

**MINUTES**

**PLANNING AND ZONING COMMISSION MEETING**

**COLUMBIA CITY HALL COUNCIL CHAMBER**

**701 EAST BROADWAY, COLUMBIA, MO**

**MAY 5, 2022**

**COMMISSIONERS PRESENT**

**Ms. Sara Loe  
Ms. Valerie Carroll  
Ms. Tootie Burns  
Mr. Michael MacMann  
Mr. Anthony Stanton  
Ms. Peggy Placier  
Ms. Joy Rushing**

**COMMISSIONERS ABSENT**

**Ms. Sharon Geuea Jones  
Ms. Robbin Kimbell**

**STAFF PRESENT**

**Mr. Pat Zenner  
Mr. Rusty Palmer  
Ms. Rebecca Thompson  
Mr. Tim Teddy**

**I. CALL TO ORDER**

MS. LOE: I would like to call the May 5th, 2022 Planning and Zoning meeting to order.

**II. INTRODUCTIONS**

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

MS. CARROLL: Commissioner Kimbell?

(No audible response.)

MS. CARROLL: I am here. Commissioner Loe?

MS. LOE: Here.

MS. CARROLL: Commissioner Stanton?

MR. STANTON: Here.

MS. CARROLL: Commissioner Burns?

MS. BURNS: Here.

MS. CARROLL: Commissioner Rushing?

MS. RUSHING: Oh. I was going who is this? Here.

MS. CARROLL: Commissioner MacMann?

MR. MACMANN: Present.

MS. CARROLL: Commissioner Geuea Jones?

(No audible response.)

MS. CARROLL: Commissioner Placier?

MS. PLACIER: Here.

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

MS. LOE: Thank you.

### **III. APPROVAL OF AGENDA**

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

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

MS. LOE: Thank you. If someone --

MR. STANTON: I move to approve the agenda.

MR. MACMANN: Second.

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

(Unanimous vote for approval.)

MS. LOE: Thank you everybody. It looks unanimous.

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

MS. LOE: Everyone should have received a copy of the April 21st regular meeting minutes.

Were there any edits or changes to those --

MR. MACMANN: I move to approve.

MS. LOE: -- minutes?

MR. MACMANN: Move to approve.

MR. STANTON: Second.

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

(Unanimous vote for approval.)

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

### **V. PUBLIC HEARINGS**

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

#### **Case Number 138-2022**

**A request by Veterans United Home Loans for approval to rename State Farm Parkway and E. Southampton Road to Veterans United Parkway and Veterans United Drive, respectively. The street name change would affect State Farm Parkway from Grindstone Parkway south to the roundabout and E. Southampton Drive from Providence Boulevard east to the roundabout.**

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

Staff report was given by Mr. Pat Zenner of the Planning and Development Department. Staff recommends pursuant to the staff's technical review, a recommendation of denial is offered for the

proposed change of E. Southampton Drive to Veterans United Drive based on the following:

1. Would create a street name (Veterans United Drive) that duplicates another street name (proposed Veterans United Parkway) thereby potentially impacting the delivery of emergency services. This condition is less severe when the two roadway names are connected and in proximity, as in the nearby examples of Grindstone Parkway and Grindstone Plaza Drive.
2. Requested name conflicts with City of Columbia and Boone County ordinances that prohibits street names from duplicating or sounding like any established business in Boone County.
3. Doesn't include the entire length of Southampton Road and disrupts street name continuity.

The arguments against the proposed renaming of State Farm Parkway to Veterans United Parkway are the same as the first two above, as well as the following:

1. Would create a street name (Veterans United Parkway) that sounds like another street name (proposed Veterans United Drive) thereby potentially impacting the delivery of emergency services.
2. Requested name conflicts with City and Boone County ordinances that prohibits street names from duplicating or sounding like any established business in Boone County. In this case, the existing street name was named after a business (State Farm).

MS. LOE: Thank you, Mr. Zenner. Before we ask any staff questions, 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 the same information on the case in front of us. I see none. Are there any questions of staff? Commissioner Burns?

MS. BURNS: Thank you. Mr. Zenner, could you please go back to the slide where the Forum Road location, and I just want to make sure I'm understanding staff correctly. I think you -- and I'm not sure if this is it, but you indicated that the name had been changed at the Forum Road location to reflect Veterans United; is that correct -- because they had offices there?

MR. ZENNER: Yes. So this used to be -- if many of you recall, this used to be a gym. And so when Veterans United took over that suite space within the Forum Shopping Center, a request was made to have the driveway that is here that runs north-south and comes back out to Forum renamed. That was done. And in so doing that, the -- this building in -- was, in essence, or the suite that is occupied by Veterans United, and there's a suite up here on the upper level, if I recall correctly, that is also -- that was readdressed. Those addresses are reverting back to the Forum -- the 1400 Forum address with the appropriate suite numbers, which is what the address is of the Forum Shopping Center.

MS. BURNS: And to follow up, if I may. So Veterans United no longer occupies those offices?

MR. ZENNER: Well, they do occupy them, but --

MS. BURNS: They do occupy those offices.

MR. ZENNER: -- as part of this request to signify their shift to their -- their -- what we would consider their flagship location --

MS. BURNS: Okay.

MR. ZENNER: -- the State Farm facilities -- former State Farm facilities, they are willing to give up this -- this honorary designation of a drive aisle in relationship to having a -- a permanent public street bear their -- bear the name.

MS. BURNS: Thank you. I guess my concern is that what if a new location is built in the future, will we have a third renaming of a street? And I'm not asking you to answer that question. It's just something that I'm turning over in my mind. And when we go back to the Rice Road renaming, I think because of some perceptions, right or wrong, about negativity with the name of Rice Road, that was a big consideration in that renaming. But my understanding is there is no negativity with the name that's being changed from the Forum location now to the State Farm location? It's simply way finding.

MR. ZENNER: And so no negativity associated with the street -- the streets that surround the former State Farm location.

MS. BURNS: I'm just looking at precedents for the Rice Road decision.

MR. ZENNER: Yeah. There -- and there is no negativity to the name of -- of the parking drive aisle -- the parking lot drive aisle that we're aware of for Veterans United. But we typically within the City of Columbia don't name parking lot drive aisles; and therefore, giving up the drive aisle name and accepting the original 1400 Forum Boulevard, Suite whatever, for their satellite office operation is acceptable to them, as we understand it. And they would prefer to have a principal public street addressed -- a publicly -- a property off of a public street addressed with Veterans United.

MS. BURNS: And if I may, just one last quick question. Are you aware of any other renamings that have then been rescinded to take the name to a future location?

MR. ZENNER: The drive aisle was not processed through the standard street-naming process because it was not a public road. It was designated as an honorary -- it was designated, if my recollection serves me correctly, at the request and direction of City Council to staff to put up a street sign in this particular location and formally change the address within the addressing system.

MS. BURNS: Thank you.

MS. LOE: Commissioner MacMann?

MR. MACMANN: Thank you. Thank you very much. Mr. Zenner, I'm going to repeat something I said when we turned down the Rice Road naming. I think it's high time we integrate elements, at least, of the county's naming protocols so we're on the same page, because we will continue to have these issues, and this will continue to be not a technical decision, which it could very well be, but a political decision, which it will very quickly become -- just like Rice Road. So that's -- I'm putting it out there again. Thanks.

MS. LOE: Commissioner Stanton?

MR. STANTON: I concur with Mr. MacMann on the Rice Road situation, but, with this one, if I was VU, I would say, well, this is State Farm. Were they able to name State Farm prior to that ruling, or was that ruling in place when State Farm Road was named; do you know?

MR. ZENNER: I believe State Farm was named -- our provisions in the appendix have not changed any. I think we have historically held in place that a naming of a roadway typically is not after a generally living individual, or that of a business. There's exceptions to the rule in any community, and we're not, you know, immune to that here in Columbia.

MR. STANTON: I'd like to follow. So I generally didn't have a problem with it until we thought about the safety and fire issue. Number two, setting precedents again, so love you to death, they're great corporate citizens of Columbia, what if they move? What if they go global and, hey, I want to go move my headquarters to New York, we're so big, you know, Columbia is not big enough for us. Then we start a precedent of every time a big company comes in, they want to rename the name. And I know VU is probably not trying to be insensitive, but this means address changes, changes to the computer systems, all of that over and over. And you're doing it twice because you've to change the names at Veterans United Drive on Forum back to what it originally was, then change this name, change those addresses. It's sticky.

MS. LOE: Commissioner MacMann?

MR. MACMANN: I forgot to ask one question. You stated that one of the reasons this wasn't automatically granted is that at least one property owner who abuts this road did not approve, like this name change. Is that a correct statement?

MR. ZENNER: Based on the information that was provided to us, it would appear that the property owned by the University of Missouri is the only correspondence we received. The applicant is present this evening. They can address what efforts they made to contact other owners. We do not have any other information, other than that the curators of the University of Missouri do not object to the renaming and the impact that it will create to their medical facility.

MR. MACMANN: Okay. So my amended question, you don't know if the property owner to the agricultural property directly to the east thinks about this?

MR. ZENNER: No. Because they have not --

MR. MACMANN: You have received no feedback?

MR. ZENNER: We have received no feedback.

MR. MACMANN: All right. Thank you very much.

MS. LOE: Any additional questions for staff? Seeing none. We're going to open up the public hearing portion on this case.

#### **PUBLIC HEARING OPENED**

MS. LOE: If anyone has any public comments they would like to share, please come up to the

podium. We will need your name and address for the record. We do limit you to three minutes. We allow you to have six minutes if you're speaking for a group.

MR. STEINHOFF: Good evening, Commissioners, and thank you for the opportunity to be here this evening, and thanks for serving. My name is Greg Steinhoff, 4003 Copperstone Creek Drive in Columbia. I'm with Veterans United, and we --was involved with making this application. A little background and, first of all, I also want to thank Mr. Zenner and his staff have been really good to work with on this process, and actually think we're going to do some things here that might help quite a bit. If you could put the map up -- well, just with the green and the -- the yellow or the -- yeah. That one there. So a little bit about Veterans United, and you guys will, I'm sure, know people that have been involved there. But we have -- we're a good Columbia story, up or over 5,000 employees nationwide, but about 2,800 of them live here in Columbia. And so we've experience tremendous growth. We're in 18 different buildings in town. And so, Commissioner Burns, when you asked about Veterans United Drive and Forum, that was our headquarters location, which is a few years back. And our headquarters location has to be designated such so that we -- when we have -- we're licensed in 50 states, and so every one of those states licenses us with our home address at our headquarters, and your headquarters being Veterans United Drive certainly helps with being able to designate where our stuff goes to each state. So it's a big -- it matters a lot to us to have an address that has Veterans United Drive in it for business purposes and regulatory purposes. So we've grown and we have -- we now have leased the entire State Farm building, and we'll have close to 2,000 employees there. And that's simply growth. I mean, we -- we've added over 2,000 people in the last five years. And so this facility is large, lots of green space. It -- we've invested a lot into the building, and it's important for us to take the Veterans United Drive, which was our previous headquarters, which was not a public thoroughfare. In other words, we're not changing an address that people use on a daily basis, simply a driveway that was converted to our address, so taking that back and doing away with that. And really what will help with this is the change that I would propose to the application where we would not ask for State Farm Parkway to be renamed. We would just -- we would be okay if East Southampton was just named Veterans United Drive. That does several things. First of all, we became aware of the potential extension of State Farm Parkway to Gans Road, and then that presents complications if that happens, and we hope that that happens someday. And then it also reduces or it does away with the -- the duplication that emergency services was concerned about. There's only one road now in town that has Veterans United in it. And that, of course, we're interested in the safety and response times of our employees, so that's important to us. So the amendment we would make is just to take the yellow portion of the map there, East Southampton Drive, and make that Veterans United Drive. I can go through the hundreds of millions of dollars that Veterans United has invested in this community, and the impact that we have, and the fact that we're intertwined with this community. So, Commission Stanton, I -- I think -- you never know what could happen, but I don't know of another company that is more intertwined with their city than

Veterans United is. So the prospect of us leaving is -- it's -- it's the notion that I would give very little weight to, but it is always possible, and you should think of that. But we're very tied to this community. We made major investments here, and look forward to a long future here and, hopefully, will continue our record of -- of community involvement and community service.

MS. LOE: Thank you, Mr. Steinhoff. Are you ready -- would you prefer -- like any questions?

MR. STEINHOFF: If they would like -- if people have questions, absolutely.

MS. LOE: Mr. MacMann?

MR. MACMANN: Thank you, Madam Chair. Mr. Steinhoff, I have an idea. Mr. Zenner has communicated the concern and the expense that a variety of agencies, local and maybe not local, will accrue, name-changing and stuff like that. Would you all be open to picking up that tab?

MR. STEINHOFF: Well, I think we'd pick up the tab in the tens and hundreds of millions of dollars we invest in this community.

MR. MACMANN: That's -- I just -- you understood why I asked that question.

MR. STEINHOFF: I think it's just a -- you know, look, it's -- it's -- we're asking for a street to be renamed and that's it. It's minimal in terms of -- of the -- what we do for this community. And I can go through what we do for this community.

MR. MACMANN: No. I am quite aware, actually.

MR. STEINHOFF: So I don't know that, you know. We're just interested in asking you all to consider the name change.

MR. MACMANN: All right. Thank you, Mr. Steinhoff.

MR. STEINHOFF: We've paid for that many times.

MS. LOE: Any additional questions for this speaker?

MR. STEINHOFF: Yes, Sir. Mr. Stanton?

MS. LOE: Commissioner Stanton?

MR. STANTON: We'd like to thank you for what you've done for the community. Hopefully, it was done in earnest, so not as a future payback for this decision.

MR. STEINHOFF: Oh, absolutely. Appreciate your comments. Yeah.

MR. STANTON: But State Farm was here for a really, really --

MR. STEINHOFF: Right.

MR. STANTON: -- really long time, too. So kind of where our concern is --

MR. STEINHOFF: I guess I would just --

MR. STANTON: -- you might like your proposal, but --

MR. STEINHOFF: I think it's wise. I think you have to look even at State Farm and say does the fact that State Farm had an enormous impact on this community for many, many, many years, changed lives, provided for families for decades. And so the value of that versus the pain of renaming a road, put it into proportion would be all that I would ask. Someday we may have 20,000 employees, and

we may have another location. We may have to change the name again. I mean, is that really a super huge aggravation to a lot of people? In my mind, relative to the impact that that has, I think it's a reasonable request. That's my opinion, of course, and I'm a little biased, so --

MS. LOE: You should be biased about where you work, and I'm glad you value your workplace. I find the interchange from Nifong to State Farm Parkway to Nifong very confusing. And I find the name changes along Columbia streets continually confused. So -- and I've lived here over 13 years now, so I'm -- I'm -- I guess I'm still a newcomer, but it's not something I would like to perpetuate, so I'm not in favor of changing a segment of a road to a new name, especially in this area where we already have some name changes. There's quite an extensive internal road on this site, and I'm wondering if you would be open to doing another internal United Veterans Drive?

MR. STEINHOFF: No. I think it's -- you know, we're interested in the road that fronts our 2,000 employees to be still Veterans United Drive. And I think internal roads are, you know -- I guess I would just say we're a substantial employer now and would want the road that faces our building to be that name as opposed to an innocuous name that has no connection. So just like when State Farm was here for all those years, they had a State Farm. When you go to any city that has a major employer, they're oftentimes they're on a road that's named for that employer. We are the largest private employer by far in the city and we -- you know, I think we're in a spot where it's very reasonable for us to ask for this. I don't -- I understand where you've coming. I've been for 60 years, and I understand the confusion, but you live here, you know, that's a road that people don't travel a ton to get from one part of the city to the other part of the city. Who goes there are people that work at Veterans United, and that's -- you know, that's the way we kind of view it. We obviously can agree to disagree, but I don't believe that there'll be much confusion because of a name from East Southampton Drive to Veterans United Drive, personally.

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

MR. STEINHOFF: Thank you very much.

MS. LOE: Any additional speakers on this case? I see none. I'm going to close public hearing.

#### **PUBLIC HEARING CLOSED**

MS. LOE: Commissioner comment? Commissioner Rushing?

MS. RUSHING: I think I agree with you. What we're seeing here tonight is a perfect example of why you don't name streets after companies because when the company moves, then if there were addresses along here, which there may well be in the future if that land develops, then Veterans United sells to another company, are we going to have that company coming in and wanting the name changed again? And I think the option that you suggested was exactly what I was thinking of. They have the two -- particular, they have two entrances to the property, and then they have the circular drive, and any one of those could be named after their company.

MS. LOE: Commissioner Stanton?

MR. STANTON: I'm entertaining the proposal presented by the owner of this property, so I'm looking at a -- if it was just the Southampton part, I'm kind of with that. I don't -- you know. But overall, yeah. I mean, we're setting precedents, and I don't know if this is going to -- State Farm, I thought would never leave. So I'm -- I'm still stuck with that same situation there.

MS. LOE: Commissioner Burns?

MS. BURNS: Thank you. And again, I agree with my fellow Commissioners in that making changes, we need to consider that with tremendous consideration because it's not easy to go back and it's not easy to ask people to readdress. And when Mr. Steinhause [sic] couldn't -- and no one can guarantee that Veterans United will be here forever, but there would be a possibility that this wouldn't be their headquarters forever, that gives me pause to make a change that we might have to reconsider in the coming years.

MS. LOE: Commissioner MacMann?

MR. MACMANN: I'm close to making a motion along the lines of what Mr. Steinhoff suggested, just the East Southampton portion, and then we could vote that up or down. Does anyone have anything else to offer at this juncture? Seeing none. Mr. Zenner, could you return the -- go back one page from where we are right now? Where was I -- as the salient one that has the salient information --

MR. ZENNER: Oh. You want --

MR. PALMER: You want the names on it?

MR. MACMANN: Yeah. The one -- the one with the names on it. Thank you. That'll -- that'll work. Okay. No -- okay. In the matter of Case 138-2022, name change of Southampton and State Farm -- Southampton Drive East and State Farm Parkway -- I'm going to pause and ask legal a question. Do I have to state it as is and then amend it, or amend it as I speak it? As advertised; do you see what I'm saying?

MS. THOMPSON: I do. I think either is fine.

MR. MACMANN: Okay. I'm going to move forward then. In the matter of Case 138-2022, the matter of name change for Southampton Drive Southeast, I move to rename Southampton Drive Southeast or Southampton Drive East to Veterans United Drive.

MR. STANTON: Second.

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

**Roll Call Vote (Voting "yes" is to recommend approval.) Voting Yes: Mr. Stanton, Mr. MacMann. Voting No: Ms. Carroll, Ms. Loe, Ms. Burns, Ms. Rushing, Ms. Placier. Motion fails 5-2.**

MS. CARROLL: We have five no votes and two yes. That motion is denied.

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

MS. THOMPSON: My -- and my recommendation also would be to go ahead and also take a motion on the second name change, as well, so that that recommendation can be forwarded to Council, as well.

MS. LOE: Thank you.

MS. THOMPSON: Yeah.

MR. MACMANN: Noted. Madam Chair, may I make that motion? In the matter of Case 138-2022, the renaming of State Farm Parkway to Veterans United Parkway, I move to approve.

MR. STANTON: Second.

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

**Roll Call Vote: (Voting "yes" is to recommend approval.) Voting No: Ms. Carroll, Ms. Loe, Mr. Stanton, Ms. Burns, Ms. Rushing, Mr. MacMann, Ms. Placier. Motion fails 7-0.**

MS. CARROLL: We have seven no votes. The motion is defeated.

MS. LOE: Thank you. And that recommendation will also be forwarded to City Council.

#### **Case Number 139-2022**

**A request by Ashley and Patrick Scholl (owners) for a design adjustment from Section 29-5.1 of the UDC in regards to construction of sidewalks along their property's Old Plank Road frontage. The 2.81-acre property is located on the north side of Old Plank Road, east of Abbotsbury Lane, and addressed as 7101 S. Old Plank 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 denial of the requested design adjustment from Section 29-5.1(d).

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

MS. PLACIER: Yes. Thank you for -- well, two questions. One is -- was -- did the tree really have to go.

MR. PALMER: So it is -- it does lie directly in the path of the standard sidewalk location. It is -- I believe it's two to three feet off of the property line, and if we build a five-foot sidewalk, a foot off of the property line, it's -- it's right -- right there. So in a standard location, yes. It would go right where the tree is. But again, we do accept nonstandard sidewalks that, again, would have to be placed in an -- in an easement probably if it's on private property, but it can be done, and it's been done in numerous locations.

MS. PLACIER: I also appreciated the photo that showed where this lot sits in relation to the

other two on Barcus – or whatever it was called, the Barcus Subdivision or something, and that there's just the one middle one that does not have sidewalk at this point. But that -- or does it?

MR. PALMER: Well, so this map actually kind of depicts it. So the subject lot is here in the red. This lot here is undeveloped and has no sidewalks. And then this kind of sliver here extends around the corner. That is where that nontraditional sidewalk example exists. And then -- and then just to be, you know, fully transparent, these lots here are also undeveloped. This is another residential lot, and then also this is a -- a planned office lot or a planned district lot that are both undeveloped and do not have sidewalks.

MS. PLACIER: Yes. I thought the sidewalk there on the west was pretty creative in the way that it -- it was done. And if a sidewalk on the subject property could be created, that would then continue over to that. I was concerned about connectivity. It doesn't look like there's going to be any to the -- the northeast for quite a while. So because we do hear about sidewalks to nowhere, but if that middle lot eventually would have a sidewalk, there could be some connectivity in that direction.

MS. LOE: Commissioner Burns?

MS. BURNS: Thank you. Mr. Palmer, just to drill down a little bit, we could -- so what you're saying is there could be creativity in trying to protect the heritage tree?

MR. PALMER: Yeah, absolutely.

MS. BURNS: Okay. So we could consider that when we're looking at requiring a sidewalk, that if the applicant would be agreeable, you could go around the tree in a variety of ways -- or maybe not a variety, but --

MR. PALMER: Yeah. You guys are considering whether or not the sidewalk needs to be built, and then beyond that, it's a consideration by our building and site staff to work out an agreeable conclusion.

MS. BURNS: That helps me tremendously. Thank you.

MR. PALMER: Uh-huh.

MS. LOWE: Commissioner MacMann?

MR. MACMANN: Thank you very much. I'm going to go back to the beginning a little bit. This was platted in 2015. They had a -- there was a three-year performance contract, which was not fulfilled; is that correct?

MR. PALMER: Correct. Yeah.

MR. MACMANN: This getting *Tony Pines*-ish on me. When this property was transferred to the new owners, were all deeds and covenants transferred? Were they aware of this? Was this a surprise to them?

MR. PALMER: I can't speak for them. I believe they're present. They may be able to speak on that. But the -- well, I'll just leave it at that. I'm kind of not well versed enough to explain it.

MR. MACMANN: Typically. all -- all that information is transferred?

MR. PALMER: Yes. Yeah.

MR. MACMANN: And I will -- I will gladly ask them, if they choose to come speak to us. I'm just -- I'm loathe -- we have, in the past, and that's why I made the previous example, summoned and executed performance contract, and then years later ask us for relief. Given that we're a long 1.5 mile walk and a short .2-mile walk, I think it's very necessary to have sidewalks here, particularly given the pace with which this is developed. And I'd like to address the point of the sidewalk that we allowed not to be built. That's street has far less traffic, far slower traffic than what this does.

MR. PALMER: Right.

MR. MACMANN: And that area is already all built out as opposed to this one which is, you know, just starting to take off.

MR. PALMER: I will say on the transfer the performance contract was an old form that we've actually changed because of issues like this. It had a no-transfer clause, so the original owner was always responsible for what that performance contract agreed to. The statement I made in the presentation, though, about how, you know, it is required within three years, but typically, we don't -- we don't pursue that. What we do is we make sure that as those houses are built, we get the sidewalk piece by piece, and sometimes that takes decades, but --

MR. MACMANN: But -- and this would be another piece in my view of that.

MR. PALMER: Right. Right. But what I'm getting at is just that I think, to answer your question about transferability --

MR. MACMANN: Uh-huh.

MR. PALMER: -- it wasn't able to be transferred to a new property owner. But the way that the City manages those means that, you know, the owner now is the one that's going to have to be responsible for it.

MR. MACMANN: I just want to -- if that is truly an issue, if they don't know, we really, really, really needed to fix that. The UDC says that, and this may be another issue. But thank you for your responses. Madam Chair?

MS. LOE: Additional questions? Commissioner Rushing?

MS. RUSHING: Well, I think this is basically what you already asked, whether staff knows when the property owner became aware that they were required to build a sidewalk. You don't -- did you indicate you do not know?

MR. PALMER: Well, no. They just -- you know, when they requested the waiver, I mean, obviously, they were aware at that point.

MS. RUSHING: But you don't know how much longer -- how much further back?

MR. ZENNER: I think, Ms. Rushing, as I understand it, this topic came to us when the applicant requested to get a final CO to occupy their house.

MS. RUSHING: Okay.

MR. ZENNER: As Mr. Palmer was explaining, the practice of sidewalk installation on residential property has historically been assigned to the individual residential lot. And so when a builder comes to pull a building permit, as a part of finishing out that permit, they are required, not the developer that sold the lot to them, to put in that sidewalk as part of their final occupancy permit standards.

MS. RUSHING: Okay.

MR. ZENNER: And so this particular property, and I don't know if Mr. Palmer covered this. This particular property also unfortunately had an issue with its construction going over a utility easement. And we had to vacate a utility easement and relocate it in order to be able to get the house to even be occupiable, and I believe it was occupied under a temporary occupancy permit, and I think that's what it is currently, and then the sidewalk issue came on top of that. So it's been an unfortunate set of circumstances for these property owners that they've encountered some issues given -- given the lot, given the placement of the house, and some of our requirements that they may not have necessarily been fully aware of. But sidewalk -- the issue at hand, this is not unique. Sidewalks are installed by homeowners and by their builder for their individual lot. Our Code makes very clear now and did before we adopted the UDC that sidewalk along common lots within a residential development is required to be installed by the developer before we will accept public streets. So what you see in some developments, residential especially, is you have spotty sidewalk construction where common lots may exist, and that's so the developer can turn the streets over to us to maintain, but then each individual homeowner builds those adjoining sidewalks as those houses are constructed. And in commercial development, the former performance contract really never was an issue because you had one master developer developing the entire commercial property. We made the changes to the performance contract for an automatic transfer clause upon sale to address this exact issue now, and that would apply then to all residential property owners. And to Mr. MacMann's point, as a part of the property sale, the owner in -- of receiving their documents with that land should be made aware that there's a performance contract for installation of outstanding public improvements, which the sidewalk would be considered one.

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

#### **PUBLIC HEARING OPENED**

MS. LOE: If anyone has any comments that they would like to present, please come up to the podium. We need your name and address for the record. If there are none, we will close public hearing.

#### **PUBLIC HEARING CLOSED**

MS. LOE: Commission comment? Commissioner MacMann?

MR. MACMANN: I will be making a motion shortly, if that's okay. I think this is an area that is developing and building out quickly. It's not the old southwest area where that's all developed and this is the only lot. That street is also much less traveled and much slower traffic in this area still developing.

Also, it's very close to public amenities, and a sidewalk might actually help safety in that corner, but I'm not a traffic engineer. So I will be voting -- I will be making a motion and voting to deny their request for the design adjustment.

MS. LOE: Commissioner Rushing?

MS. RUSHING: And I agree. This Old Plank Road just cries out for sidewalks, I think. The traffic along there and this kind of the -- I don't know -- want to say the recreational feel of the area that I think sidewalks would be widely used.

MS. LOE: I would just like to comment that the motion should be made in the affirmative.

MR. MACMANN: Correct. Thank you.

MS. LOE: Thank you. Commissioner MacMann?

MR. MACMANN: If my fellow Commissioners have no other questions or comments, I would like to make a motion. In the matter of Case 139-2020 [sic] I move to approve -- what?

MS. LOE: 2022.

MR. MACMANN: Thank you. I state again. In the matter of Case 139-2022, I move to approve the requested design adjustment.

MS. RUSHING: Second.

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

**Roll Call Vote (Voting "yes" is to recommend approval.) Voting Yes: Mr. Stanton.**

**Voting No: Ms. Carroll, Ms. Loe, Ms. Burns, Ms. Rushing, Mr. MacMann, Ms. Placier. Motion fails 6-1.**

MS. CARROLL: We have six no votes and one yes. The motion is defeated.

MS. LOE: That recommendation will be forwarded to City Council. That brings us to our third case for the evening.

#### **Case Number 140-2022**

**A request by Lewis-Bade, Inc. (agent), on behalf of The Overland Group (contract purchaser), seeking approval of a PD plan on a 1.79-acre property located at 5905 East St. Charles Road. The proposed PD plan depicts a new 10,640 square foot Dollar General store on the site. The property was zoned C-P, now PD, upon annexation in 2013.**

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

Staff report was given by Mr. Rusty Palmer of the Planning and Development Department. Staff recommends approval of the "Overland DG #24012" PD plan pursuant to minor technical corrections.

MS. LOE: Thank you, Mr. Palmer. Before we move on to questions of staff, I would like to ask any Commissioner who has had any ex parte related to this case to please share that with the Commission 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? I see none. With that, I will open up the public hearing.

#### **PUBLIC HEARING OPENED**

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

MR. BRUCKERHOFF: Good evening. Cullen Bruckerhoff, 101 East Walton Street, Warrenton, Missouri. I'm with Lewis-Bade on behalf of the Overland Group. I'm the engineer on the project. Staff did a very good job of representing or explaining our project, so I really don't have much to add there other than we've done our best to meet all the City codes, provide screening where necessary. We've even added -- the screen fence on the west side of the property wasn't necessarily required as part of the City Code, but I believe that was a request of the neighboring property owner, so we took that into consideration. We will provide the first, I guess, access for the remaining development to the west, so that will be one of the two required access points. Lighting -- I mean, our lighting at the property line is minimal, I think at zero-foot candles all the way around, so there should be no lighting overspill into any neighboring properties. With that, I really don't have much else to add, unless there's questions from the Commission.

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

MR. STANTON: Good evening. What's your correspondence been with your neighbors -- the neighboring property? Did you have any neighborhood feedback, response? Did you meet with the neighboring neighbors at all? Is that part of your policy? Fill me in on how you --

MR. BRUCKERHOFF: As my part of the project, I have not had any correspondence with the neighbors. The developers of the project were the ones that forwarded us the comment about adding the additional screened fence on the west side. So it's -- the developers may have had correspondence, but I'm not aware of any others.

MR. PALMER: Mr. Stanton, I -- I should have added in my report that I did have some public comment, mostly via phone call.

MR. STANTON: Okay.

MR. PALMER: About four or five, all in opposition. And mainly in regards to, you know, light pollution, issues with, you know, cross-through traffic onto the property that they've seen existing in their neighborhood and also other neighborhoods adjacent to commercial properties, and then also issues with, you know, management of their solid waste, you know, worries about trash blowing around the neighborhood, things like that, so -- and I believe you guys have one comment that was written. That's the only written comment I received. That's in front of you, so --

MR. STANTON: Thank you.

MR. BRUCKERHOFF: I would address the solid waste comments. We will provide the standard dumpster enclosure on the northwest side of the parking lot. It is by the delivery door of the

building.

MS. LOE: Commissioner MacMann?

MR. MACMANN: Thank you, Madam Chair. Mr. Berghoff, is it?

MR. BRUCKERHOFF: Bruckerhoff, yes.

MR. MACMANN: Bruckerhoff. Okay. My folks live southeast of you all. Just something that you might to pass along. Development and developers do a lot better here when they reach out to neighbors. I understand it's not necessarily your gig, but you might want to pass that up the food chain.

MR. BRUCKERHOFF: Okay. Will do. Thank you.

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

MR. BRUCKERHOFF: Thank you, guys.

MS. LOE: Additional speakers on this case?

MR. KEMP: Good evening, Commissioners. Thanks for having me. My name is Greg Kemp; I live at 1306 Lake of the Woods Road. A Dollar General is backed up to my property -- my backyard. Why do we need another Dollar General in a residential neighborhood when there's just one two miles down the road on Clark Lane that has been burnt down twice? The other thing is I went around, and I've been in a lot of Dollar Generals around the country, and they're really not that clean. And I spend -- my neighbors and I, we spend a lot of time in trying to take care of our properties to get the property value up on our homes, and Dollar General is just going to pull them down. I mean, would you all like a Dollar General in your backyard? I mean, when you walk out, I spent a lot of time on my property in fixing it up and my backyard fire pit, and I've got to sit out there and look at Dollar General -- the side of Dollar General. The other thing is Lake of the Woods Road -- well, I take that back. St. Charles Road, they're putting a Dollar General right across from a fire station. Emergency -- the road is very hectic out there anyway due to the high school, the elementary, the medical clinic. If you come out there during the week, I mean, traffic is really bad. Also, it's very close to a roundabout, it is there, which that roundabout, they say you're supposed to yield in them, but people don't. And Lake of the Woods Road, you can't even get off onto to St. Charles Road. We have, what, four Dollar Generals -- five Dollar Generals right now in Columbia. And I went out to the one on Paris Road. There's sofas sitting out there, trash and everything. And I don't know if I have anything to say. Nobody came to me or talked to me about anything, but if I can't get this stopped, butted up to my property, I was wondering if I have any say-so in what I would like. He mentioned they would put up an eight-foot fence. I forgot what he said, kind of fence it was. But me personally, I would like an eight-foot privacy plastic vinyl fence for the length of my property because these companies, if something goes wrong with the fence, like a wooden fence deteriorate, a wire fence, you know, get holes in it and stuff, they don't come out and fix it. At least if I get a plastic privacy fence put up, I can maintain my side of the fence, and as far as keeping it clean and everything. Far as the lights, Dollar General all night long, we have lights on, so that ruins me sitting out around my fire put looking at the stars and stuff because I've got to deal with the lights. Foot traffic,

things around there has been kind of hectic, you know. We've been getting small burglaries and stuff, you know, and stuff from different neighbors we've been complaining about. But it's just going to increase more with the Dollar General there, the foot traffic, cutting through our neighborhood -- through our yards and stuff like that. So my thing is do I have any say-so about what's in my back door that's dropping the property value of my home that I work so hard to maintain and to bring up.

MS. LOE: Thank you, Mr. Kemp.

MR. KEMP: Uh-huh. Thank you.

MS. LOE: It is showing an eight-foot- high fence on the east and north sides, and the west, most of it, so it does call it out as an eight-foot-tall screening fence. I don't know the material.

MR. KEMP: Yeah. Well, I've seen this around at the Dollar Generals down around town, some of the screening in them fell out. I'd just like a privacy fence, vinyl, that I know that holes won't get punched through and stuff through it, and I can maintain it on my end so my property will stay looking nice, if I cannot stop this from happening. I mean, put yourself in my situation. Would you like it?

MS. LOE: So we're zoning and planning, and we are looking at whether or not the proposed development meets the criteria established by the City. Whether or not the tenant or the purchaser is suitable falls outside of that. We're going to be looking at the proposed project. And given what was proposed previously, being they could have built a 50,000 square foot retail store on this full site, I have to admit this is a bit more manageable. But I do understand there can be concerns with individual tenants or owners. That may be a concern that would be better for City Council.

MR. KEMP: I'm -- I'm just basically just ask them to meet me halfway. If I know I can't -- my whole neighborhood, we don't have the money that Dollar General got to beat them. So I feel like at least accommodate me with I can sit at my house and be comfortable and feel safe.

MS. LOE: So we're going to -- I think we're going to have some more feedback for you. I'm going to go to Commissioner Carroll.

MS. CARROLL: I have a question for --

MS. LOE: Okay. Question first.

MS. CARROLL: -- staff.

MS. LOE: Oh.

MR. KEMP: Okay.

MS. CARROLL: If that's okay, in response to the discussion. Their PD plan was upon annexation in 2013. Correct? So that's an expired PD plan. Right? They could not --

MR. ZENNER: There was -- was no PD plan. There was no requirement.

MS. CARROLL: There was no PD plan. Okay.

MR. ZENNER: So actually I -- I'll add that given the revisions made to the Code, there are more protections that exist with this development today, given there was no PD plan, than there was in 2013. More landscaping provisions, more lighting provision protections than existed previously.

MS. LOE: We do have -- Well, let's go to Commissioner MacMann, and then we'll go to Commissioner Stanton.

MR. MACMANN: All right. Thank you. Sir, hi. How are you today?

MR. KEMP: Fine, thank you.

MR. MACMANN: A couple of things. Do you all have, and I don't know, a neighborhood association or a homeowners association?

MR. KEMP: No. No.

MR. MACMANN: Just so you all know --

MR. KEMP: Actually, there is. It's down -- down further than Lake of the Woods Road.

MR. MACMANN: Down further. All right. FYI, I have empathy for you. I, and several other Commissioners, we live downtown, so we feel you. Okay?

MR. KEMP: Okay.

MR. MACMANN: Often, the neighborhood association is the organization through which that is funneled the communication and the concerns, but one of your chances to speak is, like, right now, and then when this goes to Council. So however we vote for it, we vote it up or we vote it down, it will go to Council for their final approval. And your Councilperson is Councilperson Skala. Skala -- S-k-a-l-a. And you should reach out and communicate to him. To follow up on Mr. Zenner's point, we've got a new development code, and we approved it in 2017. And it has requirements for buffering, and that's what all that vegetation and fences, that's what all those are. And that's designed to protect folks like you, so hopefully can sit in your own backyard and watch things without the lights driving you crazy. But I will say this, like many City regulations, that stuff is complaint driven. So if you understand it's supposed to be away and it's not being away, like the trash, the lights, or the fence or something, then you've got to -- you've got to step up and call the City and say, hey, this is what -- this is what's happening here.

MR. KEMP: Okay. That's why I agree, but it has to be maintained.

MR. MACMANN: It does have to be -- and if it's not maintained, that's something else you could -- they're required to keep those buffers to protect you all, and that's what that buffer is there for.

MR. KEMP: Okay. But if they give me my fence, I don't have to worry about them.

MR. MACMANN: Thank you, sir. I just wanted to be a little informative there, if I could.

MR. KEMP: Okay. Thank you.

MS. LOE: Commissioner Stanton?

MR. STANDON: Mr. Rusty, can you put up the landscape plan so they can see that? Can you blow it up so they can see the buffering?

MR. PALMER: I don't know if I can. But basically, this area here is all what we would call a vegetative buffer. That's the 25-foot that was required with the zoning in 2013. So that's in addition -- that's an additional requirement that the developer imposed -- or the property owner imposed. And then the standard current requirement is a ten-foot vegetative buffer, which is provided along this property line

on the east. And then they're also required to provide the eight-foot what we call a screening device. It is, essentially, a privacy fence, but we don't dictate the material it's made of.

MR. KEMP: Right.

MR. PALMER: And they are providing that fence and that buffer along that entire property line up to their 25-foot building setback on the front.

MR. KEMP: That buffer, my property is on -- basically, my property is on the right side.

MR. PALMER: You're up here. Correct?

MR. KEMP: Right. Right.

MR. PALMER: Yeah.

MR. KEMP: And it goes -- I've basically got the whole store down beside my property.

MR. PALMER: Sure.

MR. KEMP: Inside that line.

MR. PALMER: Yeah. And I think it shows here, this is your property line here.

MR. KEMP: My property right there, yes.

MR. STANTON: The reason why I brought that up, so, number one, you can see what's required by them and the -- how the ordinance works for you. Number two, my colleague, Mr. MacMann, also said whatever we vote here, you have a say at City Council, as well, and I suggest whoever -- you and whoever is here in support of your position also go because we're more technical. They have a more political twang to it. I'm -- we're technical, we're blueprints, we're physical space; do you see what I'm saying? I'm not saying that you're -- that what you're -- what you're saying doesn't have weight with us, because it is a PD, and I wanted to remind my colleagues that the reason why we like PDs is because we can work a deal out there. So keep that -- those two in mind and we'll finish discussing it, but you understand how the buffers work around your property and his?

MR. KEMP: Yes. I understand how the buffer --

MR. STANTON: I don't know about -- I'm going to shoot my shot and try and see if I can get a vinyl fence. I'm saying you could get ahold of the guy that -- that came up here and talked. At the end of the meeting, I would get his business card. I'd get the developer. I'd make that known. See what kind of response you get from them and be -- and put the -- put it on your calendar when this comes to City Council.

MR. KEMP: So basically -- basically, what you're telling me is that --

MR. STANTON: I'm giving you the blueprint to play chess.

MR. KEMP: Okay. All right. All right.

MR. STANTON: Giving you the blueprint to play chess.

MR. KEMP: Okay. All right. And --

MR. STANTON: Make your move.

MR. KEMP: And I thank each and every one of you all for hearing what I have to say.

MR. STANTON: Thank you.

MS. LOE: Thank you for -- oh. Mr. MacMann?

MR. MACMANN: Just -- just to redress. While the materials of that fence, sir, and for the rest of you, that while the materials are up to the developer, the amount of visibility, how much you can see through it, is very much devined -- defined in the ordinance. So you shouldn't be able to see through it.

MR. KEMP: I went to the one at Dollar General out on Paris Road, and you can see right through it.

MR. MACMANN: And I -- well, it -- it should not be that way.

MR. KEMP: and the same way is on Vandiver -- I mean -- yeah. On Vandiver, so --

MR. MACMANN: Yeah.

MS. LOE: Commissioner Stanton?

MR. STANTON: Chess.

MR. KEMP: Yes. Okay.

MR. STANTON: If he sees you're a more active and I don't want to get political. These Dollar General stores, you see where they're located. They generally go places where there's less resistance. You are not -- you are giving a little more resistance. I hope the developer and the engineer hear your calls. We're technical, the other side is more political. You have your ward Councilperson to discuss. You have all the chess pieces to play the game.

MR. KEMP: I thank you. One other question. Do any of my neighbors, do they get to speak? Oh, okay. Thank you. Thank you.

MR. WHARTON: Good evening. Good evening. My name is David Wharton; I live at 5967 East Waters Edge Drive, just up the road from my neighbor. Since I'm not privy to the plans that they're building, do we have a limitation on how tall their sign can be? You talk about light pollution, that thing sits up 40, 50 feet in the air, I don't care how tall your privacy fence, he should drown it out of the backyard. If you saw his backyard, it is nice. It is covered. It is well-shaded. It is very comfortable, a very safe place to be. I live up the road. I'm concerned about an extreme, you know, uptick in traffic, not only foot, but also vehicle. We have constant near misses with vehicle traffic back and forth on not only Lake of the Woods, but St. Charles Road. It is right on top of the traffic circle, literally. Their entrance is right on top of the traffic circle. I mean, people nearing rear-end each other. Hey, Columbians don't know how to drive on traffic circles. They suck at it. They really do. But we don't have any sidewalks up and down Lake of the Woods, so if there's somebody walking up there to Dollar General to partake and, you know, support their business, you're jumping into the ditch, you know. If you try to avoid somebody, let's see here, my neighbors put up half a dozen mailboxes in the seven years I've lived there because people have driven off the road to avoid, you know, either a pedestrian or an animal. So it's -- it's a safety concern at this point. Whatever, you know, guidelines that comes in under you guys' umbrella.

MS. LOE: Mr. Wharton, did you say you were concerned about signage?

MR. WHARTON: Signage. How tall is their Dollar General sign going to be?

MS. LOE: We do have a signage ordinance.

MR. WHARTON: And that thing is what, 14 feet long, 15 feet long?

MS. LOE: But would this be covered by their PD plan now?

MR. ZENNER: It would be covered by the PD plan, which is one of the comments that Mr. Palmer made that the signage standards are not on the plan. In this particular instance, you'll notice that the zoning to the south of this property is M-C, which is our corridor commercial zoning designation. Signage is limited -- limited based upon the road classification that the parcel is adjoining, both in area and in height. So a free-standing pylon sign would be permissible. We don't know at this point if that's their desire. Maximum sign height, I'd have to go back to the Code. I don't have that particularly. Maximum square footage is also going to be limited, and I believe it'll be a maximum of 64 square feet of sign, so that could be an eight-by-eight panel. And wall signage is driven by 50 percent of the wall area of the side facing the public right-of-way of how our sign code is written.

MR. WHARTON: The other question I have is do we have a limitation on how long the signs can be turned on? That's just one issue to come up with, you know. You can also write about the trash. We look around. Dollar General is not exactly known for their cleanliness. Come on, now. We all know that, you know. I'm not going to -- I don't want to drive a business in the ground, but they can do better. The one just up the road that's burned down twice, you've got a great aerial view of it because it's built down in the valley. And you drive by there and you see all of their storage containers and everything sitting out to the side of their building waiting to be picked up or moved into the building for processing. And it's just -- it's just unsightly built right on top of an established neighborhood. A thought process, go across the street, on the same side the fire department is on. Move your driveway down, split the difference between the -- I don't know what the side street is there, by the car wash -- thank you. But I mean, there's -- there's 30 acres right there of prime land, flat, ready to go. You're not butting up to anybody's house, and it's all commercial. It's a lot better location than trying where they're currently trying to go. I appreciate it. Thank you, guys.

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

MR. STANTON: Offer you the same advice. Those are very good points.

MR. WHARTON: Yes.

MR. STANTON: This is how we deliberate here.

MR. WHARTON: Yep.

MR. STANTON: Keep those in mind. All those things that you addressed are addressed in the ordinance as far as sign size, height, all of that good stuff, so I would definitely raise those concerns not only here, but at City Council, to get with your entourage over there, you guys -- I given you the pieces,

and what you need to bring up and get people's business cards behind you.

MR. WHARTON: Right. Exactly. Thank you.

MR. STANTON: Thank you.

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

MR. WHARTON: Thank you.

MR. BROWN: Hello. My name is Chris Brown; I live at 203 Snead Drive, which is down the street from this location. In the midst of this situation, as my other neighbors have said, it's a lot of traffic. Adding with the traffic, you've got trash. I, myself, have a small lawn service. I cut grass, and I see trash on other businesses that I cut on Clark Lane, and the businesses don't even pick up their trash, I have to pick it up each time I come and mow. So this will be the same situation, to me, at this Dollar General. As well, just the other day, there was a car wreck that happened right by the fire station. In a matter of seconds, I just pulled up right -- right after it happened. In a matter of seconds, traffic built up on Lake of the Woods Road. The folks that was coming from that direction and, as well, that was coming from St. Charles from the east end, it built up very quickly. So when the add the Dollar General in that location, it will be bad on traffic, depending on what time it is, as Greg said, Mr. Kemp said you've got the school traffic that comes out at 4:00. That's busy for a whole 30 minutes on top of the traffic that gets out from school at 3:30 or 2:30 from the elementary. That's a line of traffic. And then you add, as well as, add people just coming home from work or from other places. And then the third thing I would like to add is right now if we allow this to happen in the residential part, well then there's other homes, other places of land that's for sale, that it is -- it's really residential, but trying to be sold as commercial. So now -- now you're adding more businesses in the actual residential area, which is not good for being a residential place. My mother has been on this street -- she's actually been on St. Charles, and we've been in Columbia since 1989, so that was all a wooded area, a very nice area. It always has been. That whole side of town, my mother has never left because of the situation of how nice it's been. So just adding in that situation, like the gentleman said, it's clearly a commercial property, which is still going to be traffic we have control of, but not to be right in the residential. It just affects the whole neighborhood. Thank you.

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

Thank you.

MS. VAUGHN: Good evening. Thank you for your time. My name is Vanessa Vaughan; I live at 2043 North Lake of the Woods Road. I have a beautiful view outside the back of my home -- the lake. Along with that is wildlife. I have a mother fox with her kittens. I have squirrels, I have rabbits, I have geese, I have ducks. The last thing I want to see is a yellow Dollar General bag floating on the lake. I already have that issue with the convenience stores, Casey's, the fast-food chains, the little miniature plastic liquor bottles. It's a constant battle. I have a beautiful lawn, and I think because I have a beautiful home that people think that I have a lot of money and I can afford an expensive lawn care. I am

the lawn care. Now, I -- I've worked hard, and I want it to be in that area because of the woods and the lake and the solitude and the quiet. I did not ask to live in a commercial zone. Thank you for your time

MS. LOE: Thank you, Ms. Vaughan. Any questions for this speaker? Ms. Vaughan?  
Commissioner Placier?

MS. PLACIER: Yes. I just wanted to ask. Several people have mentioned that they didn't want a commercial development in the middle of a residential area. Some -- at some time in the past, we don't know when, or maybe some people know when, this chunk right here became commercial, and it is -- is no longer zoned residential. It was not that commercial is now interloping into a residential area, it is allowed to be developed by commercial enterprises, unfortunately, for you.

MS. VAUGHAN: I don't know who made those recommendations or voted on it. I didn't.

MS. PLACIER: Well, I didn't, either. I'm not sure any of us did, or know when it happened, but it is an existing fact at this point. And I think our Chair mentioned that, at one point, there was a proposal for an even larger 50,000 square foot thing there?

MS. LOE: The statement of intent -- the original statement of intent allowed for a 50,000 square foot --

MS. VAUGHAN: Which was back in 2013, Was that the proposal then?

MS. LOE: The date on that -- yes. It's 2013.

MS. VAUGHAN: I see. We weren't -- I wasn't aware of that, just as we were not aware, and as the gentleman who represents Dollar General had acknowledged that he hasn't talked to -- the company hasn't talked to any of us. I mean, this was dropped in my lap last week. And, you know, I understand with change there's growth. And as my fellow residents have stated, we have a high school, we've got an elementary school, and we also have subdivisions out that way. You know, along with the good, you get the bad. That's a well-known fact. But as my fellow residents have stated, you have the fire station there, and you have a roundabout. In fact, there's two roundabouts where the Sonic's intersection, St. Charles, and then -- (inaudible). And it is -- it's frustrating, you know, what has become --

MS. LOE: Ms. Vaughn?

MS. VAUGHN: Yes.

MS. LOE: We need you to speak into the microphone.

MS. VAUGHAN: Oh, I'm sorry.

MS. LOE: They can't record your comments.

MS. VAUGHN: I apologize. What has become residential is now becoming commercial. And I realize, you know, Columbia has grown in leaps and bounds. I've lived here for 65 years. I remember in the early '60s when the population was something like 38,000. So, yes, I've seen a lot of cow pastures grow into subdivisions, and I get that. But also, too, we have to keep a sense of not everybody wants a business in their backyard. You know, there's a point when the almighty dollar speaks, and it speaks loud. And -- and I get that. It's potential employment. it's also growth, more schools, more businesses,

but also sense, the sense of community, the feeling that I can talk to my neighbor without having a convenience store being the -- between both of us, you know, is what I'm trying to say. And as I said, I have wildlife, and I love it. It's quiet. I already deal with enough trash from the businesses on Clark and St. Charles Road, and I just feel like we're losing that rural community feeling. But I didn't know anything about the proposal in 2013, just as I did not know about this. Thank you for your time.

MS. LOE: Thank you.

MR. YOUNG: My name is William Bruce Young; I live at 1551 North Lake of the Woods Road, just right down the street from where this development is going in. My wife and I, we bought, basically, our retirement home here a number of years ago in 2015. It's a log cabin on about three wooded acres, and we love it, but this development, I just, for the life of me, I can't understand it. There's a Dollar General less than two miles away. They just put in a -- a huge Schnuck's grocery store, a mega-store less than a few hundred yards from this. The traffic from all that, and I just ask you to come out there at 4:00 whenever school is -- is let out. I mean, the traffic is -- it's -- it's -- it's crazy. It's crazy. I don't know how many accidents have -- have occurred there, but I'm sure the City has some idea of how many there's been, but there's been a lot of accidents. And you have to realize those are high school kids, a lot of the drivers. It's -- it's just not safe. And -- and, again, I just -- I can't understand why they would -- why you would want another store less than just a few hundred yards from this huge Schnuck's mega-store. Yeah, I -- it just doesn't make sense to me. Again, the big thing is the safety, and then the trash, you know. I have a long frontage on Lake of the Woods, and I am picking up trash nonstop. So I just ask that you reconsider. And, again, if nothing else, for the safety.

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

MR. WILLIAMS. Good evening, panel. My name is Randy Williams; I live at 6208 East St. Charles Road. Now, when I was about 20 years old, I remember coming out to Lake of the Woods because it was just a little bit outside the city limits, and you couldn't -- you could get liquor there on Sundays. Okay? Now, 20 years later, I move out there because it's so wooded and so secluded. Now, mind you, I don't have a \$400,000 or a \$500,000 home, but it's that to me because I have invested in it for 20 years. Before I could look out my door and look down the street and I seen a stop sign and one gas station. Right. Now I see Sonic, car wash, oh, my gosh, Schnuck's, gas station, and this and that, and now we're talking a Dollar General. I know that it's a big deal for this company to put in a Dollar General, but in this neighborhood, we really don't need it because, as you heard all my neighbors say, what's going to happen is more than we can anticipate. We just can't -- can't -- just -- we just can't take another blow of this magnitude. It's just too much for our neighborhood. The block is too short, the traffic is too much. I know we're going to put our chess pieces together and go to this panel and see what we can do about this Dollar General because you all have heard everybody in the neighborhood say pretty much the same thing, that we don't want it. Now, I've had some dealing with Dollar General through the years with my family, with accidents, and slipping and falling on their lots and all, and stuff like

that, and it hasn't been a good scene at all. They really don't give a hoot. That's must my opinion about Dollar General, and every time I go there, my wife loves to shop there, so I take her, but I don't care to go there because it's such a risk, especially the one down the street from us. and I feel as though that one down there has went through so much trouble, what -- what are we going to get with this one? Thank you for your time.

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

MS. KLEIN: Hi. My name is Joyce Klein; I'm at 5851 East Waters Edge Drive. I'm off Lake of the Woods Road, so down a little bit from this development. I like -- I understand, we're going to have to go to, I think, Skala is who you mentioned that we're going to have to bring this demand to the City Council. The lot -- the proposal is deemed commercial, yes, but it is in between a residential home and other residential homes. So I don't know if you guys are aware of that, but the -- for some reason, there's the gas station, then in 2013, it looks like one property was designated commercial. Then there's a house in between there, and then this what they're wanting to develop is another commercial lot that evidently was deemed commercial in 2013. So the Dollar General is trying to build between homes. This -- it's not entirely commercial, that whole area. And there are three homes to the east of where the proposed site is. There is at least one home right -- there's a home on the proposed site right now, which, I guess, is going to have to be -- be demolished, but then there is a home right to the west side of this proposed development also. So if you guys can take that into consideration when you're looking at this. I know you guys are voting on whether, you know what I mean, that they're plan follows the guidelines of the -- the proposed plan and everything else like that, which it does, but it just -- I want you guys to be aware that they are actually building right in between homes here is where they're building. The fire station that's right across the street, what's going to happen to the emergency response system? How are they going to deal with this? When Battle High School was built, the -- there was supposed to be -- there was supposed to be sidewalks all the way from Battle High School to Lake of the Woods Road, so that way high school students could travel safely on that road. There's never been any sidewalks since Battle High School was put in. And with -- and I know that this Dollar General is probably being built -- put there in order to service the people in the Demaret Subdivision area, which they will cross the street, because there are no sidewalks for them to use, so that's going to make it totally unsafe. And as many of them mentioned before, 1.8 miles to the west is a Dollar General on Clark Lane, so there's no reason, unless you're in New York City where they build things on every few blocks, there's not -- no need for another Dollar General 1.8 eight miles away from another one.

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

MS. ALLEN: Hi, there. I'm Jo Ann Allen, and I live 5813 East St. Charles Road. I am the subject house on the west side, and I'm not happy. We formed an LLC in 2010 to sell all three properties, and -- and there's a 50-foot strip between the gas station and what is Armer's property. They -- their -- Robyn had to tear down her house because it kept getting invaded and vandalized, and I

have called the police because there was a van that pulled in there and parked, you know, and was setting up camp, so it's something that we're watching now. When we did this, it was suggested that it would be -- well, both sides wanted to sell. I'm not really anxious to move, but on either side, they both wanted to sell, so we did it as a block because it was a larger acreage to be developed. But as you see, it didn't happen, and now, in the middle of the block, this is transpiring. I concur with what everyone has said about the trash. I mean, I have to get out there and pick up trash all the time that's thrown on St. Charles. When we -- my folks built out there, it was a two-lane road. There was country. There was a ballfield across the park now. The reason we did that LLC is because everything across the road was commercial, and this looked like it was going to be the next progression. And I was always hoping something like a residential senior facility or something like that could go in there that would kind of fit in with the neighborhood-type living. Also, my concern, too, is the -- on our backside, that -- we're going to have traffic through our yard continually to that Dollar General. Do you see all those townhouses back behind us -- the duplexes? They'll cut through. When they put in the BP, they were cutting through to go to the BP from down there, so most of us don't have our yards fenced, so it's going to require fencing to -- to keep traffic from going through there. And there's no sidewalk on that side of the street. There is across the street, but everybody walks in the street on our side of the street. I think that -- I just don't know that -- that a Dollar General there is going to be the highest and best use for -- for this piece of property and just this whole area. I had a question, too. How -- the sewer systems and that sort of thing, will they accommodate a commercial facility like that?

MS. LOE: These projects are reviewed to ensure there's a capacity for the proposed use before they come to us. So, Mr. Palmer, yes?

MS. ALLEN: Water and sewers?

MR. PALMER: Yeah. I don't remember if any comments were presented from them, but, at the end of the day, any of that were, were addressed, and they've been approved by all of our public utilities.

MS. ALLEN: I think that's all I had.

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

MR. BUSCHER: Good evening, Council Members. My name is Cody Buscher; I live at 1903 North Lake of the Woods Road. I live just approximately a quarter of a mile to the north of the roundabout and Fire Station Number 1. My biggest concern after finding out about this is, again, just a retrospect of many things that other individuals have stated. I'm not pointing fault because I realize, and as Councilman Stanton stated, we understand that, again, this is the planning process of what goes on. Our -- and, again, you are not bad people. I'm not holding you at fault. Again, it's not to project that whatsoever. But again, being a residential area, I've lived for 25 years. Again, coming around even when St. Charles Road was two lanes, a huge grove of trees, and again, everything is expanded immensely around there. It's confounding to me that something -- again, progression takes place. But when you have let alone four gas stations convenience stores, again, not only on the south side, inclusive

on the north side of the interstate. Again, you have a large grocery store, you have the Lakeview Mall. Again, two -- adding up with the two involvements of roundabouts, probably within 300 yards of each other, a major school, the amount of traffic down the road, the development of the Copper Creek area, as well as housing to the east of there, we're seeing such a mass amount of traffic coming through there. And again, it's being repetitive with this, but again, it is no different than trying to travel down, say for instance, any given heavy traffic area in Columbia at rush hour. We have no avenue as far as of bypassing of traffic. If you go down Lake of the Woods Road, you have an avenue to go to the interstate, which means going down Mexico Gravel Road back to the interstate. All that traffic, all the involvement of -- of residential areas north of there, ones that are developing, are all coming down through the Lake of the Woods Road. That is -- it's not Lake of the Woods Road, it is Lake of the Woods Highway. We have a speed limit there of 35 miles an hour. You will be lucky if you don't -- if they're not doing 50 down there. Again, especially with that point, we're looking at that, and looking at the amount of traffic that comes down there. Then again, the addition of trying to maintain a residential area, we have a commercial. And in reference to somewhere, sometime, somebody, somewhere, it just -- this area became commercial. I -- we live, as I said, just to the north of there. We have a commercial area up there on the Rem (ph.) Street area. That lot has been empty for the -- over the last 20 years. Again, no development there. And again, even with those houses there along the St. Charles area, my concern is it's a residential area. Why in just this one section do we have a development of just commercial, and then that area being of a Dollar General. Dollar General is in 1,100 towns in the State of Missouri, and that -- that number is growing immensely. I have nothing against Dollar General. Texas has over 1,700 of them. Two cities in Texas have a -- a stipulation that they cannot be built within a mile of each other. We have one, again, aforementioned on Paris Road. We have one just down the road on Clark Lane, and again, echoing the changing of names in Columbia. Clark Lane going to St. Charles Road, that type of thing, I don't understand why that had to be stipulated as a commercial. Again, we're all going to be dealing more and more with expansion in that area because that -- there is only a quarter of a mile from that -- from that St. Charles Road to the interstate. It's going to be developed with that, but again, where does -- where does this -- where does this end?

MS. LOE: Right. So unfortunately, that decision has been made.

MR. BUSCHER: Sure.

MS. LOE: So we're not -- we're not looking at a rezoning tonight.

MR. BUSCHER: Sure.

MS. LOE: We're -- we're looking at the proposed plan only, and whether or not it meets our technical requirements.

MR. BUSCHER: Again it's -- again, don't -- don't take me wrong in the term of I'm not sitting up there griping about it. But sometimes when you -- when things are planned, you don't know when they are planned or when they develop, they just occur. Something happened.

MS. LOE: And as we've said, this is one part of the process. We're actually simply a recommending Board.

MR. BUSCHER: Sure.

MS. LOE: We are going to forward a recommendation, and it is City Council that makes the decision.

MS. BUSCHER: And again --

MS. LOE: So that's all the more reason for you to show up at City Council.

MR. BUSCHER: And I -- an I appreciate that. Again, Madam Chairman, I do appreciate that point, as well as the council members themselves just -- just for listening, because again --

MS. LOE: Uh-huh.

MR. BUSCHER: -- we're just ordinary people living in -- in Columbia. Wonderful place to be. Wonderful place to retire until things start crowding in, because again, it just keeps getting more and more and more compressed.

MS. LOE: The process only works with -- you come to the meetings, and it's a give and take. We're volunteers. We're all public. So we appreciate having --

MR. BUSCHER: Hey, and I respect that. I really -- I do respect it.

MS. LOE: -- having you come, as well.

MR. BUSCHER: Other than just giving you lip service. I'm sorry. I didn't mean to interrupt, but --

MS. LOE: So, no. Any questions for this speaker? I see none at this time. Thank you, Mr. Buscher.

MR. BUSCHER: I do thank -- I do thank you for your time, and again, make it -- I would also like to acknowledge, too, for thanking Mr. Gregory Kemp, again, for bringing this, and taking the initiative so that we can be aware of things that not only are affecting him, but are affecting all of us. And again, I thank you, bid you a good evening.

MS. LOE: Thank you. Mr. Kemp, did you have one -- you need to come back up to the podium, I'm afraid, and you need to give your name and address again for the records.

MR. KEMP: Greg Kemp, 1306 Lake of the Woods Road, fighting Dollar General. But my question was, when is the City Council meeting that this will be --

MS. LOE: That may depend on how the vote goes. No? No. Mr. Zenner will let us know.

MR. KEMP: Okay. All right. Thank you.

MS. CARROLL: Follow up with them if -- I'm sure you can get contact information and follow up with them if you have more questions about the process.

MR. PALMER: Yeah. Mr. Zenner is looking it up, but if nothing else, I can give you my contact info. Sure.

MS. LOE: All right. If there's no further comments, one -- okay.

MR. PALMER: I think that's right. We believe it will be the June 6th meeting.

MS. LOE: All right.

MR. PALMER: And I would ask that you verify that with me, and I'll -- I'll bring you -- for intro, yeah. You would actually want to be at the second reading, which would be the 20th of June.

MS. LOE: June 20 for the second reading. Here. Right here.

MR. ZENNER: Seven p.m.

MS. LOE: We need you -- same place, different people.

MR. NORMAN: James Norman; 5909 St. Charles Road. Mine is a little bit different concerns, I guess.

MS. RUSHING: Could you use the microphone, please?

MR. NORMAN: Yeah. Mine's a little bit different concerns, I guess. Mine is a -- my concerns is just the construction itself, the vibration of the ground and stuff. My foundation is kind of cracking. I'm just afraid it's going to crack it even more. I've got trees leaning over, like, toward my property that could fall at any time -- when the windstorm -- when the wind blows, I'm afraid that the cedar trees are going to hit my house and destroy it. I'm just afraid that the construction is going to -- vibration could make them come down a little bit more. I'm afraid that the poorly landscaping because the water runoff when it rains comes more in my place and cause more damages to my place, just, basically, stuff like that, I guess.

MS. LOE: Understandable. What side do you live on?

MR. NORMAN: I'm right next to it. It would be right next to it.

MS. LOE: On the east side?

MR. NORMAN: Yeah, probably. I don't know. Myself, I've lived there my whole life. I would rather get out of my front door and walk -- drive a few miles to a Dollar General than walk next door to it, so --

MS. LOE: So --

MS. NORMAN: They could come up with something different, but something that's --

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

Any additional speakers on this case? If there are none, we will close hearing portion.

#### **PUBLIC HEARING CLOSED**

MS. LOE: Commissioner comment? Commissioner Rushing?

MS. RUSHING: Actually, I'm rather amazed that Dollar General is proposing to put a store in this location. It is surrounded on three sides by residential, and I would think maybe some form of a little bit more dense residential development would be appropriate for this particular piece of property and have the commercial development taking place to the south as it already is. I understand that staff is saying that we need to approve this, and I believe I have a vote, and that vote can be yes or no, and I can base that vote on what I believe is in the best interest of the community, and so I plan to vote no.

MS. LOE: Commissioner Stanton?

MR. STANTON: Well, my experience is that these stores are placed based on zip code, demographics, and I can stand on that statement if you look at all of the other ones in town. They're also built where there is less political resistance. There is no Dollar Store near The Highlands, there isn't. It doesn't fit their demographics. It doesn't fit their demographics, that's not their customer base. The people that live around here fit their income demographics. That's why they bought it -- the land there. That's why they're putting it there. That is the way of the world. That's how it's going to be. That's why stores and where they are. Do you have a Starbuck's out there? I bet not. Because it's based on demographics. Okay. So I'm back to this. That's going to be the way of the world. This is a PD, and I keep saying that to my colleagues because PD means it's a planned development, which means there's some wiggle room. I'm going to say again that there's people in this room that have business cards, and the developer and the engineer are in this room. Based on your correspondence and talking with them, that should determine how you proceed at the next phase with City Council. So we have some play room here as a PD. The new UDC Code did add some protection, so you guys, what we're seeing is available to the public. I suggest you do your homework and look at the buffering. This is then to be a commercial corridor, so what's probably future -- is future endeavors is to make a long -- what is that -- St. Charles industrial. I mean, you know, stores and stuff like that, commercial stuff. That's kind of where things are going. It's great to have a neighborhood association, and it is great to be active like you guys are. Any future endeavors, any future purchases of land, and what you do with your property will determine the complexion of this neighborhood. I just wanted to give a little education, so that we can play chess.

MS. LOE: Commissioner Placier? Or sorry. Commissioner -- I can't see everyone here -- Burns?

MS. BURNS: Oh, thank you. I appreciate everybody coming out tonight. I have counted over ten people that have spoken in opposition to this. I don't think there's been enough conversation between the applicant and the neighbors. I hear concerns about traffic, signage, lights, trash, safety -- I can't read my own writing -- construction concerns. So I would like to see more discussion before I can support this between the neighbors and the applicant and developer and try to come to some understandings. I don't know if it will make everybody happy, but I don't plan on supporting this even though we are a recommending body, and my recommendation will be no.

MS. LOE: Commissioner Placier?

MS. PLACIER: I agree with Commissioner Burns on this, and I do know that the -- the argument that Commissioner Stanton made about the neighborhoods and the business model of Dollar General is backed up by national research. So my concern would be if a Dollar General goes in here, it sends a signal about the quality of the things that could go in the rest of this area. You're not going to get a Starbuck's probably next to a Dollar General. You know, I don't know what it -- it is a signaling thing. It signals how a community is valued. So I also will vote no, even though my concern is we don't have any

technical reason to vote no, but we do have this concern about the lack of communication with the neighbors and just developing a plan in isolation from their wishes.

MS. LOE: Commissioner Carroll?

MS. CARROLL: Yeah. So I'm in agreement. Anthony Stanton pointed out something that is weighing on my mind, and that's that this is a PD plan. PD plans are intended to provide the neighbors with a little bit more control, in which case I think that it's more advisable for the developer to communicate with the neighbors so that you arrive at a better PD plan. It's not serving the intent of a PD plan if it's not meeting that need. And so I'm not inclined to support this, either. I'm aware that this Board doesn't get to decide what type of business goes where. We're meeting the technical aspects. Nonetheless, the PD plan exists to provide more oversight and more control, and that's a function that I think gives us some consideration.

MS. LOE: Commissioner Stanton?

MR. STANTON: This is a question of staff. I think I know the answer, but I just want to make sure I'm correct. This is a PD plan. Correct? I want it to stay a PD plan. If it does not stay a PD plan, they can go back to not having one and they can do whatever; am I correct, Mr. Zenner?

MR. ZENNER: The simple answer -- the simple answer is no.

MR. STANTON: Okay.

MR. ZENNER: Without a rezoning action to eliminate the existing planned district zoning on the property, there is no way of being able to develop any of the three parcels that comprise the 7.62 acres with any business. I -- so what I would -- Council would have to have another public hearing by which to rezone this property to an open zoning classification. And from a development perspective, the developer has an entitlement to develop according to a statement of intent that is valid in accordance with the technical requirements of the development code. And the statement of intent includes supplemental provisions that were designed to provide the additional oversight along with the oversight of the plan. So there are -- that plan does offer controls in -- in the addition of landscaping requirements that would be beyond what is normally required, and other particular conditions that can be either established or recommended for establishment by this body for Council to consider, or by Council themselves. Planned district zoning is a contractual zoning district. It is the only contractual zoning district we have within the Unified Development Code. And as such, either body, this body can make a recommendation for conditions it may believe are appropriate to assure controls, or Council, based on the public input can persuade Council to add conditions if they feel that they are necessary, as well. I would suggest at this point, this is not like a project coming in and asking for planned district zoning. This project was debated, considered, and voted on. And therefore, any additional standards of benefit to the adjoining neighborhoods is a discussion that would have occurred in 2013. It is not a discussion to be had at this point. This is planned zoned property. If you want to protect the zone -- the adjacent residential zoning, that could be done through dimensional or other related controls, such as reducing lighting height,

specifying additional buffering or screening, or things of that nature. But it -- there is no additional potential value added by saying, well, we want -- we want a dog park here, or we want other improvements. I would like to point out that with the development of this site, you begin a sidewalk network to somewhere. And, therefore, it will tie back ultimately to the roundabout at St. Charles and Clark Lane. I would also like to point out that the City does not build sidewalks in Boone County, and everything to the northeast of this property, all the way to the Lake of the Woods Golf Course, is not City property. Therefore, there is not an obligation for the City to have built sidewalks to connect Battle High School and Battle Avenue to this particular area. That is a Boone County related issue. And so there is an interplay here between the two jurisdictions, as well. And they're -- that is -- that's unique. This is an expansion of the City. It was an expansion done in 2013 based upon what the intervening residential property owner stated. It was an LLC that came and sought this rezoning request, given what they saw to the south. And, therefore, it was viewed in 2013, since I've been here this long, that it was an appropriate expansion by our elected officials at that time. The conflict was bound to come. The protections that were built into the statement of intent were intended to mitigate that impact. And again, the Commission, as well as the Council, has the ability to add additional mitigating standards should they desire to do so.

MR. STANTON: I wanted to continue. Thank you, Mr. Zenner. So you still have the protection of the PD plan. So don't want to push our way out of that, I guess is what I'm saying. So we vote -- if we all vote no to this, the repercussions of this would be -- you know where coming from? If we -- you know, I --

MS. CARROLL: They're not losing their PD zoning if we vote no. Right?

MS. RUSHING: They could come back with another proposal.

MS. LOE: I'm sorry.

MR. STANTON: I guess where I'm at is we -- I want to make sure that the PD plan has the teeth it needs to help create a win-win for the neighborhood and the business. I think I -- I support the business, I don't support -- I want to make sure that the neighborhood, that it's a good corporate citizen where it stands; do you hear where I'm coming from? And that the citizens have the power to do as best they can. We -- and Mr. Zenner stated it -- lighting, landscaping, barriers, all that, which is a better route than saying no Dollar General in my -- in my eyes.

MS. LOE: So as Mr. Zenner has pointed out, this is under a PD plan. And as I commented, I believe this Commission's duty is to review it based on the technical merit. So if we do vote no, I think you need to identify which components of the PD plan you aren't agreeing with. They do have a legitimate -- they have a statement of intent that identifies what uses can go on the site, which include sale of alcoholic beverage, which include a building up to 50,000 square feet. So there are uses that have been approved for the site that you probably will not like, but they've been approved, and they are entitled to those uses. So we -- we are not deciding that right now. I am very cautious about putting

commercial, especially new commercial next to existing residential. In fact, my vote record on this is usually no when it's a change of zoning, but this is not a change of zoning. One thing that I looked at is the size of the building that's being proposed, and it's under 11,000 square feet. That is considered suitable for what we zone M-N, which is our neighborhood commercial district. So that, we consider that a small commercial store. So you may not like the tenant in that store, but we consider that to be the scale of store we want to see going in next to a residential neighborhood. This was probably approved to go to C-P back in 2013 because they see St. Charles as transitioning from residential to more commercial use. And based on the traffic activity you've described, it sounds as if it is moving in that direction, and this may be one of the first steps, and it is -- it's going to be hard. But given that the -- they already have the use allowed, given the size of it, given that we're working with a PD plan that frankly has some good buffer built in, and their landscape plan is good, but we can make it even better if that's what would make you happier. I know you don't want it at all, but I, for one, don't see, based on what is before me, have any reason not to approve it. So I'm willing to add to the PD plan, but I'm -- I'm going to support it. Commissioner Carroll?

MS. CARROLL: I guess what I'm getting at here is that we could add to the PD plan by asking for more buffering, by asking for signage at a certain height, by asking for, like, control. What I -- what I'm trying to say is that I don't feel comfortable making those acts -- those asks from the dais here. I would feel more comfortable with this plan if I knew that that conversation had already happened between the residents and the developer so that the things that the residents had problems with were met and agreed upon, and that --

MS. RUSHING: Addressed.

MS. CARROLL: -- push back was addressed or at least discussed so that you could come to us and say the neighborhood had the following concerns, we had these conversations, we have this PD plan and addressed them in the following manners, or even we found that we couldn't address this and here's why, I would feel more comfortable with that scenario than us deciding now, oh, I think I heard somebody say this, let's cut a sign to this height. I -- I would feel much more comfortable knowing that those conversations took place prior to this coming before our body.

Ms. LOE: Commissioner Placier?

MS. PLACIER: Oh.

MS. LOE: I was just going to piggyback on Commissioner Carroll's comments. For example, the question about signage was brought up, and we've looked it up. It's one of the things we've been working on.

MR. ZENNER: I have the answer to that, if you'd like.

MS. LOE: As Mr. Zenner has, too. Tell us what you found to make sure we're right.

MR. ZENNER: Given that this is a -- it's a -- it's comparable to an M-C zoning district, we would apply the M-C signage standards generally, maximum of 64 square feet of signage, maximum height of

12 feet. And then there is provision within the sign code that allows for additional, if the sign is set further back, it can go up. Sign area increases by one and a quarter square feet per additional foot behind the required 25-foot front setback up to a maximum height of 30 feet, but that would probably be on the back property line, which isn't likely where the sign would be placed, nor where it is shown actually on the site plan right now. So, I mean, again, one of the aspects of applying conditions is it can be only a monument style sign, maximum height above grade of eight feet, and it is only internally lit with timered lighting associated with it that would have a dusk-to-dawn type light system with it, or actual timer. I think those are the types of conditions. And to Ms. Carroll's point, I think it is in the best interest of the applicant to probably have a discussion with what are the critical issues that the neighbors have, and approach us as a staff as to how can those be incorporated. An option that has not been discussed that I'm sure is running through some of your minds is calling the applicant's representative and suggesting do you really want a vote, or would you like to just agree to table this project and take some time to talk with the neighbors, because a vote is terminal. It goes to Council, and Council gets to wrestle with the issue. If you take some time, you may be able to get a vote out of this body that may be more favorable than what I'm reading the room to be as not so.

MS. LOE: Commissioner MacMann?

MR. MACMANN: Well, I think that would be useful, particularly with a local developer. I -- nothing against your boss or you, I don't know if they would be willing to have that conversation. Council is a far more political body, and your defined interests with them. I'm sitting here listening, and I haven't been jumping in as I normally do because educating the neighborhood on what's possible for them is not necessarily -- and that's one of the reasons I don't like legislating from the dais although we end up doing it a lot, as we would make a decision this is what we think they want, this is what they think they can get, and that's one of the reasons why we encourage the development community to speak with neighbors frequently because Council does listen to the neighbors. If they -- if they all show up, and they're talking about this for an hour at Council, you might communicate to the person you're working for that that doesn't look very good, either. And if they're defeated at Council, how long will have to sit on that?

MR. ZENNER: Twelve months.

MR. MACMANN: It will be 12 months.

MR. ZENNER: Negative recommendation. It is actually -- if withdrawn after a negative recommendation by this body, you cannot resubmit for 12 months unless it's a substantially different application. If denied by Council, it is a 12-month waiting period, as well, if I am not incorrect. So either way --

MR. MACMANN: Madam Chair, I would like to move that you reopen the dais so we could ask a public question.

MS. LOE: You're going to make a motion?

MR. MACMANN: Would that be okay? I'm just telling you where I would want to go. I have a

question. No. You can open it. I don't need to ask you. I would like --

MS. LOE: I was just clarifying what you were just saying.

MR. STANTON: We recommend --

MR. MACMANN: I do mean to ask you. I don't think we need a motion. That's what I want to say.

MS. LOE: Is there -- is there any other further discussion?

MR. STANTON: I like -- I like that idea and, hopefully, the developer or engineer can --

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

MS. PLACIER: Yes, I agree. As Commissioner Carroll was talking, I was thinking how do we nudge that conversation? How do we get it to happen?

MS. LOE: Well, I think we can also make --

MS. PLACIER: What's the best strategy --

MS. LOE: Uh-huh.

MS. PLACIER -- and maybe that would be either working with the developer to say, or as some of you have suggested, telling the neighbors get your act together and get your plan together and go to City Council and --

MS. LOE: Well, we can table it just to give them an opportunity to talk to the developer before it takes the route, but it's different if we do it versus they requesting -- their requesting it?

MR. ZENNER: It is. So within the tiers of actions available to the Planning Commission, you can recommend to approve, you can recommend to deny, you can recommend to approve with conditions. And while it exists, it's rarely used without the consent of the applicant, you can table because of substantially new information being presented. That is in your rules of procedure. I would suggest to you that there has been nothing substantially new presented by the applicant that would justify the Commission taking upon its own accord a tabling. The application is the same, the applicant has not come forward with a new design, a new statement of intent. So asking the applicant if they are willing to table opens up the opportunity to stay your required public hearing action this evening, other than a vote of either approval or denial or approval with conditions.

MS. LOE: Clarification though. We are missing the note on signage. Would we have simply required they meet standard requirements --

MR. ZENNER: Yes.

MS. LOE: -- even though we may be interested in modifying those?

MR. ZENNER: Yes. Absence -- absence of specifying particular sign standards on a planned development plan as applied by our procedures automatically reverts the signage to that of the comparable non-planned district zoning.

MR. PALMER: In other words, that was the case that was just -- it was missing from the plan and they'd like it -- BSD staff asked that it be specifically stated --

MR. ZENNER: Specifically, yeah.

MR. PALMER: -- that this property will be limited to M-C sign standards or whatever.

MR. ZENNER: That is -- that is a development -- that is a standard practice that we have begun to add since the adoption of the UDC, and since the adoption -- since the elimination of design parameters. Design parameters now generally all appear on the face of a development plan, so when you often have an omission of something, our building and site development staff, because they are the ones doing the permitting, request the clarifications. We would view that as a very technical change, not substantive to the plan.

MS. LOE: All right. So with that, I will -- we're going to open the floor back up to public comment.

#### **PUBLIC HEARING REOPENED**

MS. LOE: Mr. Bruck -- sorry, I lost my notes.

MS. CARROLL: Bruckerhoff?

MS. LOE: Mr. Bruckerhoff -- Bruckerhoff. If you could please come back up.

MR. BRUCKERHOFF: Yes, ma'am.

MS. LOE: Were you following that discussion?

MR. BRUCKERHOFF: Yes. The -- you guys basically have the option of tabling, approving, denying. Correct?

MS. LOE: We don't have the option to table.

MR. BRUCKERHOFF: Okay.

MS. LOE: But you do.

MR. BRUCKERHOFF: Okay.

MS. LOE: Is there any interest in that from the applicant?

MR. BRUCKERHOFF: Well, I just asked my higher ups.

MS. LOE: All right.

MR. BRUCKERHOFF: So they're thinking if you guys are wanting us to contact every single property owner, which is a pretty good undertaking, it would be better off to do a table to get that going rather than a denial.

MS. LOE: Commissioner Stanton?

MR. STANTON: I don't think you would have to. I think you could probably get a pretty good solid consensus before you left that door. And there are on their Ps and Qs and get their act together and talk to you before you leave.

MR. BRUCKERHOFF: I mean, what -- what I had gathered -- sorry. With what I've gathered, they're basically worried about the lighting, and our lighting plan meets City Code. We're below .5, I believe you can be allowed at the property line -- foot candle, where it's zero all the way around. Landscaping buffering, we meet that. The --

MS. LOE: But Mr. -- not to cut you off.

MR. BRUCKERHOFF: Okay.

MS. LOE: We -- we understand what the minimum -- they -- they haven't necessarily seen the plans. They don't understand what the City minimum requirements are, so that needs to be explained. And if those need to be exceeded, that needs to be included in the PD plan.

MR. STANTON: Within reason.

MS. LOE: With -- within -- or --

MR. BRUCKERHOFF: Right.

MS. LOE: -- Commissioner MacMann?

MR. MACMANN: Mr. Bruckerhoff?

MR. BRUCKERHOFF: Yes.

MR. MACMANN: You need to make them feel better.

MR. STANTON: Yes.

MR. MACMANN: That's your objective. I appreciate your technical things, and you're on the mark. Mr. Zenner, as much as we clash heads, it wouldn't be here if you didn't I and T, or he would have said no.

MR. BRUCKERHOFF: I'm not writing the check for the project, so I'm -- I'm just assigning it to the --

MR. MACMANN: I know, and I appreciate -- perhaps not you, but someone with whom you work or for you work, and that's what you might need to commit.

MR. BRUCKERHOFF: Right. So I need to talk with them on what they're thinking.

MR. MACMANN: Because you don't want -- your company doesn't want to sit for 12 months.

MR. BRUCKERHOFF: No.

MR. MACMANN: They need -- they -- they need to make them feel better, and what you can do before you leave is certainly listen to their input, but you need to get a dozen cell-phone numbers before you go if you're open to tabling.

MR. BRUCKERHOFF: You know, I'm open to take it. I mean, us trying to call --

MR. MACMANN: Mr. Bruckerhoff, I strongly suggest to you at this time you turn to Mr. Zenner and tell him that you would like to table this.

MR. BRUCKERHOFF: I think that.

MR. MACMANN: You can do whatever you want to do, though, sir.

MR. ZENNER: That is what he has communicated that his -- his higher-ups are willing to table versus a denial. That is what I had heard. What I would strongly suggest is that you contact Mr. Palmer. Mr. Palmer can provide you the sign-in sheet from this evening's meeting, which, if you in the audience that have spoken this evening have not signed in on the sign-in sheet on the back table, we would request that you do so, please. We will provide your contact information to the engineer. We will

also provide you the mailing list of the contacts that were provided notice within 200 feet of this property, and that will be the beginning for you to begin contact.

MR. BRUCKERHOFF: I would appreciate going that route rather than being bombarded by many citizens in the --

MR. PALMER: Sure. I also keep a log of phone calls I've received. Being that I only received one written comment, so I have those phone numbers. I think everyone spoke tonight, so that's probably covered, but it's another avenue.

MS. LOE: Okay. Any additional comments or questions for Mr. Bruckerhoff? I see none. Thank you for coming back up.

MR. MACMANN: This item has been tabled, has it not?

MS. CARROLL: Do we need to approve a request to table?

MS. LOE: No. We are going to close public hearing.

**PUBLIC HEARING CLOSED.**

MS. CARROLL: Right.

MS. LOE: We're going to go back to Commission comments. Any motions to be made or discussion first?

MR. STANTON: Close the public hearing?

MS. LOE: I did.

MR. STANTON: Oh, we didn't get the --

MR. MACMANN: Madam Chair, we don't need to do anything else on this matter, do we?

MR. ZENNER: For the purposes of the public record, Mr. MacMann, I would make a motion to table the request.

MS. LOE: We have to table it.

MR. MACMANN: May I proceed, Mr. Stanton?

MR. STANTON: Oh, I was going to ask Madam Chair if I could proceed, but --

MS. LOE: You can proceed, Commissioner Stanton.

MR. STANTON: As it relates to Case 140-2022, the 5905 St. Charles Road PD plan, I move to table.

MR. MACMANN: Second.

MS. LOE: Seconded by Commissioner MacMann, moved by Commission Stanton. Motion on the floor. Any discussion on this motion? Any further discussion?

MS. CARROLL: No.

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

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

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

MS. LOE: Recommendation for tabling is approved -- submitted. All right. We are going to stand up for five minutes, Joy, so you can stand up. All right. We're going to take a break.

(Off the record)

MS. LOE: All right. We are resuming the Cinco de Mayo Planning and Zoning Commission Meeting.

MR. ZENNER: Will we get out before Cinco De Mayo is over? That's what I want to know.

MS. LOE: Seis de Mayo coming up.

MS. RUSHING: I'm not sure we will.

MS. LOE: All right. Final case for the evening. We've lost our audience completely. We've lost Tim Teddy. Wow. All right.

#### **Case 142-2022**

**A request by SBLM Architects, PC (agent), on behalf of TKG 7th Street, LLC (owners), for a conditional-use permit to allow a veterinary hospital at 400 North Stadium Boulevard as part of a PetCo retail store. The 1.48-acre property is located on the east side of Stadium Boulevard, just south of Worley Street, and was formerly the location of "Natural Grocers."**

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 conditional-use permit authorizing a veterinary hospital in conjunction with the proposed PetCo retail establishment.

MS. LOE: Thank you, Mr. Palmer. Before we move on to questions, I would like to ask any Commissioner who has 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. Any questions for staff? Commissioner Burns?

MS. BURNS: Thank you. Can you tell me a little bit about correspondence, Mr. Palmer? Were the residents of the apartment complex to the east of this notified, everybody, or was it just the property owner?

MR. PALMER: The owner of the property.

MS. BURNS: Just the owner?

MR. PALMER: Yes.

MS. BURNS: Okay.

MR. PALMER: And I received no responses.

MS. BURNS: Thank you.

MS. LOE: Additional questions? If not, we will open up the floor to public hearing.

#### **PUBLIC HEARING OPENED**

MS. LOE: And we will close the floor.

#### **PUBLIC HEARING CLOSED.**

MS. LOE: Commission comment? Commissioner Stanton?

MR. STANTON: If my colleagues don't have any other discussion, I would like to entertain a motion, Madam Chair.

MR. MACMANN: Second.

MR. STANTON: As it relates to Case 142-2022, 400 North Stadium, PetCo conditional-use permit, I move to approve the requested conditional-use permit authorizing a veterinary hospital in conjunction with the proposed PetCo retail establishment.

MR. MACMANN: Second.

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

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

MS. CARROLL: We have seven to approve. The motion carries.

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

## **VI. PUBLIC COMMENTS**

There were no public comments.

## **VII. STAFF COMMENTS**

MR. ZENNER: I will not be succinct, but I will be thorough. The next meeting is May 19th. We will be wrapping up our discussion during work session on our FY23 CIP, so come prepared with content possibly for our memo. I would like to try to have the framework of that at least worked out during the meeting, and then be able to generate the memo before the end of the month when Council is having its budget retreat, and that is typically when we provide this correspondence to them so they have it as part of the overall budget preparation process in case they choose to relocate or reallocate monies associated with projects. We do have a meeting on the 19th, as well. It is going to include a total of six cases, one of which is a case that we have -- we took off the agenda because it wasn't ready due to some environmental issues that we needed to have addressed before we were prepared to bring it forward, and that is the first case, 825 Louisville Road. That is a preliminary plat at the southwest corner of Louisville and Smith Drive, and it's proposed to be divided into a four-lot larger lot subdivision. The property is encumbered with several sink holes on it, so part of the environmental evaluation was addressing sink hole locations as it relates to potential future driveway locations, so that is what the delay was on that. We have next three final plats within the subdivision section are all final -- required to come before the Planning Commission. These are what we refer to as final minors. They are not previously platted property reviewed by the Planning Commission, so they need to come to you. 900 Sycamore Lane, 2306 Oakland Gravel, and then 1706 Hinkson, all of which the Sycamore and the Hinkson, if I am not

incorrect, are consolidation parcels, taking two lots into a single parcel, and then the Oakland Gravel lot is a survey of the existing property addressed 2306 in order to confer legal lot status to that property. And then your two public hearings for the 19th's agenda include 2207 Holly Avenue. This is a -- a former church converted to a funeral home, which was limited to just a funeral home, and then converted to a daycare, which is not permitted pursuant to the approved planned district plan, so we are getting a revision to the statement of intent. There is a design adjustment related to sidewalk construction along the adjoining -- not Holly, but the adjoining street that is along its western boundary, if I am not incorrect, and an updated site plan. And then the last public hearing that we have on the agenda is 22 -- or 220 Diego Drive. This is the site of Cherry Hill Dental. They are seeking a major plan revision for two purposes, a statement of intent revision to add, if I'm not incorrect, alcoholic beverage sale --

MR. PALMER: Assembly and lodge --

MR. ZENNER: -- or assembly and lodge hall to the lower level. And if any of you are familiar with this building, it is the all-glass fronted building that faces Nifong Boulevard. The lower level was not finished. The upper level is the dental practice. There is a plan revision that goes along with the desire to create assembly and lodge hall to add an equipment storage or screening area for heating and AC units to the rear of the building. So we are having to amend the statement of intent to allow potentially for the lodge hall use. They would like to use it for an event center is what we understand. This would be similar to something that we have off of Bull Run on the east side of town. And then in order to accommodate that future use, they need to amend the site plan, which is going to have an impact to the landscaping and green space provision on the property, which is the purpose of why it's a major amendment. This will be an interesting one to determine if we get any public engagement due to the assembly lodge hall use, due to the residential development that's immediately to the north, west and east of the property. So those are your items. These are the locations of those items. Our Louisville Road one, our Sycamore Lane, Oakland Gravel, which is an existing mechanical contractor's office, your Hinkson Avenue. Then our Holly Avenue request, and then, of course, our Cherry Hill Dental on Diego Drive. That is all we have for you this evening. We thank you for sticking around and enjoy the rest of Cinco de Mayo.

MS. LOE: Any time, Mr. Zenner.

#### **VIII. COMMISSIONER COMMENTS**

MS. LOE: As part of Commissioner Comments, I would just like to let my fellow Commissioners and City colleagues know how I enjoy working with you and appreciate your service as part of the Public Service Recognition Week.

MS. BURNS: Thank you.

MS. CARROLL: Likewise.

MS. BURNS: It's true. It's very true. And I would entertain motions?

#### **IX. ADJOURNMENT**

MR. MACMANN: I have a motion. I move to adjourn.

MR. STANTON: Second.

MS. LOE: Moved by Commissioner MacMann, seconded by Commissioner Stanton. We are adjourned. Thanks, everyone.

(Off the record.)

(The meeting was adjourned at 10:33 p.m.)