

MINUTES
PLANNING AND ZONING COMMISSION MEETING
COLUMBIA CITY HALL COUNCIL CHAMBERS
701 EAST BROADWAY, COLUMBIA, MO
MAY 9, 2024

COMMISSIONERS PRESENT:

**Ms. Sara Loe
Ms. Valerie Carroll
Mr. Anthony Stanton
Mr. Michael MacMann
Ms. Peggy Placier
Ms. Shannon Wilson
Mr. Zack Dunn**

COMMISSIONERS ABSENT:

**Ms. Sharon Geuea Jones
Mr. Matt Ford**

STAFF:

**Mr. Pat Zenner
Mr. Rusty Palmer
Mr. David Kunz
Mr. Jesse Craig**

I. CALL TO ORDER

MS. LOE: I'd like to call the May 9, 2024 Planning and Zoning meeting to order.

MR. MACMANN: Ms. Loe, I don't think our microphones are working.

MS. LOE: I think they are now.

MR. MACMANN: Okay. All right.

MR. STANTON: Testing.

II. INTRODUCTIONS

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

MS. CARROLL: Commissioner Geuea Jones? Commissioner Placier?

MS. PLACIER: Here.

MS. CARROLL: Commissioner Ford? Commissioner Wilson?

MS. WILSON: Here.

MS. CARROLL: Commissioner Loe?

MS. LOE: Here.

MS. CARROLL: Commissioner Stanton?

MR. STANTON: Here.

MS. CARROLL: Commissioner Dunn? Commissioner MacMann?

MR. MACMANN: Present.

MS. CARROLL: And I'm here. We have six; we have a quorum.

MS. LOE: Thank you, Commissioner Carroll.

III. APPROVAL OF AGENDA

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

MR. ZENNER: No, there are not.

MR. MACMANN: Move to approve.

MR. STANTON: Second.

MS. LOE: I have a move -- a motion and a second for the agenda. I'll take a thumbs up on the approval of the agenda?

(Unanimous vote for approval.)

MS. LOE: It looks unanimous. Thank you.

IV. APPROVAL OF MINUTES

MS. LOE: Everyone should have received a copy of the meeting minutes. Are there any changes to the meeting minutes?

MR. MACMANN: Move to approve.

MR. STANTON: Second.

MS. LOE: I have a motion and a second for the meeting minutes. I'll take a thumbs-up approval on the meeting minutes.

(Unanimous vote for approval.)

MS. LOE: Unanimous. Thank you.

V. SUBDIVISIONS

MS. LOE: That brings us to our first case of the evening.

Case Number 59-2024

A request by Crockett Engineering (agent), on behalf of Springbrook Crossing, LLC (owner), for approval of a ten-lot preliminary plat to be known as "Springbrook Crossing North" subdivision. The subject 42.02-acre site is zoned M-OF (Mixed-use Office) and is located northwest of the intersection of State Farm Parkway and Veterans United Drive.

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

Staff report was given by Mr. David Kunz of the Planning and Development Department. Staff recommends approval of the proposed ten-lot preliminary plat to be known as "Springbrook Crossing North".

MS. LOE: Thank you for the report. Before we move on to questions for staff, I would like to ask any Commissioners who have had any ex parte related to this case to please share that 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 report. If there's no questions of Commissioners for staff, we'll

move on to public comment.

PUBLIC HEARING OPENED

MS. LOE: We open up the floor to anyone who has any public comment on this case. We give six minutes for a group, three minutes for an individual. Please give your name and address for the record.

MR. CROCKETT: Madam Chair, members of the Commission, Tim Crockett, Crockett Engineering, 1000 West Nifong. I think Mr. Kunz did a good -- a good, thorough staff report, so I'll go through my presentation very briefly. Again, it's 42 acres. It's M-OF current zoning. We're not asking to rezone the property, we're asking for a preliminary plat to be approved utilizing the existing office district that's out there now. Pretty straightforward there. You've seen the preliminary plat. As Mr. Kunz indicated, our piece of property is just a small extension of the roadway network that's out there. What's highlighted in yellow is the -- the collector street that's coming from the University property that's to the west. It ties into the north. You can kind of see it has a little right intersection there. I think there's some discussion or some thought. I don't want to speak on MU's behalf by any means, but some thought that there may be a connection to Providence maybe in the future. I don't know, but here's our connection, as well. So with those roadway connections, once they get built, they'll comply with the CATSO map that has roads running through that area, so connectivity works out pretty well. Of course, you've got Veterans United Parkway, you've got State Farm Parkway. Both of those are major collectors that handle the traffic. Again, we're looking at ten lots developed in phases. This -- you know, if you're familiar with Springbrook, the Springbrook, the original plat that was down on the -- down at the corner of Veterans United and Providence, due to existing circumstances, we had to utilize private streets. That's not what we're doing here. All the streets within this development will be public and in public right-of-ways. I think Mr. Kunz talked about easements. I think we're going, when they get built and constructed, we will actually plat them as right-of-ways, so there won't be easements on our property necessarily. The Competence of Traffic study was completed with input from City staff for this area, as well, that handles all of the proposed uses for the project. Again, I think our conclusion is pretty similar to what Mr. Kunz did, so I'm happy to answer any questions that the Commission may have.

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

MR. CROCKETT: Thank you.

MS. LOE: Any additional speakers on this case? Seeing none, we'll close public comment.

PUBLIC COMMENT CLOSED

MS. LOE: Commissioner discussion?

MR. MACMANN: If there's no discussion, I have a motion. In the matter of Case 59-2024, preliminary plat for Springbrook Crossing, I move to approve.

MR. STANTON: Second.

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

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

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

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

VI. PUBLIC HEARINGS AND SUBDIVISIONS

Case Number 134-2024

A request by Luebbert Engineering (agent), on behalf of Garrett Bever (Owner), for approval of a one-lot Final Minor Plat of A (agricultural) zoned property to be known as Bever Estate, and a design adjustment from Section 29-5.1(d) in regards to sidewalk construction. The 6.36-acre subject site is located at 3307 Barberr Avenue.

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

Staff report was given by Mr. Rusty Palmer of the Planning and Development Department. Staff recommends (1) denial of the requested design adjustment in Section 29-5.1; and (2) approval of the final plat.

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

MR. MACMANN: Just real quick. We want two motions on this? All right. Thank you.

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

PUBLIC HEARING OPENED

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

MS. LUEBBERT: My name is Christina Luebbert with Luebbert Engineering, offices at 409 Vandiver. I've also been working with Bormann Surveying out of Centralia, Missouri, for the survey work side of this. But this project kind of started when our client purchased a piece of land thinking it was as simple as going down and pulling a building permit, and then found out words like legal lot, sewer extensions, sidewalks, tree inventories, and you can see there was a significant number. But we've helped him through this process and tried to explain, you know, that we have to survey all of this land, create a proper plat that creates a legal lot. The sewer actually exists to the southwest across the adjacent property, so he has to do 109-foot public sewer forced main extension, and then he's going to do several hundred feet of private forced main to get over to the house site through what can only be described as rock outcropped land and through the woods. You know, we've tried to come up with a way to make this as simple as possible and yet nothing is ever simple. So I just want you to keep in mind that

this is a young man trying to just build himself his first home and because of the significant right-of-way dedication, because they were trying to -- to fix the curvature of the road, that also pushes that sidewalk even further back and further down into the gully and gulch that runs pretty much along that overhead power line easement. So it's not just a little bit of fill that would have to be placed and a few trees that would have to be removed, all of which we're trying to keep as much as possible, it would be very prohibitive from a design aspect of getting that sidewalk in place. And, of course, to a young man just trying to build his first home, \$22,000 is a lot to write a check for on top of the significant cost of the sewer and the significant cost of all of the work that we've done to date just to clear these legal hurdles. But I believe both the property owner and some of his neighbors are here to speak on this, as well, so I'll leave the rest of it to them. Do you have any questions for me?

MS. LOE: Thank you. Yes. Commissioner Stanton?

MR. STANTON: I do. It seems like a rough place to put a sidewalk, I would agree.

MR. ZENNER: Microphone, Mr. Stanton.

MR. STANTON: Oh. That would be a rough place to put a sidewalk, I would agree. What's tugging at me is I don't want this young, ambitious young man to come back and say pay me when -- if -- if some developments were to happen, if a sidewalk or a road improvement happens, and he says, oh, pay me for this land if we need to -- for an easement.

MS. LUEBBERT: You would not have to -- the right-of-way for it would already be dedicated.

MR. STANTON: Okay.

MS. LUEBBERT: That's -- that's part of this plat is the -- can you bring up the picture you had with the red right-of-way dedication, because I think that was -- that was very helpful.

MR. STANTON: Okay.

MS. LUEBBERT: That big red piece right there is --

MR. STANTON: Is already --

MS. LUEBBERT: And that sidewalk would go in that red piece.

MR. STANTON: Okay.

MS. LUEBBERT: So -- so no -- there would be no need for additional right-of-way.

MR. STANTON: Okay.

MS. LUEBBERT: In fact, we spent quite a bit of time with City -- the City Surveyor to figure out. This is more than we had originally anticipated to dedicate, but it was in an area that we had no issue dedicating right-of-way with. But it's also significantly more right-of-way than exists on either side of him, so he's not the one that would have to dedicate anything in the future.

MR. STANTON: Okay. Good. Thank you.

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

MR. BEVER: My name is Garrett Bever. I live at 2904 Creekside Court right now with my parents. I am the property owner who bought this property last year. I bought this property last year to

move out of my parents' house and start my own journeys in life. I planned on building just a single-family home for myself thinking it wasn't really going to be that big of a deal. But then I found out along the lines that my engineer had explained that I would have to survey and plat the whole property and it has costed me quite a bit of money so far. I also found out that I have to put 700 feet of sewer pipe to connect to the City sewer on the neighboring property, which is also going to cost me a good chunk. I have spent countless hours helping survey the property and clean it up to make it look more presentable, just to make it a nice area. These past couple of weeks, after finding out about the sidewalk, I spent three whole days walking Grayson Drive, the neighboring street, talking to my neighbors, and I talked to 13 of them. And thankfully, some of them have showed up tonight. All of them were in favor of the waiver of the sidewalk, but most of them could not come tonight. I explained the postcards to them, explained to them that I'm not developing the whole entire property. I'm just trying to build myself a single-family home, and it's my very first time, and I'm a little nervous. I just want to say that I thank you all for scheduling this meeting, and \$22,000 is a chunk of change, especially for somebody my age and anybody, but I just want to say thank you very much for hearing me out on my situation, and I hope you all have a wonderful rest of your evening.

MS. LOE: Thank you. Let's see if there's any questions, one minute. Commissioner MacMann?

MR. MACMANN: Thank you, Madam Chair. Sir, I respect what you're doing, and Commissioner Stanton and I work in construction. Welcome to dropping tens of thousands of dollars that you never anticipated spending. I just want to let you know, I appreciate what you're doing, as long as you've got a single-family home going in there, I don't have a problem. I don't think your neighbors have a problem. I'm going to just let you know right now -- I know you're really nervous. It's fine. You're on TV, people are going to see this.

MR. BEVER: Yeah.

MR. MACMANN: I'm going to be in favor of the waiver, and we'll see where the rest of my Commissioners are, and I am sorry about the sewer line because I know that's a big chunk of change.

MR. BEVER: Yeah. Yes.

MR. MACMANN: All right. Thank you.

MS. LOE: Any additional questions? Commissioner Stanton?

MR. STANTON: Young man, do your homework before you put -- before you sign that deed, buddy.

MR. BEVER: Yes, sir. I've learned that the hard way but thank you very much.

MR. STANTON: Okay. Good luck to you. Good luck.

MS. LOE: Any other speakers on this case? While this speaker is coming up, I would like to -- we have Zack Dunn has joined us. Go ahead.

MR. CLARK: Good evening, Commissioners. My name is Drew Clark; I live at 1701 Grayson.

It's about where that R-1 is on the map up there. I have three young daughters between the ages of six and ten, all three of whom attend Heritage Academy just down the road. And so speaking as a member of the neighborhood, I -- I can assure you there is not traffic on that road generated by that school, specifically, because of how bad the road is itself. Everyone is coming in up by CIS and in, or along Grayson Drive right in front of our house. But in order to get back in there, it just makes no sense within the neighborhood. So that -- that kind of speaking is a parent of Heritage kids. Heritage is also in the process of identifying alternative locations to move to, not because of challenges with the roadways or anything like that, but kids like gyms. That existing church property does not have a gym and so that continually comes up. So I would anticipate traffic at least in regards to that going down in the near future as opposed to staying the same or going up. Speaking just as a neighbor, how often do you have people show up as neighbors that are in support of people developing land right by them? I feel like -- I lived near where the Walmart went in on Broadway. I remember attending meetings like this, and everyone was ready to kill over the thought of a new structure going in. Literally, I remember sitting next to a gentleman who was telling me that we needed to bomb the Walmarts. It was quite an interesting experience as a young Boy Scout. Having said that, Garrett has greatly impressed me. I have never met him before he took it upon himself to go out just as he said and meet every single neighbor possible, explain what he's planning on doing, what he's hoping to achieve, and what he sees as the impact on the neighborhood. And so from my vantage point, I heartedly agree with what Commissioner MacMann said. I hope that you grant him a waiver and allow him to build with one fewer gotcha in the experience, though your words are, I think, appropriate as well, Commissioner Stanton. That's all from me. Do you have any questions?

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

MR. MACMANN: Just want to make a quick comment about the road. I'm a West County boy from St. Louis and the city too. Just to let you guys know, we've got to think 20, 30, 40 years down the road, also. Just -- Just throwing that out there. Thank you, Madam Chair.

MS. LOE: Any additional questions? I'm impressed your Boy Scout experience has brought you back to Planning and Zoning meetings.

MS. WILSON: Yes.

MR. CLARK: I would say I'm in favor of good neighbors. That's what everyone in that neighborhood wants, and Garrett has proved himself to be a good neighbor. Thank you and good evening.

MS. LOE: Thank you. Any additional speakers on this case? Seeing none, we're going to close the public hearing.

PUBLIC HEARING CLOSED

MS. LOE: Commissioner discussion? Commissioner MacMann?

MR. MACMANN: I'm just going bring this up. I appreciate staff toeing the line on this. I do,

because that's where we would normally be with your declining the request or recommendation thereof. For all the reasons aforementioned, I think we should give the young man a waiver. This is not going to be 25 homes. And if it is, he's got to replat, and if he's got to replat, that kicks that back in. So, to me, this is kind of easy. Wish they were all this straightforward. But Chairman --- Chairperson Loe could straighten me out if I'm being too simplistic, I'm sure.

MS. LOE: Commissioner Stanton?

MR. STANTON: Oh, Mr. MacMann, I'm not with this tear-jerking sensitive. Forget all of that. But, yes, I do agree that a sidewalk here is just not feasible and hope that the next time this man buys some property, he really looks at it really good, so I plan to support the waiver or design adjustment.

MS. LOE: Commissioner Placier?

MS. PLACIER: Yeah. The 300 feet of this sidewalk really doesn't address the safety or the lack of safety for those other six houses on that north side of Barberry, especially when the City has created this attractive park, but that's another issue. I mean, Barberry, it looks like Amberton is going to take care of Amberton. Between Amberton and this curve, those people have a really dangerous access to the park. I don't know what would be the solution to that, whether it would be a crossing or what, but it's probably not Mr. Bever's responsibility to solve that problem. But it is a problem, and I just want to make a record of that, that it's going to be hard for those six families to find any way to get across there.

MS. LOE: Planner Palmer, can you remind me if the Gibbs Road development is putting sidewalks in along Gibbs?

MR. PALMER: I believe so, yeah. Like I said, they were going to provide a connection right at that southeast corner of their site, which is the far-left side where it says R-MF and R-2, that R-2 section, right where it says West Gibbs Road, there should be a connection across there. And then to the east of that is where that -- that's -- actually, you can see it on the map here, the strip along the -- on the south side of the road, that's the pedway easement or right-of-way, whatever it is. So these -- these lots actually don't touch the road. They don't front the road there. There's that strip for the pedway. So Gibbs will connect across and then they'll connect to that pedway and everything will be on the south side at that point.

MS. LOE: I notice one of the comments in the waiver request was that the homes to the west did not have sidewalks, and that's true because when I looked them up on the assessor's site, they were built in the '50s and '60s, which is before the sidewalk requirement was in place. Knowing that the Gibbs Road development was coming in and that it would include sidewalks, I was looking at this in context of sidewalks are starting to come onto the street, and how would this play into that. However, because of -- I don't anticipate having sidewalks on both sides of the street given some of the constraints and just given the practicality and economy of it. Therefore, because there is the pedway coming into the south side, and given the age of the homes -- existing homes on the north side, I have to say I don't see any benefit to putting a segment of sidewalk on one property to the north side. Any additional comments?

Commissioner Carroll?

MS. CARROLL: I'll admit that I'm struggling with this one. I hate to be the lone dissenting voice here. We do have to think 20, 30, 40 years in the future. In looking at Gibbs Road with sidewalks going in, I'm looking at an area that is developing with a park and a pedway to the south only puts more need for infrastructure, I'm looking at a likely call to change the curvature of the road that will accompany likely due to the complete streets program the need to build sidewalks. To me, if fee in lieu fits this type of request, given the infrastructure that's going in surrounding the property, it's different than other properties in our agenda given that the area surrounding it is still developing, and infrastructure is still being added.

MS. LOE: Any additional discussion on this case? Commissioner Stanton?

MR. STANTON: Ms. Carroll, I definitely agree with you, but I feel like this project is just far enough from the Gibbs development sidewalk, give him a pass. And what happens to his neighbors downstream? Do we -- you know, do they have fee in lieu? Do they -- you know -- I don't know. We've got the easement and he's giving us the easement if we decided to put sidewalks there. That was my major concern is I don't want him to -- you know, he's young and ambitious now, and he sounds all cute and cuddly right now, but when he gets, you know, a little hair on his chin, he's going to be -- I don't want him to be, like, hey, pay me, and we've taken care of that. So we've got the easement, we've kind of baked in our future growth if it happens to happen, and I respectfully disagree on this one, Commissioner.

MS. LOE: Commissioner MacMann?

MR. MACMANN: I have a comment, and if that's the end of it, I'll have a motion after that. I would -- to Commissioner Carroll's point, I would normally agree. I'm very pro sidewalk. I did think back to when I was growing up in St. Louis, in St. Charles County and we had this all over. I grew up on this road, except it didn't have any pavement on it. When this builds out, they're going to have to straighten that road, and any little segment is going to go. We're going to pay for it twice. That's -- that's the reason. If it didn't have the particular topographical features that it has now, I would be -- and you weren't 20-something, and what I mean by that, I believe you when you say this is a house for you, and you're not going to change your mind in five or ten years, because we'd have to tear it out again.

MS. CARROLL: I'm not suggesting that we build it.

MR. MACMANN: Okay. And that would, you know, and I think it's a valid point, because normally I'm there with you. And your point about it is -- we are developing out here. But when we do, to access that park or to come back around from CIS, that road needs to be -- needs major love. And so I think it's in all of our best interests, and this young man's best interest, that we give him his waiver and let him put the rest of his money into digging that sewer line.

MS. LOE: Was there a motion after that?

MR. MACMANN: I do have a motion, if there are no other questions or concerns, with technical corrections, Mr. Palmer? Okay. In the matter of Case 134-2024, I'm going to do two of these, Bever Estate final plat -- we're going to design adjustment first. Yes? Design adjustment, a waiver for

sidewalks on 29-5.1. I think it's actually (d), but that's okay. I move to approve.

MR. STANTON: Second.

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

MS. PLACIER: Now, a yes vote means allow the design adjustment. Correct?

MR. MACMANN: That was my motion, ma'am.

MS. PLACIER: Okay.

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

MS. CARROLL: We have five votes to approve, and one no vote [sic]. The motion carries.

MR. MACMANN: Madam Chair, I have another motion. In the matter of Case 134-2024, Bever Estates final plat, I move to approve.

MR. STANTON: Second.

MS. LOE. Second motion, moved by Commissioner MacMann, seconded by --

MR. MACMANN: With technical corrections. Is that okay with you, Commissioner Stanton?

MR. STANTON: I accept that amendment.

MR. MACMANN: Thank you.

MS. LOE: Seconded with amendment by Commissioner Stanton. Any discussion on this motion? Seeing none. Commissioner Carroll, may we have roll call, please?

Roll Cal Vote (Voting "yes" is to recommend approval.) Voting Yes: Ms. Placer, Ms. Wilson, Ms. Loe, Mr. Stanton, Mr. Dunn, Mr. MacMann, Ms. Carroll. Motion carries 7-0.

MS. CARROLL: We have seven votes to approve, the motion carries.

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

Case Number 141-2024

A request by Crockett Engineering (agent), on behalf of Richland Olivet Farm, LLC (owners), seeking assignment of R-1 (One-Family Dwelling) zoning to a 29.68-acre parcel of property as the site's permanent city zoning upon annexation. The subject site is currently zoned Boone County A-R (Ag-Residential) and A-1 (Agriculture), and is located southwest of the Richland Road and Olivet Road intersection, on the west side of Olivet Road south of property known as 251 Olivet Road.

MS. LOE: Are we doing these cases separately?

MR. ZENNER: Two separate -- two separate staff reports and there will be two separate motions.

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

Staff report was given by Mr. Rusty Palmer of the Planning and Development Department. Staff recommends approval of the permanent zoning request for R-1 zoning, pursuant to Council approval of annexation of the property into the City's corporate limits.

MS. LOE: We appear to have lost a Commissioner, but we still have six, we still have a quorum. Thank you, Planner Palmer. Before we move on to questions for staff, I would like to ask any Commissioner if they have had any ex parte related to this case to please share that with the Commission at this time so all Commissioners have the benefit of the same information on the case in front of us. Seeing none. Are there any questions for staff? Commissioner Placer?

MS. PLACIER: Just a matter of curiosity. On these stubs, in Old Hawthorne, is it the assumption by creating a stub that you created the potential for through traffic to then come through Old Hawthorne and that's okay with them?

MR. PALMER: Yeah. We actually require -- we require that as -- as part of our inner-connectivity approach, you know. And you'll see on the prelim that comes in, we connect each of those, so it's -- fire access is probably the major primary issue, but just general inner-connectivity is good for pedestrians and all forms of transportations.

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

PUBLIC HEARING OPENED

MR. CROCKETT: Madam Chair, members of the Commission, Tim Crockett, Crockett Engineering, 1000 West Nifong. My presentation basically is combined both for the rezoning -- well, for the zoning and the preliminary plat, so I'll forego that into the preliminary plat, unless there's any, you know, specific questions about this R-1 portion. There is some rhyme to the reason on what we're doing there. But to be back on your questions here, Ms. Placier, those -- those stub streets from Old Hawthorne that come into this development actually there's always some thought about how they interact, and so we take that into consideration. In this specific case, as you will see in the preliminary plat, they actually connect to a north-south collector street that's proposed in the preliminary plat that we're proposing. So, yeah. So while there may be some connection going through Old Hawthorne, the idea there is that that collector street north and south will collect that traffic and then give it to the arterials.

MS. PLACIER: Well, I just thought maybe Old Hawthorne folks would come in, but they haven't.

MR. CROCKETT: Right.

MS. PLACIER: And saying, what, all these people will be driving through out neighborhood, and nobody has, so --

MR. CROCKETT: Yeah. Yeah. Thank you. If you have any questions, I'm happy to answer them.

MS. LOE: Additional questions for Mr. Crockett? I see none.

MR. CROCKETT: Thank you.

MS. LOE: Thank you. Any other speakers on this case? Seeing none, we'll close public hearing on this case.

PUBLIC HEARING CLOSED

MS. LOE: Commissioner discussion? Commissioner MacMann?

MR. MACMANN: If there are no other questions or concerns, I have a motion. Let me make sure I'm on the right one here. In the matter of Case 141-2024, Richland Olivet Farm annexation and permanent zoning, I move to approve.

MR. DUNN: Second.

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

MR. MACMANN: Just real quick. In memoriam for our currently absent Chair, I'm going to object to the annexation part being in here. Thank you, Madam Chair, for your indulgence.

MS. LOE: Any additional discussion? Seeing none. Commissioner Carroll, may we have a roll call, please?

Roll Call Vote (Voting "yes" is to recommend approval.) Voting Yes: Ms. Placier, Ms. Loe, Mr. Stanton, Mr. MacMann, Ms. Carroll, Mr. Dunn. Abstention: Ms. Wilson

MS. CARROLL: Yes. So, wait. One, two, three, four, five -- now we have six to approve and one abstention.

MS. LOE: Thank you. Additional motions? Did you want to move or request that this be taken off the consent agenda?

MR. MACMANN: No, I don't.

MS. LOE: Oh.

MR. MACMANN: Do you want to move?

MS. CARROLL: I -- if you're not going to, I will.

MR. MACMANN: Okay. You know, please -- please go ahead. We can both -- we could honorarium to our currently absent chair.

MS. CARROLL: I will make a motion. I will move to remove the case for annexation from the consent agenda so that these two aren't coupled when they're placed onto the consent agenda for a single vote from Council.

MR. STANTON: Second.

MS. LOE: Moved by Commissioner Carroll, seconded by Commissioner Stanton. Any discussion on this motion? Commissioner Dunn?

MR. DUNN: Could you talk me through a little bit about the benefit of this motion?

MS. CARROLL: Yes. I would love to talk you through this. So when we have a vote that's nearly unanimous, based on the zoning, the case is coupled with the annexation. When we have an agreed upon vote, it gets placed by default onto the consent agenda with the annexation. However, we

don't have the ability to vote on or even discuss the annexation, so our votes on the zoning don't necessarily reflect our votes on the annexation. Therefore, in this type of situation, I prefer to separate the cases so they both get visibility to Council separate from one another.

MR. DUNN: Fantastic. Thank you so much.

MR. ZENNER: If I may. We've discussed this before. There is a public hearing for the annexation request. Following the public hearing, the ordinance that is prepared to annex and permanently zone is one ordinance. So they aren't -- the annexation component cannot be decoupled in the ordinance process. It can, however, be placed upon the old business agenda. So just so we're clear, the ordinance that is produced to assign permanent zoning and authorize the annexation are one bill and one ordinance. So we will put it on old business. It will get its attention that you're asking for, but from a -- from the technical perspective of how the legislation is prepared, the ordinance is inclusive of both permanent zoning and the annexation, and that follows the required public hearing by the statutory requirements of the State of Missouri. That is a separate public hearing to discuss the validity of annexing. But the -- the process of pulling it off of the consent agenda is, as Ms. Carroll pointed out, but the ordinance itself is merged and does not get decoupled as a result of your vote to put it on old business.

MS. CARROLL: I will revise my motion to simply remove the case from the consent agenda in that case.

MR. ZENNER: Thank you.

MS. CARROLL: Does that capture -- thank you.

MR. ZENNER: That captures, in essence, what the process is meant to do.

MS. LOE: Thank you. Commissioner Stanton, do you accept that amendment?

MR. STANTON: I do accept that, Madam Chair.

MS. LOE: All right. Any more discussion on the revised motion -- amended motion? With that, can we do thumbs up or -- yeah.

MS. CARROLL: May I ask staff a question? Are we still in discussion?

MS. LOE: Yeah. Yes.

MS. CARROLL: Do you have an idea of when this case will come on the Council agenda?

MR. ZENNER: The public hearing is being set. We just did the public hearing request. We are setting the public hearing for June 3rd, so it will be introduced. The public hearing will be held and the introduction of the item will be held on the same date. So June 3rd is when it gets introduced. It will go on the agenda for June 3rd with the designation of old business, meaning then on June 20th, I believe, is the second reading, and that would be when it would basically be discussed. There would be the Council public hearing, as well, of the permanent zoning and the annexation combined.

MS. CARROLL: Okay. Thank you.

MS. LOE: Any additional discussion? Commissioner MacMann?

MR. MACMANN: No. I'm thumbs up. I'm waiting --

MS. LOE: With that, we will take thumbs up vote on this. All in favor, thumbs up? We've got six -- abstention? And one abstention.

(Six votes for approval; one abstention.)

MR. ZENNER: And my apologies. That actually -- the second read would be on June 17th.

MS. CARROLL: Oh, okay.

MS. LOE: All right. That brings us to our second case related to this property.

Case Number 142-2024

A request by Crockett Engineering (agent), on behalf of Richland Olivet Farm, LLC (owner), for approval of a 272-lot preliminary plat of R-1 (One-Family Dwelling) zoned property, to be known as Richland Estates. The 126.7-acre subject site is located at 6800 Richland Road. Proposed plat revisions include the addition of 29.68 acres to the southeast, the subject of Case Number 141-2024, and reconfiguration of the plat to propose smaller lots.

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

Staff report was given by Mr. Rusty Palmer of the Planning and Development Department. Staff recommends approval of the "Richland Estates, Revised Preliminary Plat," pursuant to minor technical corrections.

MS. LOE: Thank you, Planner Palmer. Before we move on to questions for this case, I would like to ask any Commissioner who has any ex parte related to Richland Estates Preliminary Plat Number 2 to please disclose that now so all Commissioners have the benefit of the same information on the case in front of us. Seeing none. Questions for staff? Commissioner MacMann?

MR. MACMANN: I have an informational question. This is probably a Mr. Zenner question. It appears with which the rate that this area of town is developing, we are going to have a Boone Water and Sewer District maintained line, like, deep within the City. What do we do in those cases? Do we just let them keep maintaining that? Do we transfer that over time?

MR. ZENNER: The sewer in this particular project, as well as all of the development with the exception of Five Pines, which is significantly further to the west of Route Z --

MR. MACMANN: Uh-huh.

MR. ZENNER: -- this is all City sewer. So everything that is --

MR. MACMANN: That's County water, though. Right?

MR. ZENNER: County -- County water. And that's the water territories are set up slightly differently than our sewer territories, of course. The water district will supply this. We do not have the -- we do not have the infrastructure in this area, nor is it our territory. So, territorially, yes, Boone -- Public Water District Number 9, Roger Ballew's managed area, they'll continue to have the water district customer here, and it just -- the flow rates still have to meet all of our City requirements. So if, in fact, those need to be improved, that's the water district's responsibility, but the development subject to our

City standards, and they have to coordinate with the water district to be able to ensure that that occurs.

MR. MACMANN: All right. I was just wondering if that went on for perpetuity on that.

MR. ZENNER: Well, it will, and that's -- sewer is a little bit different, which is a totally another topic, but --

MR. MACMANN: We've swapped those in the past, that's why I was asking that question.

MR. ZENNER: Occasionally, we will. In this particular area, the established water service provider, I believe, has always been District 9, and therefore, we have not -- we don't do any swapping here. We're doing stuff on the west side, I believe, of 63 where we've done some of that in order to just consolidate boundaries and make service more efficient.

MR. MACMANN: Thank you, Mr. Zenner, for going down that rabbit hole with me. Thank you, Madam Chair, for allowing us to go down that rabbit hole.

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

PUBLIC HEARING OPENED

MR. CROCKETT: Members of the Commission, Tim Crockett, Crockett Engineering, 1000 West Nifong. I'll go through my presentation here briefly. I think a lot of it was covered by Mr. Palmer. You know, the overview, we're seeking R-1 just on a portion of the development. This is the overall development you've seen before. It's -- the depictions that Mr. Palmer did show included the commercial piece that is no longer a part of this preliminary plat simply because that's not -- has not been acquired by my client. Again, you've seen the preliminary plat. Again, please note the north and south collector that runs on the west side and then the collector that runs basically through the -- you know, the southern portion. The reason why this preliminary plat was originally proposed was because there's already a development plan approved in the County, which is the Estates at Oak Mill, which was a larger acre -- or an acreage in development. And then you had Old Hawthorne North which had the similar type development just to the west. So you had this small piece between the two with a collector street. The idea there was is to keep, you know, the same type of development through there with -- with slightly larger lots, larger residential lots to the north, not -- and so, you can see the two pieces here. The orange is what's being annexed or being requested to be annexed and requested to be zone R-1. Of course, the yellow is the remaining portion. This constitutes the entire preliminary plat. You've seen this before, and so what we've done here is now that we've acquired that portion in the County, we decided to change the lot configuration significantly, just kind of change it around. While they do all appear, Mr. Palmer did say that they're roughly 8,000 square feet a piece. If you look at it closely, we have a varying degree of lot sizes. We go down to 60 foot. We have some 70s, some 80s, some 90s, and then we have just, I think, four lots that are larger, what we'll call estate lots, but larger R-1 lots down in the southwest corner. But if you look closely, we have them kind of scattered throughout the site, the varying sizes. And really we've kind of looked at that, where we have our 60s or where they're flatter slab lots,

and then the slightly larger ones are the walk-outs, and, you know, kind of looked at that and kind of figured out what makes sense so we can get a wider range of -- of home prices for this development. One thing to also note is on the original preliminary plats, if you go back here, there was a significant number of driveways that was allowed on that collector street that ran through there. The County, of course, they allow driveways on collector streets. And then Old Hawthorne had several collector -- or, excuse me -- several driveways on the collector street, and then this one did, as well. One thing to note on the revised preliminary plat is we've been able to eliminate all those driveway accesses, so the collector street will actually have no driveway -- direct driveway accesses and they're -- they're limited on the preliminary plat, so all of those that have frontage on the collector street actually has to have the driveway frontage off of a side street. Again, we talked about the -- you know, the east-west collector street, the north-south collector street, additional right-of-ways, and then, of course, the monetary contribution for the Richland and Graceland roundabout. That's found in the development agreement that was done originally for the original preliminary plat, and then this will just increase that amount given the number of lots that are increased. Utilities, have you talked about that, but I think you kind of discussed that a little bit. Water District Number 9 does have substantial infrastructure in the area, including a water tower to serve it. And then the sewer out there was actually designed years ago to serve this whole watershed. So there's a sewer line that literally runs through the property that was designed for residential development through that watershed, including this piece of property. I believe we talked about all the items in the conclusion, and I'm happy to answer any questions that the Commissioner may have.

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

MR. MACMANN: Thank you, Madam Chair. Mr. Crockett, a couple of questions.

MR. CROCKETT: Yes, sir.

MR. MACMANN: Number one, the floodplain is in 39 and 40, and then we have the stream buffer just at the back of those. Are you going to have to take any special steps to protect that stream?

MR. CROCKETT: No, because of the street --

MR. MACMANN: It looks relatively level.

MR. CROCKETT: Yeah. I mean, really, I mean the stream -- the stream itself is all protected in the stream buffer, so we can't --

MR. MACMANN: Yeah.

MR. CROCKETT: So we're not getting close to that, we're leaving that well enough alone. Then you have some floodway in there. Obviously, we're leaving that well enough alone, not touching that. And then --

MR. MACMANN: Well, I can see all that on the map. I just wondered if you had to do any special civil engineering to make sure --

MR. CROCKETT: What we do is we just determine what the base flood elevation is based on FEMA requirements, and then we have to elevate our structures so that there's no flooding possible through there. FEMA says we have to be at or above floodplain elevation or base flood elevation. The City of Columbia requires us to be two feet above that. So, yeah. There are some special provisions that take place to ensure that there's no flooding through there.

MR. MACMANN: Well, and I was more so honestly worried about the stream than I was the --

MR. CROCKETT: Sure.

MR. MACMANN: I'm sure --

MR. CROCKETT: Sure. Right. Yeah.

MR. MACMANN: I just wondered if we needed to put any bearing -- it says a type two stream buffer, and what is that again?

MR. CROCKETT: There's three types, Type 1, 2, and 3. Based on the type of stream it is, whether it's a solid blue line, an intermittent blue line, or just a drainage area of 50 acres, it determines the width of the stream buffer. So how far off you need to be from the ordinary high-water mark of the stream itself. And so given a Type 2 stream, I believe we're 50 foot either side of the ordinary high-water mark, and then additional footage for anything that includes steep slopes.

MR. MACMANN: So that's no dirt work or anything within that buffer area?

MR. CROCKETT: We're very limited. You can do -- there's an -- let's take it a little bit further. You have that stream buffer, but you have an inner and an outer zone. So no, I really can't do a lot of dirt work in that -- in that area. Now does that mean that you couldn't go down there and -- and remove invasive species? Well, you can in the outer, but not the inner. Can you cross it with a roadway? Yes. You can cross it with utilities. Yes. But can you develop in it? No.

MR. MACMANN: I was just -- that's where we touch the area of sensitivity, and I just wanted to bring it to our attention.

MR. CROCKETT: Sure.

MR. MACMANN: Thank you, sir. Thank you, Madam Chair.

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

MR. DUNN: Reasoning for adding the two -- the Number 2 to the development site, is it just because it's a newer development, or is there any other --

MR. CROCKETT: Yes. Because really what we have is because since we -- and I think this is where staff was coming from, is because we took out the commercial, well, you always want to have a different name. You don't want to have the same preliminary plat that's named -- two different ones named the same. But because the commercial will still be in effect under the old preliminary plat, it will still be in effect. We're not replacing it wholly. And so this is a new preliminary plat, and obviously you don't want to have the -- you know, the same document name, the same thing twice.

MR. DUNN: Absolutely. Thanks.

MS. LOE: Any more questions? I just want to say I appreciate the revisions to the street layout.

MR. CROCKETT: Thank you.

MS. LOE: And the collectors. They look good. Thank you.

MR. CROCKETT: Thank you, ma'am.

MS. LOE: Any additional speakers on this case?

PUBLIC HEARING CLOSED

MS. LOE: If there are none, we'll move to Commissioner discussion. Commissioner Carroll?

MS. CARROLL: I did appreciate the move to smaller lots, as well, as well as the mingling the smaller lots in throughout the plat as opposed to making one section of small development.

MS. LOE: Commissioner MacMann?

MR. MACMANN: Thank you, Madam Chair. If there are no other questions or concerns, I have a motion. In the matter of Richland Estates Plat Number 2 Preliminary Plat, Case Number 142-2024, I move to approve.

MR. DUNN: Second.

MS. LOE: Moved by Commissioner MacMann --

MR. MACMANN: With technical corrections.

MR. DUNN: Second.

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

Roll Call Vote (Voting "yes" is to recommend approval.) Voting Yes: Ms. Placier, Ms. Wilson, Ms. Loe, Mr. Stanton, Mr. Dunn, Mr. MacMann, Ms. Carroll. Motion carries 7-0.

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

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

VII. PUBLIC HEARINGS

Case Number 138-2024

A request by Brush & Associates (agent), on behalf of Lisa Kulage (owner), for approval of a design adjustment seeking relief from Section 29-5.1(d) of the UDC, requiring construction of sidewalks on all street frontages. The 0.51-acre subject site is located at 811 W. Broadway. The waiver is sought for the entirety of the Greenwood Avenue frontage. Sidewalks are currently constructed along West Broadway.

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 denial of the requested design adjustment from Section 29-5.1(d) in regards to required sidewalk construction on the Greenwood Avenue frontage of the subject property.

MS. LOE: Thank you, Planner Palmer. Before we move on to questions for staff, I'd like to ask

any Commissioner if they have had ex parte related to this case to please share that with the Commission so all Commissioners have the benefit of the same information in the case in front of us. Commissioner MacMann?

MR. MACMANN: Just a full disclosure thing. I worked in this house years ago. I don't think the same people even own it, so -- if they do, I don't remember who it is.

MS. LOE: Thank you. With that, any questions for staff? Commissioner MacMann?

MR. MACMANN: This is a Commissioner Loe rabbit hole, and maybe for Mr. Zenner. This house that exists on this property is 811 West Broadway. Correct? The spun off lot will be in front. Correct?

MR. PALMER: No.

MR. MACMANN: It will be back?

MR. PALMER: North side.

MR. ZENNER: It would be to the rear, and it would be addressed off of --

MR. MACMANN: All right. We avoided the rabbits. Thank you, sir.

MR. ZENNER: Go eat my spinach.

MS. LOE: Planner Palmer, I -- your last point, go back one slide.

MR. PALMER: One more?

MS. LOE: The -- no. No. No. That was it. The construction only required one lot as redeveloped. This -- I was thinking this case is a little bit different than what we're usually presented with in that there's no new development improvements being proposed on the main lot.

MR. PALMER: Right.

MS. LOE: They're carving out -- dividing off a lot, and that's where the improvements will be. And I was sort of conflicted about -- I mean, the current lot has met the sidewalk requirements for when it was improved based on the time it was improved, one would say. So your statement here that we wouldn't require any sidewalk until such time that they actually did do redevelopment on that front side, which who knows when that would be. And can we -- is there -- was there more discussion on that, or --

MR. PALMER: So to clarify a little bit, basically, when the plat comes through, they'll provide a performance contract for the entirety of the sidewalk because both lots are -- are included on the plat. But the enforcement of that is typically when they come to us for a building permit, we would enforce it at that time. So when they come to pull a building permit, we make sure that they build the sidewalk along with whatever improvements they're doing. So what will happen is they'll pull the -- the permit for the house on the new lot and build the sidewalk, and then, you know, we'll give them an occupancy permit and they'll go on their way. And that other lot will never really be enforced until the same thing happens on it. As it's very nice, well-established home, I just don't have any way to anticipate when that would actually happen. So we'll have a gap from Broadway up to that new lot for the foreseeable future.

MR. ZENNER: I think what we also have to look at here is if you look at the specific provision

that talks about sidewalks within the UDC, the sidewalk provisions are applicable to any newly created lot after the effective date of the Code's adoption, so that would be any lot created after March of 2017. So if you take a very strict interpretation of that, which is, I think, how you have to look at this, the fee calculation is based upon the entire Greenwood frontage. So you are creating, you are dividing an existing lot of record today that is addressed 811 Broadway. That lot exists. You are dividing that lot and you are, in effect, creating two new lots, the rear lot that would be the developed lot that would have the sidewalk triggered by its permit issuance, and you have the remainder of the existing lot of record which does become a new lot technically because it is today one parcel. Our standard practice, as Mr. Palmer just described, is that piece of sidewalk would only be tied generally to the reconstruction or some -- the reconstruction, basically, of the -- the original lot, the parent lot, so to speak. And that, I think, is why when you look at what the fee in lieu of is, you have to look at the fee in lieu of in the totality. You can't look at it in just the new lot being created and asking for that to only be waived. You have to look at the entire Greenwood frontage. The point is that the standard practice that we utilize is not to require sidewalk -- new sidewalk to be installed where existing development already is, it is to apply it to new development. That is not technically how the Code is written, the Code specifically reads that it is applicable to the creation of new lots after the adoption of the Unified Development Code in March of 2017. So the situation as described in Mr. Palmer's report identifies a slew of rationale as to why a full waiver may be appropriate or the Commission has the purview to consider a fee in lieu of, or may consider possibly chopping off the portion of 811, that lot that will be created that has the existing home on it, and applying the sidewalk construction to the 60 foot wide lot that would be created, the true new lot. However, when you look at that, and you look at proportionally the cost of the sidewalk to the actual home improvement on the smaller lot, you have to weigh and balance that against its -- its expense, as well as its utility. It's a 60-foot-wide sidewalk segment along an entire street that doesn't have any sidewalk either to the east or west. So, you know, I think that all of those factors have to come into your consideration. The technical component, however, is is a sidewalk would be required along that entire Greenwood frontage and, technically, you could be -- you could stipulate that the plat -- the plat would only be approved with a performance contract and a sidewalk being shown with construction plans for the new lot that show all of the construction on the Greenwood side. That technically would be the appropriate way of dealing with it because that would then assure that the 811 parcel or home would be required to build the sidewalk along that Greenwood frontage, if you choose not to do a fee in lieu of or a complete waiver based upon the other factors.

MS. LOE: Just a follow-up question. So the Broadway lot, just to differentiate, the south side lot, is there a threshold for a building permit that would trip the requirement for the sidewalk, because I can see -- I mean, if it's -- if it's a bathroom remodel coming in versus I'm thinking we're talking more of a complete rebuild --

MR. ZENNER: Substantial renovation?

MS. LOE: Yes.

MR. ZENNER: The home right now, if I am not incorrect, is probably legal nonconforming because it sits too close to the west property line under the current code. So the home, in and of itself, is constrained from being able to be expanded where the proposed property line is being set. That may be at the minimal rear yard requirement that will be created, and then we have to deal with the median front yard setback as it relates to the Broadway frontage. So expanding the home forward towards Broadway may also not be possible. So to Mr. Palmer's point, when that renovation -- when that major renovation kicks is completely unknown, and you may end up with a 60-foot piece of sidewalk that's there for a decade before anything happens. And the house is well maintained, from what I can tell. I don't think that that's going to be a possibility that we would see major renovations or a tear down rebuild.

MS. LOE: I just wanted to add that given our evaluation of creating smaller lots and the potential for this happening more often, we might want to look at how this is treated and what we're tripping in the UDC. All right. Any other questions for staff? Commissioner Wilson, are you excusing yourself at this time? Thank you for being here tonight. Commissioner Wilson will be absent for the next two cases. I will open up the floor to public hearing.

PUBLIC HEARING OPENED

MR. SCHWEIKERT: Good evening. Kevin Schweikert, Brush & Associates, and 506 Nichols Street, Columbia. And I just want to thank Rusty and Pat for the thorough report that they gave. I really have nothing else to add, other than it's an established neighborhood that you all know, and this -- this and the lot across the street are probably the only two lots that could possibly be divided in this way and have another. So if we did build a walk to connect to Broadway, of course, about 270 feet, and then about 900 more feet before we get to the next intersection. So, anyway, happy to answer any questions.

MS. LOE: Thank you. Any questions for this speaker? I see none. Thank you. Any additional speakers on this case? Seeing none. We'll close public hearing.

PUBLIC HEARING CLOSED

MS. LOE: Commissioner comments? Commissioner Carroll?

MS. CARROLL: Thanks. I thought I would just call out since I spoke on sidewalk waivers recently. The difference in my mind between this case and the previous case is the fact that Greenwood is already built out and well established and unlikely to develop any further. I appreciate your commentary on the new lot creation and sidewalk. I think some of these concerns highlight the need for other mechanisms to fill in missing sidewalks, and other mechanisms to repair sidewalks that need maintenance on projects that need sidewalks. In this case, I agree with Rusty's evaluation that everyone is walking in the street safely and happily due to the low traffic.

MS. LOE: Commissioner Placier?

MS. PLACIER: Yeah. I -- I didn't want this to be a case where the perfect is the enemy of the good because we do want to create these kinds of lots. This is a case of these very deep lots, as you

can see all along there. Only on the corners is it possible to create another lot and to create another home that's sort of consistent with the character of the size of the other homes going north. So if it's possible to create another -- another home and fill that in, I would like to support that, and not have the fee in lieu apply.

MS. LOE: More comments? Commissioner MacMann?

MR. MACMANN: I have a comment and I have a motion if there are no other comments after that. Regarding filling in and creating more homes, I -- as I was telling Commissioner Carroll a little earlier, I drive by this all day -- almost every day, and in unintended fashion because I'm looking for Glenwood, and I go down Greenwood -- so if we're going to have minor technical corrections on this one, too. But adding that sidewalk is just going to do nothing but pop up the price of anything that goes in there. So I am going to make a motion whenever we're ready, and I'm going to be in support of that motion to grant this waiver.

MS. LOE: I just want to add that given -- given the difficulties with the site, both the utility poles, the change in grade, the existing conditions, the fact that I don't anticipate we would see that sidewalk on the south lot for who knows how many decades, I don't support fee in lieu or requiring it at this time. Commissioner MacMann?

MR. MACMANN: If there are no other questions or concerns, I have a motion. With technical corrections, in the matter of 811 West Broadway, design adjustment, Case 138-2024, I agree to waive the design adjustment.

MS. LOE: Same motion. Do we have a second for that motion?

MR. MACMANN: I did that because I think it would be more correct.

MS. LOE: Okay.

MR. MACMANN: I said approve. It's -- which would be more -- we're timing out from the motion here for a moment.

MS. LOE: Right. But you agree to -- so I just -- I'm trying to figure out if when we vote yes, we're approving --

MR. MACMANN: Commissioner Placier asked me this very question, and I want to make sure we get the verbiage right so I'm not confusing people like the audience, the public, and Council on the vote.

MR. DUNN: It looks like legal has an opinion on that.

MR. CRAIG: Yeah. Just to make a clear record, maybe rephrase the -- the motion --

MR. MACMANN: Should I say approve the design adjustment? Should I say in favor of the design -- approve the design adjustment? I'm getting nods --

MR. CRAIG: I think --

MR. MACMANN: -- nods on that one. In the matter of Case 138-2024, I move to approve the design adjustment.

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? Commissioner Dunn? No? Commissioner Carroll, may we have a roll call, please?

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

MS. CARROLL: I have five yes votes and one no vote. The motion carries.

MS. LOE: Thank you. Recommendation for approval will be forwarded to City Council. That brings us to our final case for the evening. Mr. Crockett has persevered through the evening with us.

Case Number 140-2024

A request by Crockett Engineering (agent), on behalf of LJ Land Company, LLC (owner), for approval to rezone 2.56 acres of property From R-1 (One Family Dwelling) to R-MF (Multiple-Family Dwelling). The subject site is located at 5301 St. Charles Road.

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

Staff report was given by Mr. Rusty Palmer of the Planning and Development Department. Staff recommends approval of the requested rezoning to the R-MF district.

MS. LOE: Thank you, Planner Palmer. Before we move on to questions for staff, I'd like to ask any Commissioner who has had 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. Questions for staff? Commissioner Dunn?

MR. DUNN: What is the time line for the connector on Graceland to Stadium. Do we have --

MR. ZENNER: The time line associated with that is still unknown. There has been discussion of the large R-1 property that you see below the southern CGP. It's a development proposal that has been discussed internally that may precipitate the consideration of extending Stadium Boulevard further north because it goes through the center of that property. The roadway has a 400-foot cleared travel path. The EIS was done, significant resources were spent to -- to complete that EIS, and the vitality or the viability of the extension of Stadium north of WW, its intersection with WW has been brought into questions multiple times. So the reality of the development that's on the larger R-1 that's on the southern portion of this particular property may precipitate something at the elected level that may move to have that connection removed. There has to be some additional evaluation of that given what substitutes for it, how do we assure that we have appropriate movements from the southern end of the City, at Gans and Discovery Park, how all that plays together will determine how quickly this moves. There is no identified funding. The Improve I-70 project does nothing to make improvements to this interchange. All of those improvements are being focused at the U.S. 63-70 location, which is somewhat also troubling that as this particular area develops out, as we've seen along the Richland Road corridor, the connection and the availability to be able to connect with the extension of Stadium Boulevard so we can head further south

may become more prominent and more important. but given that the project was quoted at about \$35 million when it was designed or contemplated ten plus years ago, and nothing has happened, your guess is as good as mine. And so --

MR. DUNN: Is that a State project then, or --.

MR. ZENNER: No. It was -- the state -- the State has -- the State -- there have been comments made by the State that they do not necessarily see the viability or -- the viability or the benefit north of WW, and it would likely -- if it did extend further north, it would maybe become a capital project between the City and the County. We have made investments further to the east of this -- or further to the west of this particular site for the extension of Ballenger across the interstate, so there are a lot of other factors that are in play here. The study that we are currently preparing an RFP for that we'll be partnered with the County on for the Richland Road corridor, our elected officials have asked that that be coordinated, may have recommendations for how we address this particular area. There are other improvements also planned at where Richland and St. Charles Road intersect that may improve traffic movement and flow. So without all of those pieces being understood, we're not quite sure. We, at least from a staff perspective, have to still refer to this as a planned corridor. And if anything is going to end up happening, the -- the greater impact is potentially further over the PD property closer to the intersection of Grace and St. Charles where Bull Run is, so there may be, if this ever does come to fruition, purchases of land and relocation of particular businesses in order to make that connection happen, and some of that I believe is also an impediment.

MR. DUNN: Would there be a widening that corresponds with the connection.

MR. ZENNER: There would likely be. St. Charles -- so Bull Run -- Bull Run is designed to actually go between the gas station and the commercial development that's to the southwest of it. It was intended to come back up to the outer road. So where the hook is in the outer road, that's would be eliminated and Bull Run would come up more on the backside of the gas station, a little bit further to the west of that to create a better intersection. And then Stadium extended would come back into that, so that extension of St. Charles, you would basically be making the movement to get onto the extension of Stadium, come down that way, and the realignment or interconnection of St. Charles into that alignment would potentially be done, but there is no formal design.

MR. DUNN: Okay. Thank you.

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

MS. CARROLL: I might be orienting myself on the various maps wrong. The neighboring development housing on Talon Road, that -- is that duplex housing IG zoning?

MR. PALMER: It's planned district. I believe it's four-plexes. I -- I went out there and I forgot to look, but I think it's four-plexes, because there's -- there's multiple entries on those, if I remember correctly.

MS. CARROLL: Okay. So could you just show me where that is on the zoning graphic that was

attached to the agenda?]

MR. PALMER: That -- I did not include it.

MS. CARROLL: Okay.

MR. PALMER: Or is that on here? No.

MR. MACMANN: They're both gray.

MS. CARROLL: They're both -- okay. I am going crazy.

MR. PALMER: Oh, yeah. Yeah. Yeah. PD -- PD and IG are both gray and -- that's an internal issue that even I have trouble with, not that I don't have trouble with lots of things, but --

MR. ZENNER: So the Talon development, to answer the question. The Talon development, the development that is on Talon, that is planned district. There was IG, if I recall correctly, because there's an ML here that's in the County, which is their industrial component. There may have been some IG in the City at one point, which has been since rezoned over time. A lot of the property up on the Frontage Road I-70 Drive Southeast, most of that zoning has changed within the last decade. Some from planned district to the M-C that you see now. So the concern -- the concern I think we've had all along is that we didn't want through M-C parcels coming down from the outer road. And then you have the M-C and M-N that are to the south of St. Charles next to the County seat GP, which is a planned commercial district. And as -- as Mr. MacMann had indicated at the last meeting when we prefaced this case, this is a jumbled environment of land uses plus zoning that maybe a road project will correct to the chagrin maybe of those property owners.

MS. LOE: Any additional questions for staff, Commissioner Carroll?

MS. CARROLL: So both of the ones labeled IG to the -- directly to the west and to the southeast are both PD. The one directly to the east that's lighter gray, is this County? Okay. Okay. It might need some technical corrections for the Council agenda.

MR. ZENNER: Well, the graphic you're looking at -- the graphic you're looking at is a graphic that we don't have in front of us, so I'm having -- our color graphic.

MS. CARROLL: Thanks.

MR. ZENNER: So everything that's to the east of the subject site actually on the north side of St. Charles, those are County parcels. One is a planned County commercial planned district, a general commercial zoning district in the County, and to the east of it where Bull Run actually intersects St. Charles, that's R-S, which is single family residential in the County. And then immediately to the southeast of the subject site's corner at St. Charles, that's again that's a planned general commercial in the County.

MS. CARROLL: Got it. Thank you. Questions?

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

MR. MACMANN: Just a quick comment. I know many in our society rave against organization -- (inaudible) -- planning. This area is an area that was not subject to planning or

forethought. Thank you for your time, Madam Chair.

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

PUBLIC HEARING OPENED

MR. CROCKETT: Tim Crockett, Crockett Engineering, 1000 West Nifong. I'm going to forego my presentation. I believe that staff did a good job in -- in giving you all most of all of the information that's out there. I think I'm just going to be reiterating, and I don't know what you are talking about, Mr. MacMann, this is a perfect planned environment.

MR. MACMANN: It's beautiful. I think they were handing out zoning designations at the County.

MR. CROCKETT: Yeah. Yeah. And no wonder why it's so hard to understand what zoning goes where because it's just a hodgepodge of a little of everything. You are definitely correct on that. And so yes. I mean, I saw that same depiction today, Ms. Carroll, with the IG and that didn't seem right. And I -- it was PD, and you look at the gray colors, they're very similar in nature. Again, we're looking to take this -- this former mobile home park and they would like to transition it into RMH -- or, excuse me -- R-MF. There is this power line that runs north and south in the middle of the property, so it really limits what we can do here. And so the intent here is my client came across this piece of property. He had some other smaller, older single-family units, and I don't want to call them cottages, and I don't want to call them tiny homes, but they're kind of blend mix of both of them, and he fixed them up. It's a little -- small, little county development, fixed them up, and thought he might be able to try to rent them. And he said the response to that was overwhelming. He said I can't -- you know, he goes I have people on a waiting list to get in because they're small and they're affordable. And so he saw this piece, and said, hey, I can do this here. With that power line in the middle, it's going to limit how we can develop it. We can't go in there with large buildings like a traditional RMH development, or you've got me confused now, R-MF. Yeah. I'm getting confused with R-MH. And so the idea there is is he -- you know, his intent and his desire right now is to go in there and see if he can't go in there with smaller single-family tiny homes. And of course they're not -- you know, they're not going to be brought in. They have to conform to all City standards. They're going to be structures built on site, but the idea there is something that's much smaller, that's more affordable in the rental market. And so, you know, it was kind of a surprise to him when he had those other ones, and they just -- and he has a waiting list. He said there's a huge need here and this kind of piece of property kind of fits it pretty well. And so that's the reason that we're asking for the rezoning to see what we could get to fit on the property. So, with that, I'm happy to answer any questions that the Commission may have.

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

MR. CROCKETT: Thank you.

MS. LOE: All right. We'll close public hearing.

PUBLIC HEARING CLOSED

MS. LOE: Commissioner discussion? Commissioner Dunn?

MR. DUNN: I just want to say, you know, right around the corner off of Grace Lane, that's where I live. This is my neighborhood, and I think that having, you know, multi-family housing here would make a lot of sense. You know, it's consistent with what's to the west of it. Yeah. I'm in support of this.

MS. LOE: Commissioner MacMann?

MR. MACMANN: If my fellow Commissioners don't have any other questions or concerns, I do have a motion. Seeing none. In the matter of Case 140-2024, 5301 St. Charles Road rezoning, with minor technical corrections -- theme of the evening -- I move to approve.

MR. DUNN: Second.

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

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

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

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

VIII. PUBLIC COMMENTS

MS. LOE: Any additional public comments?

IX. STAFF COMMENTS

MS. LOE: Any staff comments?

MR. ZENNER: We have a meeting or two on the 23rd of May, provided we have a quorum for our work session. I thank you all for attending this evening and responding to my call for help. And, Mr. Dunn, thank you for showing up. I was not expecting that, so that's why we have thrown Ms. Carroll off. Your name was scratched from the voting sheet. However, apparently, Ms. Wilson was not feeling well tonight, and your attendance is greatly appreciated, I'm sure, by her. We will not have nearly as many cases on the May 23rd agenda. We will have a repeat visitor, though. Unfortunately, the architect caught the developer and proposed a modification to the main building in our Kitchen development. This is down at Discovery Park, so this is condition -- The Kitchen in Discovery offices. If you recall correctly, about two to three months ago, we took a plan revision through to revise the entire development plan. We eliminated a building, made a larger building up along Nacona. That larger building actually through the design process got an amendment made to it. And as a result of that, it was a major amendment because it modified the land use fixture in the building, so they have to come back through. It will be a relatively simple and painless -- I promise you -- plan revision. It simply adds a land use on the ground floor of the larger building, and that's it. So my words will be very short and brief, which will be

uncommon. So with that, that is the location. This is The Kitchen. The Kitchen is actually coming to nearing completion. We have been invited down to a walk-through with City staff towards the end of June, if I recall correctly, so we are nearing the point of where some activity down here will also be starting to occur. We are also, just so you are aware, and probably to some overall excitement, I hope, we are starting to work with the owners of the property to remove the majority of the parcel out of planned zoning. So we are going to hopefully be able to work through some of the technical issues associated with that and be able to come to you in the next several months with a more comprehensive revision to the entire Discovery Park development. So it has taken five years for us to get to this point with the developers, but we have finally probably pushed them over hump with all of the plan revisions that we have to do, and poor Mr. Crockett's billable hours will go down as a result. But that is what we have got for the main agenda for the May 23rd meeting. We will work again on our short -- our small lots amendment, working hopefully to make significant progress on our use-specific standards. So with that, thank you very much for your attendance, and for slugging it out with us through all of these cases.

MS. LOE: Thank you, Mr. Zenner.

X. COMMISSIONER COMMENTS

MS. LOE: Commissioner Dunn?

MR. DUNN: Mr. Zenner, the May 23rd meeting, I kind of -- based on our conversations, kind of expect that to be my last meeting. Is Council on pace to have my replacement appointed accordingly?

MR. ZENNER: And the replacement -- so to expand on what Mr. Dunn had indicated. So counsel delayed Commissioner appointments. Commissioner MacMann, Commissioner Geuea Jones, and Commissioner Dunn, based on his resignation, those positions were due to have been filled two Council meetings ago. They extended the application period. There are now eight applicants to be interviewed, seven-minute interviews on the 20th during Council's work session. On the 20th, it is anticipated that appointments will be made, however, those positions -- those members that will be appointed or reappointed will not start until the first meeting June. So, yes, it will be your last meeting. And then just for everybody's information, we did receive earlier this week a resignation letter from Commissioner Ford, and his last meeting will be the end of June. We will have a little bit of additional change, some new faces, and we look forward hopefully to seeing you on the 23rd, Mr. Dunn. I appreciate your participation.

MR. DUNN: I'll look forward to it.

MS. LOE: Any additional Commissioner comments? Commissioner MacMann?

MR. MACMANN: I do have a motion. Hopefully tonight's cases should help Mr. Crockett's bottom line.

XI. ADJOURNMENT

MR. MACMANN: Move to adjourn.

MR. STANTON: Second.

MS. LOE: Moved by Commissioner MacMann, seconded by Commissioner Stanton. We stand adjourned. Thank you, everybody.

(Off the record.)

(The meeting adjourned at 9:23 p.m.)