happening with the overall development. So again, we will be bringing forward some more information with the staff report on that. And then the last two items are correctly titled. It is a two-for. It is a public hearing along with a subdivision request. This is our 24 acres to the west of what is now Veterans United's campus, the former State Farm Insurance Company property. This one is still a little bit in limbo at this point. We've got a couple of things that we are working through the project. It's been advertised. We may get a formal request to table. However, it is still a little bit fluid, a couple of different things with the development agreement that goes along with this that we're trying to iron out. We had held it off of advertising, hoping that we would have all of that resolved. Mr. Smith has got all of it put together. This was his case. It's ready for me to, basically finalize, and I was informed today that we may not be able to get it to the final step for the 23's meeting, but we'll find out. Stay tuned, because you may have two, you may have four. I don't know. That is your case lineup for this point. And we have a number of cases that are in the queue to be brought forward, some more permanent zoning requests with some subject to annexation, some more large development. Life is not slowing down on the fifth floor of City Hall. We continue to seemingly get project after project, which is better than the alternative of being the Maytag repairman. So with that, that is all we have to offer for this evening. Your maps that we have, those will also provide you some contextual purposes you can see. The map that you see on the right-hand slide is actually the entire Crosscreek development that is subject to the overall statement of intent. The parcel in question is at the very southwest corner, north of Stadium Boulevard, as you see it traversing the site. That is Lot 108 of the Crosscreek project. And then, of course, our property here to the west of what is now the Veterans United campus. Two different processes, one for a rezoning, and one for the preliminary plat to go with the property. Thank you very much, and we will be in touch with you if we will have a work session on the 23rd.

MS. LOE: Thank you, Mr. Zenner.

IX. COMMISSIONER COMMENTS

MS. LOE: I would just like to take this opportunity, since I hear tomorrow is Mr. Smith's last day, to please convey how much we have enjoyed working with him. We will miss him and wish him all the best. Commissioner Stanton?

MR. STANTON: Well, I missed last meeting, which was in February, and this is now March, so I'm going to combine not only Black History Month, but Women's History Month, by talking about Ms. Clara Miles. She is the founder of Miles Manor, a subdivision here in Columbia, Missouri. She helped end segregation in housing in Columbia and had worked with the Fair Housing Act as it written here in the State of Missouri and in Columbia. Her subdivision is a result of displacement of people in this area. Due to the urban renewal efforts, she built a subdivision on the old hog farm because that's the only place that they would allow blacks to buy land and it is up by the Martin Luther King Park on Planters and White Oak, I do believe, if I can get -- on the corner Planter's Road and White Oak Lane. So that's up if you're going towards Schnuck's and up in that area where the Martin Luther King Park is, there is subdivision tucked away that was black owned and black created by that lady in 1959. It's called Miles Manor, and it still exists.

MS. LOE: Thank you, Commissioner Stanton. Very interesting.

X. ADJOURNMENT

MS. LOE: Commissioner MacMann?

MR. MACMANN: I move to adjourn.

MR. STANTON: Second.

MS. LOE: Seconded -- moved by Commissioner MacMann, seconded by Commissioner Stanton. We are adjourned.

(The meeting was adjourned at 8:58 p.m.)

(Off the record.)