

MINUTES
PLANNING AND ZONING COMMISSION MEETING
COLUMBIA CITY HALL
701 EAST BROADWAY, COLUMBIA, MO
NOVEMBER 7, 2024

COMMISSIONERS PRESENT

Ms. Sharon Geuea Jones
Ms. Sara Loe
Mr. Anthony Stanton
Ms. Peggy Placier
Ms. McKenzie Ortiz
Mr. Thomas Williams
Ms. Shannon Wilson
Mr. Robert Walters
Mr. David Brodsky

STAFF

Mr. Patrick Zenner
Mr. David Kunz
Mr. Jesse Craig

I. CALL TO ORDER

MS. GEUEA JONES: Good evening. Sorry. I will now call the Thursday, November 7, 2024 meeting of the Planning and Zoning Commission to order.

II. INTRODUCTIONS

MS. GEUEA JONES: Commissioner Williams, may we have a roll call?

MR. WILLIAMS: Commissioner Brodsky?

MR. BRODSKY: Here.

MR. WILLIAMS: Commissioner Ortiz?

MS. ORTIZ: Here.

MR. WILLIAMS: Commissioner Placier?

MS. PLACIER: Here.

MR. WILLIAMS: Commissioner Stanton?

MR. STANTON: Present.

MR. WILLIAMS: Commissioner Geuea Jones?

MS. GEUEA JONES: Here.

MR. WILLIAMS: Commissioner Williams, here. Commissioner Loe?

MS. LOE: Here.

MR. WILLIAMS: Commissioner Wilson?

MS. WILSON: Here.

MR. WILLIAMS: Commissioner Walters?

MR. WALTERS: Here.

MR. WILLIAMS: All are present.

MS. GEUEA JONES: Excellent. We have a quorum.

III. APPROVAL OF AGENDA

MS. GEUEA JONES: Are there any changes or adjustments to the minutes -- or not to the minutes, to the agenda, Mr. Zenner?

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

MS. GEUEA JONES: Is there a motion to approve the agenda?

MR. STANTON: Move -- I move to approve the agenda.

MS. LOE: Second.

MS. GEUEA JONES: Motion to approve by Commissioner Stanton; seconded by Commissioner Loe. Is there a thumbs-up approval on the agenda?

(Unanimous vote for approval.)

MS. GEUEA JONES: Unanimous? Unanimous.

IV. APPROVAL OF MINUTES

MS. GEUEA JONES: We all received a copy of the October 24th, 2024, regular meeting minutes. Are there any changes or adjustments to the minutes? Seeing --

MR. STANTON: I move --

MS. GEUEA JONES: Go ahead.

MR. STANTON: I move to approve the minutes, Madam Chair.

MS. LOE: Second.

MS. GEUEA JONES: Motion to approve by Commissioner Stanton; seconded by Commissioner Loe. Is there a thumbs-up approval of the minutes?

(Seven votes for approval; two abstentions.)

MS. GEUEA JONES: Unanimous, with Commissioner Loe abstaining.

MR. WILLIAMS: I'm abstaining.

MS. GEUEA JONES: Oh. And also Commissioner Williams abstained. Very good.

V. TABLING REQUESTS

MS. GEUEA JONES: Our first item on the agenda for tonight is a tabling request.

Case Number 262-2024

A request by Crockett Engineering (agent) on behalf of First State Community Bank (owners) to rezone 12.92 acres from R-MF (Multiple-family Dwelling) to PD (Planned Development), seeking approval of a statement of intent and development plan for "Legacy Woods," which

includes 49 single-family lots and three common lots on the parcel located at 5201 Ewing Lane. The applicants are also seeking design adjustments from Section 29-5.1(c) in regards to maximum block length and maximum number of lots served by one street segment and Section 29-5.1(d) in regards to required sidewalk construction.

MS. GEUEA JONES: May we please have a staff report?

MR. ZENNER: Yes, you may, ma'am. So this request is sought to table for one meeting, which is typically not normal when we deal with projects of this scope. However, the only reason for the tabling request is that the design adjustments that were just acknowledged as being required for this project site were not identified during the initial advertising for this item. And in order to ensure that we have 15 days' worth of public notice prior to consideration, the request to table is – was needed. We will have met the required public notification by the November 21st meeting, and ostensibly, the entire case was completed and its evaluation with the exception of the design adjustments that were needed. Initially, staff believed that they could have been handled as exceptions to the PD standards, when, in fact, the cited sections are actually subdivision-related elements which require a specific design adjustment. Zoning related elements are those that can be handled through an exception authorized by the planning commission, and are normally incorporated within the development plan; whereas subdivision required design adjustments have to be publicly advertised since they require a public hearing. Staff supports the tabling request as it was necessary in order to meet public notification requirements, and will be prepared on the November 21st agenda with a full staff report dealing not only with the planned development plan request and rezoning, as well as a discussion of the sought design adjustment requests as well.

MS. GEUEA JONES: Thank you. Are there -- or, sorry. Before we go to questions for staff, if any of our fellow – if any of my fellow Commissioners have had any outside contact with parties to this case, please disclose them now. Seeing none. Are there any questions for staff about the tabling motion? Seeing none.

PUBLIC HEARING OPENED

MS. GEUEA JONES: This is just a tabling motion. This is not on the merits of the case, but if there are any members of the public who wish to speak about the tabling of this case, please come forward. Seeing none. We will close public comment.

PUBLIC HEARING CLOSED

MS. GEUEA JONES: Are there any Commissioner comments on the tabling motion?
Commissioner Stanton?

MR. STANTON: If there's no other questions from my colleagues, I would like to entertain a motion, Madam Chair. As it relates to 5201 Ewing Lane, Legacy Farms rezoning, Case 262-2024, I move to table this case to November 21st meeting.

MS. LOE: Second.

MS. GEUEA JONES: We have a motion to table the case by Commissioner Stanton and a

second by Commissioner Loe. Is there any discussion on the motion to table? Seeing none.
Commissioner Williams, when you're ready.

Roll Call Vote (Voting "Yes" is to recommend approval.) Voting Yes: Ms. Ortiz, Ms. Placier, Mr. Stanton, Ms. Geuea Jones, Mr. Williams, Ms. Loe, Ms. Wilson, Mr. Walters, Mr. Brodsky. Motion carries 9-0.

MR. WILLIAMS: Nine votes, the motion carries.

MS. GEUEA JONES: Unanimous. Thank you. That case will be tabled to our next meeting, November 21, 2024.

VI. PUBLIC HEARINGS

Case Number 260-2024

A request by A Civil Group (agent), on behalf of Dan and Audrey Barraco (owners), seeking approval to rezone 4.82 acres from R-1 (One-family Dwelling) district to the R-MF (Multiple-Family Dwelling) district. The subject property is addressed as 4414 Smith Drive and is directly south of the intersection of Dayspring Drive and Smith Drive.

MS. GEUEA JONES: May we please have a staff report?

Staff report was given by Mr. David Kunz of the Planning and Development Department. Staff recommends approval of the R-MF zoning map amendment.

MS. GEUEA JONES: Thank you. Before we go to questions for staff, if any of my fellow Commissioners have had contact with parties to this case outside of a public hearing, please disclose so now. Seeing none. Questions for staff? Commissioner Placier?

MS. PLACIER: Yeah. I noticed the letter that we have from one of the residents of the R-1 to the south seems to be perturbed by the fact that this would be viewable from their house. Is there any requirement for any kind of buffering between this and that R-1?

MR. KUNZ: Yes. There is a level one buffer, if I'm remembering correctly, because this would be a residential use buffering next to R-MF zoning, so that would be a level one buffer, which is a six-foot screening device.

MS. PLACIER: Okay.

MS. GEUEA JONES: Commissioner Loe?

MS. LOE: And because it's a zoned multi-family use, it would also be subject to the neighborhood protection standards because it's going in next to a single- or two-family use. So that requires -- it increased the side and your set rear yard setbacks by ten feet and requires stepping down the building portion within 25 feet of the side or rear lot lines to a maximum of 24 feet. So the building has a set down and they have to pull it in more.

MS. GEUEA JONES: Any other questions for staff? Commissioner Williams?

MR. WILLIAMS: Since it's not plotted, you had mentioned it may not need to come back through for approval. There's a variety of uses that are permitted for R-MF. Are there any -- like, what are the

circumstances that would require it to come back through the Commission before its development was approved? So, for instance, you showed one single building of apartment complexes. If there were multiple buildings of apartment complexes placed on the site, would that require it to come through?

MR. KUNZ: If they wanted to put these structures on independent lots, then, yes. They would have to preliminary plat, if I'm not incorrect, in which case it would be seen by the Planning and Zoning Commission. However, you would be able to build multiple structures all on one lot if it's under -- I guess if they elect to stay under one owner.

MR. WILLIAMS: Thank you.

MS. GEUEA JONES: Commissioner Loe?

MS. LOE: Commissioner Placier, just to clarify. For building height and neighborhood protection standards, it's one of the two, so they either have to pull it back, I think, over 30 feet, or step it down.

MS. GEUEA JONES: Any further questions for staff? Seeing none. We will go to public comment.

PUBLIC HEARING OPENED

MS. GEUEA JONES: Please come forward, state your name and address for the record. Six minutes for a group and three minutes for an individual.

MR. GEBHARDT: Good evening. My name is Jay Gebhardt; I'm a civil engineer with A Civil Group. I'm here tonight representing Dan and Audrey. I really don't have anything to add to the staff's report. I'm here to answer questions, so I don't think I'll take my six minutes.

MS. GEUEA JONES: Thank you. Any questions for the engineer? Commissioner Williams?

MR. WILLIAMS: Since the last time that you were here with this proposal, have -- I know it's changed since then, but have you had any further conversations such that you could provide the Commission with information on what you expect would be built here if it was rezoned?

MR. GEBHARDT: No. And the situation hasn't changed other than that we were turned down at Council for the M-OF, but the Barracos still will own the property. They will not develop the property. They will sell it someone who will. So I think it would be disingenuous for me to say that this is -- I don't know what it will be. So I think you have to make your decision based on what's allowed in the R-MF district.

MR. WILLIAMS: Thank you. I appreciate your candor in that.

MS. GEUEA JONES: Any further questions for this speaker? Commissioner Stanton?

MR. STANTON: I was looking for something to start a fight and I can't find one, Mr. Jay.

MS. GEUEA JONES: Anyone else? Seeing none. Thank you very much, Jay.

MR. GEBHARDT: Thank you.

MS. GEUEA JONES: Anyone else to speak on this case tonight? Okay. In that case, we will close public comment and go to Commissioner comment.

PUBLIC HEARING CLOSED

MS. GEUEA JONES: Any Commissioner comments? Commissioner Stanton?

MR. STANTON: Well, we've seen this case before. It was a pretty lengthy battle the last time it was in front of us. It looks like this family has taken better counsel this time. I plan to support this, you know. He's doing what it's in his purview as a landowner and so I think this is a better fit than what he was asking for before. I think he got better counsel or did some homework or something, and I plan to support his efforts.

MS. GEUEA JONES: Commissioner Ortiz?

MS. ORTIZ: Yeah. So this is one of the -- one of the, I guess, cases that I was looking at when I applied for P & Z, and it was very exciting to read so much comment. But I'm excited that this has come back quickly, and I also plan to support the R-MF, so --

MS. GEUEA JONES: Any further Commissioner comments? Commissioner Williams?

MR. WILLIAMS: I do not share the enthusiasm of my fellow Commissioners. I'm going to read into the record what I read last time, including with its less than full sentences at times. So under Missouri law, the burden is on individuals seeking rezoning to show that the current zoning is unreasonable. And I won't go through every factor in that, but one of which is the property value of -- you know, the value of the property, and I certainly -- I can understand your comments regarding the property value being less for R-1, particularly given that it sits on a road that has become increasingly busy and looks out towards what is now a commercial space. So the balance there is that we have to look at -- so there's a detriment to you if we don't approve it. We have to balance that out against the public. The counter side to that is the public doesn't include just the neighbors there, so if the abutting property owners are against it, that's not a de facto reason because the abutting property owners don't speak, are not representative of the public as a whole. So that's the weighing out that we have to do. And saying that, just for the record, that these are the factors that we have to -- to consider. And when I look at this, I see on the positive side for the request that there is the surrounding zoning districts along Smith and Scott that would be reflective of a commercial use. This is the lighter commercial use than those, so that certainly weighs in favor of it. The property value aspect I mentioned weighs in favor of it. It's a lighter use, so it's a step-down that weighs in favor of it, and it's also with -- consistent with the neighborhood district designation for Columbia Imagined. On the flip side, we have seen that there's some distinguishment between what's being requested and what's around it, so the M-C and M-N that are around it have natural boundaries by the creek which creates a greater setback than would be present for this property if it was rezoned. And everything that's on the south side of Smith is R-1 except for those properties which have a natural setback. We have to consider the neighboring property values. I do think, you know, a 25 or maybe it's increased rear yard and, you know, space between the boundary, the rear boundary of the property and a 35- or 45-foot-tall building isn't a great deal of distance when you think about the spacing there. And I've heard numerous individuals from the public who live in the area, who

do not live immediately abutting the property, state that they are concerned about traffic because traffic is already an issue with congestion from the development on the north side of Smith Drive, and particularly as it gets closer to Scott Boulevard and the location of the subject property would be very close to that already congested intersection. And so it would add -- well, currently, there is no left-hand turn to any commercial business. It would add a left-hand turn to the south, whereas right now, all of the traffic is at least heading to the north into that commercial property. So those are the things that I'm looking at and weighing out, and that leads me to believe that this is a fairly debatable position as to whether or not this is a proper request. So for me, the up or down comes to there's no current plan, and that means that whether this is up or down, or you told me suddenly that you were going to change it and it was going to be R-MF, there's still no plan. And given the counter balancing, I have concerns that that's just not equitable for the residents and property owners around both of the abutting ones concerned about their property value and perhaps more distant neighbors concerned about the street. So in my view, weighing out the different factors, my weighting goes to voting no regardless of how it's zoned, whether it's the City's proposal or the applicant's proposal, because I don't think it's proper given what we've heard to rezone this without a development plan presented to us. And so my opinion remains the same as that if I'm being tasked with balancing out the conflicting interests of the public versus the landowner, I can't adequately evaluate the interest of the public because I don't know what's going in here. And there's a lot of things that can fit into R-MF. You could decide to subdivide this and have individual houses. You could decide to make duplexes. You could decide to put a large amount of apartment complexes in there. Now none of those things are -- are good or bad inherently, but they do -- they are different, and they do change the neighborhood, and they do affect the neighboring properties in the surrounding area differently. And they also impact what the goals are of Columbia Imagined differently. And so I feel like in a commercial way, it would be feasible for you to have a -- to come to the Commission with a plan for how this would be developed with someone who is -- a developer who is interested in purchasing the property on the condition that it be rezoned. And so particularly with -- again, the opposition we heard the first time, my view is that balancing out the factors that we have to consider, I can't balance it out without knowing what's going to go there and how it's going to affect the public, good or bad. Thank you.

MS. GEUEA JONES: Commissioner Brodsky?

MR. BRODSKY: I apologize. I'm going to ask some questions of staff. I'm still getting my sea legs as a Commissioner. The height of this building, it can be a maximum of 35 feet?

MR. KUNZ: Technically, 45 if you want to add an extra ten-foot side yard setback to either of your side yards.

MR. BRODSKY: Okay.

MR. KUNZ: Yeah.

MR. BRODSKY: And as -- if we can put conditions on this rezoning if we want to? No? Okay. So for me, I mean, my biggest consideration is the height of -- you know, how tall this thing can be. The

traffic, I think, is going to be fine. The use is fine for me personally, even as a multi-family in the most -- you know, the highest use case, you know, just the most number of units. But if that's done with a very tall building, that would kind of, you know, be imposing on the land use to the south there, in particular with the R-1, that -- that's my biggest concern. And that's why I ask if we have the ability to -- to put a condition. I would rezone this to R-MF if we could say 25 feet and under. But I'm on the fence, so that's where I'm at.

MS. GEUEA JONES: Commissioner Loe?

MS. LOE: We do not require a plan for rezoning. That's not something we have in our evaluation. We are evaluating it based on the use and allowances allowed in the zoning class being asked for. This came through as an M-C previously, and we did not support that. I support the R-MF. Thank you.

MS. GEUEA JONES: Commissioner Stanton?

MR. STANTON: I stand by the words of wisdom of Ms. Loe and the previous request for M-C. We chewed the applicant alive for those very reasons that it didn't fit, you know. But as staff, eloquently put, that this is basically a market node. I don't know what your actual -- the actual definition you gave, but it fits perfectly in this urban planning world that those gentlemen have spent decades in school learning about market nodes and, you know, marketplace corridors and vision plans and all of that. And that's what this fits. That -- that buffer, that zone of 800, is it -- staff, help me out. Don't make me look crazy on TV.

MR. KUNZ: Eight hundred meters --

MR. STANTON: Eight hundred meter --

MR. KUNZ: -- is typically considered the maximum walking threshold for people.

MR. STANTON: Okay. So we're -- we're talking walkable communities, we're talking walkable neighborhood, we're talking -- you know, we've got a -- we've got a -- the primary focus point is Mozier's grocery store, so we're addressing food deserts. I mean, it's like a textbook urban planning checklist. Am I right, staff? Staff, you're leaving me out here again.

MR. KUNZ: I think it creates good opportunities.

MR. STANTON: Yes. So this applicant, like I said before, did his homework. I hate the unknown, as well. But both parties checked the boxes and we have to kind of look at that information and this fits better than M-C. And, you know, for those who have -- are in opposition, I -- my famous question is, what if -- if you were them, what would be the solution, you know. And he has rights to his property. We didn't like his first proposal, but he has a right to use his property in the best way that we and him -- we can create a win-win to -- to achieve what both sides need to happen. And I think this zoning does it, and it's hard to reject it unless there is a more viable reason to reject it. And your points, rookie, were great. Mr. Williams, they were great, but that changed with this proposal. And it -- everything that you said, you know -- you know, the neighbors had -- had opposition the last time, and

blah, blah, blah, blah, blah. What's the alternative to make both sides whole would be my next question, and we know R-1 isn't it. We know M-C isn't it. What would it be to make this whole if you reject this? That would be my counter to any opposition.

MS. GEUEA JONES: Anyone else? If not, I would just add that I think that the owner has demonstrated that R-1 is an underutilization of a piece of property this big, and said, you know, for future planning purposes, this property should be more developed than just with a single -- single-family home. And -- and I think that has been well demonstrated by the applicant through the process with our staff and in the staff report. I also think that multi-family is a good step when you are facing Smith Drive. You know, if this weren't facing a neighborhood collector, then I might say, oh, you know, you could subdivide it and do six or seven houses, but this is facing a neighborhood collector with commercial around it, with R-MF around it. And I think this gives us an opportunity to have a lower impact on those properties that back to it with some good buffering and -- and, honestly, it's -- it's what I think we asked them to come back with, and -- and I'll be supporting it for sure. Any final comments, or would someone like to make a motion. Commissioner Placier?

MS. PLACIER: My only comment would be about the -- the walkability as a strength of it. This parcel is pretty much cut off from the surroundings because it's only entrance and exit is onto Smith. And so -- and so often happens with R-MF, it's on a busy street and, you know, where are places to walk not just for shopping, but for walking. I suppose you could cross over to Dayspring. I think Westbury has a much better environment for that, you know, just for on-foot kinds of travel. But that was my only concern about it is that it is a sort of cutoff island, and maybe that's the way the surrounding R-1s would like it.

MS. GEUEA JONES: Anyone else? Sorry. Commissioner Brodsky, were you --

MR. BRODSKY: Are you going to make a motion or --

MS. LOE: I was going to make a motion, but if you have another comment?

MR. BRODSKY: I do.

MS. GEUEA JONES: Mr. Brodsky?

MR. BRODSKY: Just looking for clarity from staff or maybe legal, and I'm -- and maybe I'm misreading some things in the ordinance, but it reads to me that if we're looking at any application for approval for a zoning map change, which is what we're talking about here, that we do have the ability to -- to put conditions. Am I just way off base?

MR. ZENNER: Well, I know --

MR. KUNZ: Well -- go ahead, Pat.

MR. ZENNER: The only processes by which you can apply conditions are those that are planned, because that is contractual zoning, and conditional use permits. That is not the case here. This is a straight rezoning request, so there -- there is not the ability to place conditions on straight rezoning. You -- you have the ability and authority to do that when you're doing planned district

designations, and with a conditional use, when you're weighing factors that are necessary by which to ensure compatibility of that particular use that's identified as conditional. When we are looking at land use, a straight rezoning request that has principal permitted uses within it, those principal permitted uses are subject to the dimensional standards of the Code, and any other supplemental conditions that are within the Code. So when we drafted these regulations, we gave consideration of all of the -- generally the factors that were believed to be most important, such as screening, landscaping, buffering, light height, parking lot locations, and all of those features. Planned zoning, Mr. Brodsky, unlike when you were here initially, is no longer really a supportable type of action because of the labor-intensive nature of that, and the uncertainty of change. And it's no different than what Mr. Williams' concern is about not having a plan for this particular property at this point. But based on the way that this ordinance is structured, there is no plan requirement with a straight rezoning request. We rely on all of the requirements within the Code to be properly administered by staff from a technical perspective should the zoning allow it to occur.

MR. BRODSKY: And I totally agree, we do not want to go back to planned world. I'm just reading this -- this language here. Unless otherwise indicated in a specific provision of this chapter, the director, department, board commissioner, counsel, authorized to make decisions under this chapter -- this is all in the zoning stuff -- may approve the application, deny the application, or approve the application subject to conditions.

MR. ZENNER: What section of the Code are you reading from, sir?

MR. BRODSKY: I am under 29-6.3, standard regulatory procedures. And the only reason I ask this, and I don't want to derail -- you know, this is seemingly a relatively simple request, but I would be able to support this if we were to say, conditionally, 25 feet tall or 30 feet tall. But I think a 45-foot-tall multi-family building next to these R-1 parcels is too much for me or not conducive.

MS. GEUEA JONES: While staff is looking at that, I'm just going to weigh in and say I don't want to start going down that path. And so, I mean, you're welcome to make whatever motion and I'll recognize you if legal says we're allowed to, but I would not be supportive of starting to do that on these individual straight zoning things. I think that takes us back to the path that we were prior to the UDC where we're constantly, you know, spot zoning everything with conditions and that sort of thing. I would rather rely on the buffering requirements that we have and that sort of thing. But like I said, you're welcome to, but just while they're looking that up, I thought I would weigh in.

MR. BRODSKY: And I appreciate that. I'm not going to make a motion if there's -- if there's no support for it.

MR. CRAIG: Well, if you -- if you -- Commissioner Brodsky, if you read that, it says -- I see where you're pointing that out, and it says subject to the conditions as in Subsection (e) below states conditions required to bring the development into compliance with the requirements of this chapter. So I don't -- I don't know if that --

MR. BRODSKY: Read the second -- number two there. In addition --

MR. CRAIG: Again, I mean --

MR. ZENNER: It's not -- you know, it's -- it would -- the condition is not necessary in order to bring the application into compliance with any portion of the Code. It is a preference, it is not a requirement. If we needed --

MR. BRODSKY: That's bullet point number one. Bullet point number two --

MR. CRAIG: Right.

MR. BRODSKY: -- says that in addition, we may attach conditions to any permit or approval under this chapter, provided that the condition is required to bring the develop -- proposed development in the application into compliance with The Comprehensive Plan, or to protect public health, safety, or welfare.

MR. ZENNER: That -- one, I will tell you that it's not governed -- height is not governed by the Comprehensive Plan, and the protection of health -- the public welfare, health, and safety, those are covered by all of our other requirements that deal with stormwater preservation -- stormwater applications, preservation, ensuring we have adequate parking and we're not creating situations in where you're jeopardizing the safety. The structure placed on this property in compliance to the dimensional standards that are authorized, setbacks, plus any other requirements as specified by neighborhood protections were viewed at the time that this ordinance was adopted as being sufficient to ensure the public health, safety, and welfare are met. It would not, because it is not a conditional use, as has been practiced in the 16 years I have worked here, we've never applied conditions to a rezoning request that is outside a planned zoning district in order to facilitate public health, safety, or welfare.

MR. BRODSKY: So staff's reading of public health, safety, and welfare is more like are we creating a safety --

MR. ZENNER: Yes. And because the way that the standards are constructed, we would not say that we are. That's part of why we have our other standards. And for the Comprehensive Plan, it doesn't speak to dimensional aspects of a proposal of this nature. It speaks to how do we coordinate bringing that development allowed within that zoning district into a location, and how does it comport with the overall objectives of the Comprehensive Plan land use elements.

MR. BRODSKY: I appreciate that. Sorry to derail things.

MR. CRAIG: That's fine. And, Commissioner, if you would like me to look into that, I can do that if -- I mean, that's not going to be dispositive for your decision tonight. I can -- I can look into that if you so --

MR. BRODSKY: No need. Thank you.

MR. CRAIG: Thank you.

MS. GEUEA JONES: Anyone else? Commissioner Loe, if you're ready?

MS. LOE: Yes. Just one follow-up comment of the height. As Mr. Zenner identified, the 45 is

only allowed if they come in another ten feet, and that's on top of either coming in ten feet with the neighborhood protection standard to go up, or stepping down to 25 feet if there were then a certain --

MR. ZENNER: Twenty-four feet if they're within 25.

MS. LOE: Yeah.

MR. ZENNER: So it only applies to buildings that are 30 feet or greater in height. So without knowing what is being proposed to be constructed, the step-down or setback standards that would generally be applied are unknown at this point. And, Ms. Loe, to your point, we'd have to look at what you're suggesting under the additional ten foot of setback, we'd have to examine that.

MS. LOE: Okay.

MR. ZENNER: I don't believe the double dipping, because that would be double dipping. It would require then basically -- we already have a 15-foot -- well, we have a 25-foot layer from the R-1 --

MS. LOE: Five foot.

MR. ZENNER: -- to begin with. So it would be 35 feet with the standard ten foot for a greater than 30. It would be 45 feet. I don't believe that that was what was intended.

MS. LOE: Well --

MR. ZENNER: And again, we have never been -- we have never had to deal with that issue up to this point. So I would prefer not to make that as an emphatic statement, that that would be what would be required. That may require some additional evaluation.

MS. LOE: Understood. Just wanted to point out that there are measures in place to deal with height in this exact situation.

MR. ZENNER: And actually it's the site -- well, no. It would be the side and the rear, and I believe you are correct, in the general standard for 30 -- from a 35 to 45. It is -- it's inclusive of both.

MS. GEUEA JONES: Commissioner Williams? Okay. Sorry.

MS. LOE: I'm making a motion as soon as we're done with comments.

MR. WILLIAMS: Okay. I just wanted to clarify. My -- and I appreciate, Commissioner Loe and City staff, pointing out that we don't require a plan to rezone. My -- my point is that the reason I want a plan is because there are potentially uses under -- that are permitted under this zoning that I am not sure would make it proper for the location and the surrounding areas. And so it's not adding a requirement to have someone provide us with a plan, but demonstrating to me that the use of it, because there are perceived uses that in my mind could make it inappropriate for the surrounding area. So that's the intention for my comment. And the other thing that I wanted to reiterate, and I should have said it the first time, just to the applicant is, again, is that my comments here relate strictly to what I believe are trying to be equitable to all the parties involved. And as we said the first time you were here, and I reiterate again, your intended purpose behind all of this, as it was articulated in the original meeting, remains in my mind very admirable. And so it's certainly not -- my view is certainly not intended to try to inhibit what you're trying to accomplish. I'm trying to balance out the equities of -- of the overall situation for everyone. So

I just wanted to set that out there, as well.

MS. GEUEA JONES: Any final further comments? Commissioner Loe, I think we're ready.

MS. LOE: Thank you. In the case of 260-2024, move to approve R-MF zoning map amendment.

MR. STANTON: Second.

MS. GEUEA JONES: Approval moved by Commissioner Loe; seconded by Commissioner Stanton. Is there any further discussion on the motion? Seeing none. Commissioner Williams, whenever you're ready.

Roll Call Vote (Voting "yes" is to recommend approval.) Voting Yes: Ms. Ortiz, Ms. Placier, Mr. Stanton, Ms. Geuea Jones, Ms. Loe, Ms. Wilson, Mr. Walters. Voting No: Mr. Williams, Mr. Brodsky. Motion carries 7-2.

MR. WILLIAMS: Seven yeses and two nos, the motion carries.

MS. GEUEA JONES: Thank you. That recommendation will be forwarded to City Council. Next, we'll go to public comments.

VII. PUBLIC COMMENTS

MS. GEUEA JONES: If there are any members of the public here tonight to make comments of a general nature, please come forward now. Just general comment, Jay.

MS. GEBHARDT: Oh. I'm sorry. I am going to take my six minutes.

MS. GEUEA JONES: That's okay.

MR. GEBHARDT: Jay Gebhardt, a civil engineer, A Civil Group, 3401 Broadway Business Park. Mr. Williams, I -- I want to try to address some of your concerns, and put yourself in my perspective on -- on some things. So if I was bringing in the Westbury development, I would have a preliminary plat, show the streets, the lot layouts and stuff. That's the kind of plan that can be done and done with assurance because it's approved, and it has to come back before you to be revised. Anything anyone brings here and just shows you has no validity because I've had clients sell the property within a couple of weeks of the property, and then the new property owner, he has -- he's entitled to those rights, what's been granted in the zoning, and he can do something different. Now will it be difficult? I don't think so because he doesn't have to come back before you. So I -- I understand your desire for plans, but the whole -- there's a gist of a UDC I thought was to have these use specific standards that address those uses that are problematic within those districts. And so, you know, in the case of R-MF, there's quite a few -- I don't know how many -- talks about, you know, how long you can go with the straight part of the building, and all these things. So, I mean, that's the tool that you guys have, and we've run into this on Copperstone last summer. You know, we had a planned district, and the Commission was asking why aren't you doing this as an open-ended zoning, and it's because the neighborhood was entrenched in that idea of planned district. They want to see those plans. So it's -- what I'm trying to say to you, basically, is that you can't -- you know, we get asked all the time, who -- what's the plan, what's that? And plans

change, and there's no guarantee. I don't care who stands up here. I -- I can't say that I ever stand up here and show you the conceptual drawing and say that's what's going to be built.

MR. WILLIAMS: Thank you. I do appreciate you sharing that perspective and it's helpful to hear from someone who is doing this every day, and then bringing this in the other side of the dais. So thank you.

MR. GEBHARDT: I mean, and so I will bring before you a drawing someday, and it's conceptual, but I can't guarantee that that's what it's going to -- that's the best intention at the time, and that's all -- all that can be done. Yeah. Planned districts are a little different story, but I thought we were trying to get away from -- from that, so -- okay.

MS. GEUEA JONES: Any other questions for Mr. Gebhardt? Thank you very much, Jay.

MR. GEBHARDT: Thank you.

MS. GEUEA JONES: Are there any further public comments? Seeing none.

VIII. STAFF COMMENTS

MS. GEUEA JONES: Mr. Zenner, staff comments?

MR. ZENNER: Yes. So your next meeting will be November 21st. Begin with a work session, and Mr. Kunz will be presenting to you in my absence the lot analysis between the inner and the outer rings of Columbia, so inside the Stadium Loop and giving you a lot analysis and a breakdown as it's part of our overall small-lot integration project. And then on the flip side of that, he'll give you some data as it relates to outside of the Stadium Loop for contrast purposes. We will -- that will probably occupy the majority of the meeting, given that there was some good data that was actually harvested out of that information, and that data has been the -- the inside data was shared with the H3 consultant as a part of the central city study, given that the majority of the area that will be presented had to deal with that and it was broken down very specifically. So just so you all are aware, the H3 central city study is -- it is still ongoing. We are working with the consultant at this point in order to address some issues, and we'll be having that reinitiated here. At this point, Mr. Teddy and I are not sure when the consultant will be ready. We had a meeting about a week and a half ago. There were still some substantial changes that needed to be made to what was being prepared to be presented for the relaunch of this process. Unfortunately, there were -- there's been some significant technical issues, as well as some other issues that needed to be addressed. The consultant contract requires working with the Planning Commission, so you will have an opportunity to have a dialog with the consultant at a point. We just don't know when that will be. It will probably be after the beginning of the new year. So your comments that have been raised, your concerns that were expressed when Mr. Teddy gave the overview of what was going on after the first set of public meetings, that has all been very, very unemphatically conveyed, and I have provided a significant amount of frustrated commentary as it relates to the lack of acknowledgment of what we are working on for our lot integration project and to what is being proposed and potential misrepresentations of what our Code currently is capable of producing. So we are working through some significant issues.

And so I just want to let you know that this is not a project that we are just not dealing with at this point. We are trying to get it back on a set of tracks that may run it in the right direction, given some of the missteps that were taken early on. To follow up on Mr. Gebhardt's comments, and just to make sure that our newer Commissioners are aware of the general position that we, as a staff, take on planned development plans when we are doing planned district establishments. Historic practice had been that very site-specific development plans would be presented, showing actual building footprints, actual locations on a site, going into great detail. It is what we have lovingly referred to internally within our office from a staff perspective as fictitious because of the number of plan changes that occur. And so with the adoption of the Development Code in 2017, the desire was to gravitate away from planned districts. However, that did not resolve, of course, what historic practice had been and that was showing fictitious development just to put a layout on a piece of paper. So those of you that have been here since Copperstone was presented, which is at the corner of Scott Boulevard and Vawter School, that PD plan, which was 15 years old in coming to this Commission, was the first of its kind. It didn't show any buildings. It showed ten lots, and it showed a description of bulk and area requirements or limitations to each of those lots based on its interaction. No building plans. The specific approval of that PD plan through the regulatory process of Council stipulated that a site specific development plan for each of those ten lots would be required before a building permit would be issued. So there is a two-step process when we do planned development, because if you don't have a user in tow, you're coming and you're basically describing what my bulk and mass and other aspects -- development aspects will be. When you get your user, such as Diventures, the swim club that will be constructed on Lot 101 of Copperstone, that is when you bring in your site-specific development plan. And the process that we go through here is we have to start at the broad, and then we get the very narrow. We don't start narrow and debate and debate and debate and then change it six months later. It's inefficient. And so we just don't -- that's not what we do. So when we bring in planned developments, they won't have buildings shown on them if there isn't a user in tow. And so that's just something to be prepared for when it happens. We like the -- we steer applicants away from planned districts like we do Covid. We hate getting it and we don't want it or the plague. So you won't see many, and when we do have to do them, which 262, the case that we tabled this evening, is a planned district. It is a planned district because of what we have to work with -- infrastructure placement within a development, the inability to be able to, without significant modifications of our Code, address the issues that are there. So it's a different type of animal, and what we are attempting to do is we are attempting to streamline the process. As we talked tonight in work session, you know, if there are particular concerns that you may share as a Commission that you feel we need to do something with our regulatory standards, the process of addressing those is by requesting that the Code be amended. And so to Mr. Brodsky's point that in this particular location, potentially a 45-foot tall building may have been overpowering, there may need to be use specific standards that we add to our neighborhood protections that deal with that issue, but we can't just ad hoc

make them up during the review process, and we'll let Mr. Craig do the rest of the research on that to have a final answer, but that is generally from a planner's perspective when we look at order and predictability, that's how we -- that's how we administer our Code. Finally, the one last thing I would like to talk about before we move into the cases for the next meeting. So the use-specific standards that deal with step-down and setback, which are specific to buildings that are over 30 feet, they are the two options as Ms. Loe pointed out. You either step down the height of a building 30 feet or greater to 24 feet. If you are within 25 feet of an adjoining property that's developed with a single or two-family structure, or you increase the contiguous side and rear setbacks, a minimum of ten feet from the underlying district. What that will result in, if you are going to build a building that is taller than 30 feet, allowed to be up to the maximum of 45 in an R-MF district, it results in a 35-foot rear yard setback, and it would result in a 25-foot side yard setback. The dimensional standards -- in the dimensional standards table that authorize R-MF development to go from its standard 35 feet to the maximum 45 specifically reads in note number four, or 45 feet if two side yards are at least 15 feet in width. So if you apply the neighborhood protection standard, which would result in a 25-foot front-yard setback, you automatically are provided the opportunity to do a 45-foot-tall building in the R-MF district with no additional setback being applied. I wanted to provide that as just a level of clarification this evening, just so we know moving forward in these situations, that is how the Code reads and how we would apply it in the permitting stage. Again, I've got a talented staff. I've got a talented building department that does exceptional review based on plan reviews. We coordinate our efforts significantly to ensure that we are not allowing the community to be developed in a manner that's inconsistent with the Code. I appreciate your opportunity and your willingness to participate to craft that. That's what we rely on you all for. It's your observations and your interactions with the public that we often don't get to see, and you are also the sounding board for things that we bring that may appear to be crazy at times or just giving the farm away too often. You keep us grounded. With that, like I said, you have a meeting on November 21st. Mr. Kunz will present in the work session for you. Mr. Teddy will be here in my stead since I will be out of town, and you will have a good Thanksgiving meal. I've already arranged that, so come prepared for turkey and stuffing, some green beans, if I recall correctly, and maybe a salad, because, you know, we feed you like rabbits at every meeting. You have three projects on your agenda. We have this unconventional R-MF straight zoned property going to PD down at Legacy Farms. As we have talked about previously, this is a project that unfortunately the original developer, who wanted to do an in-common detached housing project was unsuccessful, and the property has been reacquired by the bank, and they are desiring to be able to market the property now as a more conventional single-family subdivision. You have two short-term rental requests. And as I referred to today in work session, 1225, it is possible that that will have some significant public commentary. And then you have one that is at 806 Boulder Drive, both of which are -- the College Park is actually a owner-occupied short-term rental, and is seeking 210 nights under the CUP, so it's the upper level of that home that actually takes access off of College Park Drive. The owner

lives within the lower level of the home. And then Boulder Drive is a non-resident 210-night short-term rental just to the north of the outdoor playing fields south of the stadium at MU. Again, Mr. Teddy will cover both of these for you. Please be gentle. This is your location, so if you're wanting to know -- I know Ms. Loe knows exactly where College Park is, and she won't have to recuse herself unless she has a pecuniary interest in this property. And then, of course, our Boulder Drive property is there off Carter Lane, and it's in the back of a -- of a very interesting environment of multiple single-family homes as well as a lot of rental. Those are your three cases. I can tell you in December, we will be having a guest speaker at your second meeting, the December 19th meeting, and there will be a presentation being made by a consultant that our Public Works Department has hired as it relates to our complete streets program. And so they will come and they will discuss -- CMT is the consultants company name. They will come and they will present to you what the program is, what they have been contracted for to do, as well as take any questions that you may have as it relates to that contract. The December 19th meeting is also your holiday meal, so we will not have any other business, so this will be more of a we feed you a pretty good spread, as many of you have been around know, and then we will deal with our consultant at 6:00 p.m. is when the consultant will be asked to speak, and they have about a half an hour presentation, and then the remaining half an hour for work session will be more of providing some just the calendar for 2025 and some other just general business items, but nothing for heavy thinking. December 5th, the meeting in between mine that I will be gone for, we will try to come back to starting to discuss some of the outstanding provisions that we have left with the lot integration project. Given some of the things that have occurred since this project began, such as the Housing Summit and some other elements that have been discussed at the community, there may be a couple of topics that will come up during that discussion, but we are making progress slowly and surely. And what I would like to try to do early in the first quarter of next year is have that project wrapped up, both from a zoning perspective and a subdivision perspective, so we can begin to move that forward as a regulatory initiative to try to relieve the housing availability crunch that we're currently facing. So hopefully we can do that beginning in January. Thank you very much for your time, your attention. That's all I have to offer.

MS. GEUEA JONES: Thank you.

IX. COMMISSIONER COMMENTS

MS. GEUEA JONES: Are there any Commissioner comments this evening? Commissioner Brodsky?

MR. BRODSKY: I don't want to derail and go into a long conversation about this tonight, but if you could do -- do some review of that specific language about the conditions.

MR. CRAIG: Sure. Sure. A first read does -- you know, it may be disfavored, but is it technically prohibited? I'll look into that, absolutely.

MR. BRODSKY: Yeah. Yeah. And that's my concern, you know.

MR. CRAIG: And I've been here since April and we've never done that, but that doesn't mean

necessarily that it's something that could be done.

MR. BRODSKY: Right. You know, in the ordinances, when you're developing ordinance, and to be clear, I do not want to go back to planned, you know, developments. I'm -- when I was on the Commission from 2006 to 2009 or whenever the years were, I mean I was quoted in the Tribune using less than colorful language about the planning process. But there is room, and I think it's wise to have some flexibility with things. For example, the case that we saw tonight, the R-MF property sits much higher than the R-1 surrounding properties to the south, in which case, you know, maybe there needs to be some adjustment because you can't really think of every single situation when you're -- when you're doing ordinances. And there's -- I think there's a big difference between saying, hey, let's keep this building under 25 feet, and then the whole process that we used to go through with planned developments, so -- so, yeah. I would appreciate a little more in-depth analysis on -- on what exactly that we can or cannot do with conditions on approvals.

MS. GEUEA JONES: Commissioner Williams?

MR. WILLIAMS: Just as a -- if we were to go that route, I'm just entertaining what you're saying for a second. And let's say we had a rezoning that was subject to then a unique restriction, so that then becomes like a deed restriction or something that gets put on the property or that's just specific to that zoning. I just -- how do you record that?

MR. ZENNER: Well, and that's -- that's what gets a little bit wonky here because you're still rezoning. So to Mr. Brodsky's point --

MS. GEUEA JONES: I would just ask that, like, could we do this during work session at our next meeting maybe, after legal has had a chance?

MR. ZENNER: Well, let me just finish my thought, if I can. It would be part of -- it would become part of the ordinance that entitles the property to the new district. Typically, the way that that is tracked then over time, it's been typically tracked through as a planned district because it's special zoning. It's special legislation. It wouldn't, to my knowledge, function as a deed restriction. It runs with the zoning of that land, and that's, I think, where the dilemma comes, because we wouldn't be looking for that special condition with a straight zoned parcel of property.

MS. GEUEA JONES: Any further -- Commissioner Loe?

X. ADJOURNMENT

MS. LOE: I move to adjourn.

MR. STANTON: Second.

MS. GEUEA JONES: Without objection, we stand adjourned.

(The meeting adjourned at 8:18 p.m.)

(Off the record.)