

**MINUTES**  
**PLANNING AND ZONING COMMISSION MEETING**  
**COLUMBIA CITY HALL COUNCIL CHAMBER**  
**701 EAST BROADWAY, COLUMBIA, MO**  
**FEBRUARY 10, 2022**  
**7:00 PM - 9:48 PM**

**COMMISSIONERS PRESENT**

**Ms. Sara Loe**  
**Ms. Valerie Carroll**  
**Ms. Tootie Burns**  
**Mr. Anthony Stanton**  
**Ms. Joy Rushing**  
**Mr. Michael MacMann**  
**Ms. Sharon Geuea Jones**  
**Ms. Robbin Kimbell**  
**Ms. Peggy Placier**

**COMMISSIONERS ABSENT**

**STAFF PRESENT**

**Mr. Pat Zenner**  
**Mr. Clint Smith**  
**Ms. Rebecca Thompson**

**I. Call to Order**

MS. LOE: I would like to call the February 10 Planning and Zoning Meeting to order.

**II. INTRODUCTIONS**

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

MS. CARROLL: Commissioner Geuea Jones?

MS. GEUEA JONES: Here.

MS. CARROLL: Commissioner Placier?

MS. PLACIER: Here.

MS. CARROLL: Commissioner Kimbell?

MS. KIMBELL: Here.

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: Here.

MS. CARROLL: Commissioner MacMann?

MR. MACMANN: Present.

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

MS. LOE: Thank you.

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

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

MR. ZENNER: Yes, there will be tonight, ma'am. Item number 77-2022, which is an action being brought forth by the Historic Preservation Commission on behalf of the City is being sought to be tabled. We will need to discuss that after we do approval of the minutes.

MS. LOE: Thank you. Everyone should have received a copy of -- oops. Let's approve the agenda. Commissioner MacMann?

MR. MACMANN: Move to approve as amended.

MR. STANTON: Second.

MS. LOE: Seconded by Commissioner Stanton. I'll take a thumbs up approval on the amended agenda.

(Unanimous vote for approval.)

MS. LOE: It looks unanimous. Thank you.

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

MS. LOE: Everyone should have received a copy of the January 20th, 2022 meeting minutes. Where there any changes, additions, edits to those minutes?

MR. STANTON: Move to approve.

MR. MACMANN: Second.

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

(Unanimous vote for approval.)

MS. LOE: It looks unanimous. Thank you.

### **V. TABLING REQUEST**

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

MR. MACMANN: Before we do this, I moved to approve the agenda as amended. If possible, and in case this -- the City -- the overlay was noticed, was it not, Mr. Zenner?

MR. ZENNER: Yes, it was, sir.

MR. MACMANN: We may have people here and we're going to table this thing anyway. Could we deal with that first?

MS. LOE: Yes.

MR. MACMANN: Thank you.

MS. LOE: Yes. We are doing the tabling action first. So on to our first case of the evening which is the tabling action.

**Case Number 77-2022**

**A request by the Columbia Historic Preservation Commission (agent), on behalf of the City of Columbia (owner), seeking to establish a historic preservation overlay district including properties addressed as 910 and 912 East Walnut and designating both existing structures as historic landmarks.**

MS. LOE: Are there any staff comments on this? As Commissioner MacMann said, it was advertised, so we will have public comments.

MR. ZENNER: Yes. I mean, if there are individuals here for the public, it would be appropriate for those individuals to step forward. We are only discussing, however, the aspect of the tabling. It was brought to our attention late this afternoon that a procedural matter had not been followed that needed to be addressed before we pursued forward with the request, which will be addressed before the second meeting in March, which is not the March 10th meeting. It would be the second March meeting, which will be March 24th, if I am not incorrect. This slide actually has an error on it. So the item is required to go back before the Historic Preservation Commission before it can make a stop here for the Planning Commission's consideration of the designation of the two structures procedurally. It has already been discussed at length by the -- by the Historic Preservation Commission; however, the procedural requirements of the Code were not directly followed and therefore the law department has recommended, if not required, that this item be tabled this evening to allow for those procedural standards to be adhered to. There is nothing otherwise inconsistent with the information that was provided in your staff report this evening. There will be an updated report provided, along with some additional updated attachments at the meeting at the end of March, and that March meeting date that we are asking that this be tabled to would be March 24.

MS. LOE: Thank you, Mr. Zenner. Any questions for staff on the tabling? As we've noted, this was a publicly advertised case, so if there are any members of the public present tonight that did come to speak on the case, we would be speaking only on the tabling action at this time. Seeing no one. I am going to move on to Commissioner comments. Commissioner MacMann?

MR. MACMANN: If none of my fellow Commissioners have any commentary or questions of staff, in the matter of Case 77-2022, 910, 912 East Walnut Historic Preservation Overlay case, I move to table to date certain 24 March 2022.

MS. GEUEA JONES: Second.

MS. LOE: Seconded by Commissioner Geuea Jones. 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. Geuea Jones, Ms. Placer, Ms. Kimbell, Ms. Carroll, Ms. Loe, Mr. Stanton, Ms. Burns, Ms. Rushing, Mr. MacMann.**  
Motion carries 9-0.

MS. CARROLL: Nine to approve; the motion carries.

MS. LOE: Thank you. Commission recommends tabling.

## **VI. PUBLIC HEARINGS**

MS. LOE: That brings us back to public hearings. The first case for the evening is:

### **Case Number 68-2022**

**A request by McKenzie Daly (owner) for the assignment of permanent R-1 (One-family Dwelling) district zoning to a single 12.7-acre parcel of land upon annexation. The currently vacant site is zoned County R-S (Single Family Residential) and is identified as tax parcel 12-415-20-04-003.00 01. The property is located on the north side of North Oakland Gravel Road approximately one-half mile northeast of the US 63 and Prathersville Road interchange.**

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

Staff report was given by Mr. Brad Kelley of the Planning and Development Department. Staff recommends approval of R-1 zoning as permanent City zoning, upon annexation.

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

MS. CARROLL: I did have a question. So we have two cases related to this tonight, the one for the sidewalk waive and the one for permanent zoning, plus the annexation -- the concurrent annexation will go to Council. So I guess my question is because there's three related questions, when this goes to the Council agenda, will the annexation get merged all three together as one case to Council, or are the two separated?

MR. KELLEY: I believe the two would be separated. So the annexation and zoning would be heard as one, and the design adjustment would be heard as another item.

MS. CARROLL: Okay. Can you -- you had a zoning graphic comparing the City zoning to the County zoning. Can you throw that back up?

MR. KELLEY: I don't think I have it on here --

MS. CARROLL: Oh. I thought you showed it tonight.

MR. KELLEY: -- so it was --

MS. CARROLL: It was in the agenda.

MR. KELLEY: For the City zoning, the tract that's directly to the south of this is zoned Ag -- agriculture, the tract to the east, you can see this narrower parcel, that's zoned City R-1.

MS. CARROLL: And the one to the south, that would become a noncontiguous island, wouldn't

it, of County? The one to the southeast of this portion would be a noncontiguous island of County zoning? If you look at your graphic on the agenda.

MR. KELLEY: Yeah. So I don't recall off the top of head. I know that there's -- there's generally more City -- property within City limits to the south and southeast. I can't recall specifically if that's -- that would not be -- the County property would not be connected.

MR. ZENNER: Ms. Carroll, you're immediately -- you're referring to the property that is immediately south of the finger of R-1 that is close to the northern boundary of the subject tract, the two parcels immediately to the south?

MS. CARROLL: The R-S, it's southeast of this.

MR. ZENNER: Yes. Immediately to the east of the agriculturally zoned City tract; is that correct?

MS. CARROLL: Correct.

MR. ZENNER: Yes. That would become a disconnected island of County zoned property. Again, as Mr. Kelley has pointed out, the annexation is required due to the fact that the applicant is desiring to connect to the City sanitary line that runs directly through this site and cannot otherwise connect without the annexation agreement -- or the annexation.

MS. CARROLL: Understood. Thank you.

MS. LOE: Commissioner MacMann?

MR. MACMANN: Ms. Geuea Jones, did you have something?

MS. GEUEA JONES: No. I was just saying that it's four parcels.

MR. MACMANN: A semi-related question, and you all may not know this off the top of your heads, but you may. Does this trigger any other annexation in the area?

MR. ZENNER: There are annexations, if I recall correctly. There are some annexation agreements to the northwest of this property, but I do not believe any in the immediate vicinity that this parcel is contiguous with.

MR. MACMANN: No Oakland crossing automatic triggers or anything like that, to your knowledge?

MR. ZENNER: Not that I'm aware of.

MR. MACMANN: All right. Thank you.

MS. LOE: Any additional questions for staff? Seeing none. We'll open up the floor to public comment. If anyone has any public comments they would like to make about the case, please come up to the podium. Seeing none -- oh. Please come up. We need your name and address for the public record.

**PUBLIC HEARING OPENED.**

MS. DALY: I'm McKenzie Daly; I'm the owner of the property in question.

MS. LOE: And can we have your address, Ms. Daly?

MS. DALY: Current address would be 1710 Gypsy Moth Drive, Columbia, Missouri 65202.

MS. LOE: Thank you.

MS. DALY: So kind of in regards to -- and I apologize. Kind of in regards to what you brought up was that we desired to connect to City sewer. We were informed -- oh, I'm so sorry.

MS. LOE: Oh, it's okay. It's okay.

MS. DALY: We were informed when I went and applied for building permits that we were required to apply or to connect to City sewer. We were not given an option. So we have been put on hold for our -- from our project for, give or take, about five months. So I don't -- I just -- I just wanted to clarify that that wasn't something we sought out. It was something we were informed must be done to continue with our project.

MS. LOE: Understood.

MS. DALY: That's all I have at the moment.

MS. LOE: Thank you. Any additional speakers on this case? Seeing none. We're going to close public comment.

#### **PUBLIC HEARING CLOSED**

MS. LOE: Commissioner comment? Ms. Placier?

MS. PLACIER: I was just wondering if I could ask the previous speaker a question, because she left the podium before --

MS. LOE: Sure. We're going to open public comment back up, and we will need your name and address again.

#### **PUBLIC HEARING REOPENED**

MS. DALY: McKenzie Daly, 1710 Gypsy Moth Drive, Columbia, Missouri.

MS. PLACIER: I just wanted to clarify your statement. You were informed -- there -- without the annexation, you would have no way to deal with sewage on this property?

MS. DALY: More or less. At least my understanding. I went to County Assessor's office and applied for building permits. That includes wastewater, which would be for a lagoon on the property, which was how we went and approached the bank in all of the steps prior to starting our construction. And the day after I received the permits that you're presented at the County Assessor's office, I received a phone call -- and I'm horrible at names, so I apologize that I didn't bring that with me -- that since that City sewer main runs across that southwest -- southeast corner of the property, that that was our only option and they would not issue us wastewater permits to put a lagoon on the county property at that time.

MS. PLACIER: Thank you. Thank you. I just wanted to clarify that --

MS. DALY: Sure.

MS. PLACIER: -- where the pressure was coming from. As you said, it was not -- the pressure for annexation was not initially from you --

MS. DALY: Correct.

MS. PLACIER: -- it was from this --

MS. DALY: It was presented to me as we did not have an option, that we had to connect to the City sewer because they would not issue us a wastewater permit, and those were our only options to go forward.

MS. PLACIER: Right.

MS. LOE: Thank you. Are there any other questions for this speaker? I see none. Thank you. If there are no additional speakers, we will close public comment.

**PUBLIC HEARING CLOSED.**

MS. LOE: Commissioner comment? Commissioner MacMann?

MR. MACMANN: Just a point of information. I spent a whole lifetime several years ago with DNR, and Mr. Zenner may have been exposed to this, also, and some of the rest of you who have dealt with things. Just a little information thing. DNR's perspective, and this is the way it is across the United States, to go with the best sewer possible. So when you have situations where an enclosed piped sewer is possible or a lagoon, they always default to the next one up. That's just -- that's their policy and that's to minimize pollution. I just wanted to bring that forward. And I also wanted to state that for our previous speaker and for everyone else, we are asking questions to make sure that the -- in regards to the annexation and the property, and this is for your all's consumption, that all the I's and T's got crossed, so questions were read into the public record so answers would be there for folks like you to read them when this comes before Council. Thank you, Madam Chair.

MS. LOE: Any additional comments? Commissioner Geuea Jones?

MS. GEUEA JONES: I know we've discussed this before and I apologize for my poor memory, but if I may briefly inquire of legal. Is it correct that during the discussion on the motion, I can request that it not be put on the consent agenda regardless of the outcome of the vote, or do I do that now?

MS. THOMPSON: You can make that motion at any time --

MS. GEUEA JONES: Okay.

MS. THOMPSON: -- to have that not go onto the consent agenda, to have that pulled from the consent agenda.

MS. GEUEA JONES: Okay. I would -- I would then suggest that after we have taken a vote on this, I would like to make a motion that this, combined with the annexation, stays as a separate agenda item as opposed to being rolled into the consent agenda in front of Council.

MS. LOE: Any additional discussion? Commissioner MacMann?

MR. MACMANN: If there are no more questions or concerns by staff or my fellow Commission members, I have a motion. In the matter of 68-2022, Horse Fair Lot 3, assignment of permanent zoning, I move to approve.

MR. STANTON: Second.

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

discussion on this motion? Commissioner Geuea Jones?

MS. GEUEA JONES: Again, just for the transcript and the record, this is purely as to the zoning should it eventually be annexed.

MS. LOE: Any additional 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. Geuea Jones, Ms. Placier, Ms. Kimbell, Ms. Carroll, Ms. Loe, Mr. Stanton, Ms. Burns, Ms. Rushing, Mr. MacMann. Motion carries 9-0.**

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

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

MS. GEUEA JONES: Madam Chair, I would like to formally move that this item, along with its attendant annexation case, be removed from Council's consent agenda so that it may be considered separately.

MR. MACMANN: Second.

MS. LOE: Do we need to vote on that motion or --

MS. GEUEA JONES: I think we can just do thumbs up.

MS. THOMPSON: That's appropriate.

MS. LOE: Thumbs up. All right. I'll take a thumbs up on that. So, again, this is moving it from the consent agenda.

(Unanimous vote for approval.)

MS. LOE: It looks unanimous. Thank you.

MS. GEUEA JONES: Thank you for your indulgence.

MS. LOE: Moving on to the next case of the evening.

#### **Case 69-2022**

**A request by Plumb Supply Company, LLC (owner) for a Conditional Use Permit allowing expansion of the "Mechanical and Construction Contractors" use across the entire 10.16 acres of land owned by and improved with structures used as part of the business operation. The subject property originally consisted of two lots that were recently combined with the eastern lot having been previously approved for the requested use. The site is zoned M-C (Mixed-use Corridor) and is located on the southern frontage of East Business Loop 70 approximately 0.4 miles east of Old 63.**

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

Staff report was given by Mr. Brad Kelley of the Planning and Development Department. Staff recommends approval of the requested conditional use permit to allow a "Mechanical and Construction Contractor" on Lot 14A of Wellington Gordon Plat No. 2.

MS. LOE: Thank you, Mr. Kelley. Before we move on to questions for staff, I would like to ask



any Commissioners who have had any ex parte related to this case to please share that with the Commission now so all Commissioners have the benefit of the same information on the case in front of us. Seeing none. Are there any questions for staff? Good job, Mr. Kelley. With that we'll move on to public comment.

#### **PUBLIC HEARING OPENED**

MS. LOE: If anyone has any comments they would like to share with the Commission, please come forward. If not, we will close public comment.

#### **PUBLIC HEARING CLOSED**

MS. LOE: And move on to Commission comment. Commissioner MacMann?

MR. MACMANN: If my fellow Commissioners nor staff have any other commentary or questions, I have a motion. In the matter of Case 69-2022, 2310 and 2412 East Business Loop 70 Conditional Use Permit, I move to approve.

MR. STANTON: Second.

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

**Roll Call Vote (Voting "yes" is to recommend approval.) Voting Yes: Ms. Geuea Jones, Ms. Placier, Ms. Kimbell, Ms. Carroll, Ms. Loe, Mr. Stanton, Ms. Burns, Ms. Rushing, Mr. MacMann. Motion carries 9-0.**

MS. CARROLL: The vote is nine to approve; the motion carries.

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

#### **Case 70-2022**

**A request by McKenzie Daly (owner) for a design adjustment from Section 29-5.1(d) of the UDC relating to waiving sidewalk construction. The 12.7-acre property is located on the north side of North Oakland Gravel Road, approximately one-half mile northeast of the US 63 and Prathersville Road interchange.**

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

Staff report was given by Mr. Brad Kelley of the Planning and Development Department. Staff recommends denial of the requested design adjustment in Section 29-5.1 pertaining to the construction of sidewalks on arterial and collector streets. Alternatively, a fee-in-lieu could be recommended instead.

MS. LOE: Thank you, Mr. Kelley. 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? Commissioner Geuea Jones?

MS. GEUEA JONES: I -- I know this isn't a platting action, but I'm wondering, do you know approximately where the floodplain begins and ends? I'm asking because it sounds like currently, the plan is -- thank you. That's the graphic I wanted. It sounds like currently the plan is a single home, but

it's almost 13 acres, and we just voted to zone it R-1 if it's annexed, so there could feasibly be a lot more homes.

MR. KELLEY: Yes. So if you can see these two lines, this is the county subdivision. The floodplain overlay would apply generally in this area, and a small portion would apply on this southeast area, as well.

MS. GEUEA JONES: So a third of it? So there would still be eight acres that were buildable?

MR. KELLEY: Something along those lines, yeah.

MS. GEUEA JONES: Approximately? Yeah.

MR. KELLEY: Uh-huh. Yes.

MS. GEUEA JONES: Yeah. So that's, if I'm remembering correctly, nine homes?

MR. MACMANN: It depends on what you want to do.

MS. GEUEA JONES: Yeah. In R-1. Yeah. I'm just trying to think, like, for the future, because we're not -- we're not just deciding how this is going to work out for the next five years, so I'm kind of trying to play out what -- what would be allowable under R-1 with the floodplain to be built.

MR. KELLEY: With it being in the floodplain overlay, they would be required to get a floodplain permit, as well, with a PE -- professional engineer -- signing off on that.

MS. GEUEA JONES: Okay. Thank you. I know it's speculative, so thank you for -- for helping me with my mental exercise.

MS. LOE: Commissioner Carroll?

MS. CARROLL: Yeah. In your cost estimate for sidewalk, you said Public Works estimates the sidewalk at \$104,000. Is that for sidewalk to actually be constructed, or is that fee-in-lieu? Do you have an idea of what fee-in-lieu would be?

MR. KELLEY: That number is fee-in-lieu. I don't have a number for specifically this location.

MR. ZENNER: The construction cost estimate that was given is based on a two-year average of the construction -- the cost to construct public sidewalks within the City of Columbia.

MS. CARROLL: Okay.

MS. LOE: Commissioner MacMann?

MR. MACMANN: A note. The sort of walks in front of my house, one side cost \$80 a foot, the other cost \$120. So you're talking \$120 and \$80 depending -- this looks to be straightforward, but it's every bit of \$100K.

MS. LOE: Commissioner Burns?

MS. BURNS: Thank you. Mr. Kelley, could you put up the image that shows where the elementary school and the Atkins Park. So I'm looking -- I'm trying to figure out who is going to be walking on this sidewalk, and was there any study done about pedestrian traffic currently?

MR. KELLEY: No. When I stopped by the construction site, this actually was one person walking out there, but they generally felt that automobile traffic was rather limited. That's all I can really

offer for that end.

MS. BURNS: Okay. Thank you.

MS. LOE: Commissioner Carroll?

MS. CARROLL: Could you on this map or any overview, I was wondering if you could point out -- you mentioned there was one to the south that we denied the sidewalk waiver a year ago. Approximately, where was that in relation to this?

MR. KELLEY: So if you can see the -- the City limits here, it was for this plat here. It was about 1,200 linear feet.

MS. CARROLL: Can you show me on the over -- the satellite image again so I can get a perspective in relation to the school and the park, as well?

MR. KELLEY: Sure. Basically imagine this portion of North Oakland Gravel Road.

MS. LOE: Sorry. Commissioner MacMann?

MR. MACMANN: Thank you, Madam Chair. Planner Kelley, do you recall, because I do not, what the owners due south plan to do with that property?

MR. KELLEY: I believe they were intending on developing a farmette, so hobby farms, zoned Ag, so they're limited into how many homes they can construct on the property. I believe it's two lots, so, by right, without any other zoning action, they could have two -- a single-family home on each.

MR. MACMANN: Thank you. I have no further questions.

MS. LOE: Thank you for that clarification, Mr. MacMann. Commissioner Placier?

MS. PLACIER: So the portion of Oakland Gravel just to the west is County. Correct?

MR. KELLEY: I don't -- along this frontage, as well, this is County maintained.

MS. PLACIER: Yeah. And so the County, at this point, does not require sidewalks even along the developed --

MR. KELLEY: No, not to my knowledge. There are generally three subdivisions that in the County to the west. One of them, if you can see this one right here, that's more central. It has sidewalks in the interior of the subdivision. As Pat is mentioning, that was built according to City standards.

MS. LOE: When are sidewalks required to be built by the owner?

MR. KELLEY: At the -- they're required to show them on their building permitting plans. Through the building -- basically, through the building permitting process. Typically, in the City, we would have a performance contract that guarantees that, and they would need to be constructed within three years. But it's when they're developing the property and getting the building permit, so when they're constructing the home.

MR. ZENNER: It's tied to the CO and the permit for the residential structure for anything other than a common lot fronting a public road right-of-way, at which point the three-year provisions within the performance contract apply.

MS. LOE: So I have admit, this gave me a bit of pause simply because of the scale of the lot to the scale of the proposed development, and I was wondering if there is any way to phase some of the construction of the sidewalks such that can -- can we build -- build it proportionately with the amount of construction being done so it's such that can we require some in relationship to the area being developed or put some conditions such -- I mean, and back to Commissioner Burns' point, that should the site be developed or subdivided in the future, that would trip the requirement for the rest of the sidewalk to be completed. Have we ever explored an option? I'm thinking this is -- will not be the only site where the construction and the scale of the site aren't -- have some disproportion.

MR. KELLEY: I think part of the issue is that it's a 12.7-acre lot --

MS. LOE: With a large perimeter for the sidewalk.

MR. KELLEY: Yes. Just trying to think of options. Potentially, they could replat so that the lot that they are trying to develop does have a more, you know, limited frontage. The minimum building with a lot line for R-1 is 60 feet. So if they replatted this into a smaller lot, multiple lots on this with a replat, and then just developed a smaller lot, then they would be required to build less sidewalk. And then should another replat come forward for the larger part of the property, that redeveloped tract would, you know, go through a similar process, being a resubdivision within the City.

MS. LOE: Okay. I saw some hands. Commissioner Carroll?

MS. CARROLL: Yeah. That same idea occurred to me. She should -- she could replat and subdivide so that she's building -- she's only looking at building a portion of that, that could also solve some of this contiguous boundary problem, if I'm looking at the map correctly, which is not something that we discuss here. But that may be a route.

MR. KELLEY: If I may add one more thing real quick. The City sewer that goes to the property is on the southeast portion of the site. I do not know where the applicant intends to construct their home or develop, but that developed lot would need to have connection to City sewer.

MR. ZENNER: You cannot take a lateral -- you cannot cross a property line with a lateral to connect to the public sewer. Therefore, the subdivision of the property may not even be possible without resulting in construction of additional sewer main in order to provide service. And I think to Ms. Carroll's point, you still -- you end up with either an annexation agreement if you were to divide this property in the County versus a direct annexation, but you still potentially will have the issue of a sewer main extension because of the way that the policies exist to not allow a lateral line, not allowing private common collectors to be created. So the cost -- you're going to start to -- you're juggling costs at that point. A 12-acre tract of land versus two smaller parcels and having to do an extension of public sewer. And the public sewer requirement is because they are within -- they are directly impacted by public sewer, and that is why there is no option. If the sewer was a distance and the cost associated with getting to that sewer met the criteria of the Health Department, there may have been other options available, but because the sewer is directly on the property, it is required to be utilized. There was a lagoon shown on

the site plan that was included with this presentation. It was an error in the -- an error in accepting -- the County accepting a permit application and a misunderstanding of where the public sewer line was on this property. So there was no permit issued. The Health Department did indicate to the County's permitting staff that that request would have to be withdrawn and, at that point, that is where the process entered the City's annexation cycle.

MS. LOE: Commissioner MacMann?

MR. MACMANN: I kind of see where we're going here. No one wants to make them build the sidewalk. I do not want to make you build the sidewalk either primarily because -- and the reason I asked about the property to the south of. She's got a note for \$150K. She's going to get another note for at least \$100,000 to build a sidewalk? I think I find that onerous. And you guys know, and just so you know, I am usually very much you got the property, you build the sidewalk. I plan to move in that fashion unless, when we get there, we haven't even done public comment yet, unless someone gets some kind of wonderful Solomon idea between here and there.

MS. GEUEA JONES: Madam Chair?

MS. LOE: Commissioner Geuea Jones?

MS. GEUEA JONES: My question is this. If this, instead of being one County lot, were two County lots, a north County Lot and a south County lot, the south County lot would be the only one that would require annexation because that's the only one that the sewer touches. Am I understanding that correctly?

MR. ZENNER: That's -- that's where the house is to be constructed. And if I'm not incorrect, the parcels cannot -- the parcels would have to have -- since it's not a 20-acre tract of land, which, if I'm -- the County's regulations, which I'm not familiar with, I believe has a ten-acre minimum for agriculturally zoned land, it could not be subdivided, and the County will require for the subdivision the ability to have access to sewer before they will allow it to be subdivided. So it's a Catch-22. We have run between both the City's planning staff and the County's planning staff, we looked at every option under the sun by which to allow this applicant to build their home short of having to go through this annexation process and every option that we presented and we discussed between our comparables that the County indicated that the only way that they would issue a permit, and so there was a direct assurance that they would have sanitary sewer available to this property, and we cannot speak on behalf of Council. Therefore, we're processing the application as is required by the Health Department because the Health Department will not issue the on-site system permit.

MS. GEUEA JONES: Sure. I'm just trying to understand because it seems that this property owner is put in a very awkward and tenuous position because the sanitary sewer line crossed Oakland Gravel Road and touches their property. And I'm just trying to make sure that I understand that is what is happening because that makes our decision more rational to the specifics of this case as opposed to being a larger policy statement.

MR. ZENNER: So to divide the property in the County and then to divide a property in the County --

MS. GEUEA JONES: No. I'm not saying that. I'm just saying -- I'm just saying, hypothetically, if that sewer line didn't touch this property, we wouldn't have this problem.

MR. ZENNER: Very possibly, but it would depend on what the proximity of the sewer line is and what the cost of getting to that sewer line would be. If it were not on the property, but within 300 feet of the property, a cost-benefit analysis would be required to have been performed, and if it didn't show that that cost-benefit analysis was -- it was more expensive to make the connection to the public sewer than it was to operate long-term the on-site system, they would still be required to connect, but it would be through an annexation agreement.

MS. GEUEA JONES: Thank you. That -- that --

MR. ZENNER: Well, actually, I apologize. It would not be through an annexation agreement; it would actually be through an agreement because they are contiguous. It's the continuity of the property to the City's municipal limits which draws the distinction between an annexation agreement or a direct annexation. The mere fact that the sewer is on the property is -- is the requirements of the Health Department and the City's annexation policy because you're wanting to connect a City sewer, you have to go through -- and you're contiguous, you have to go through the annexation.

MS. GEUEA JONES: One -- one more question that I hope is quick. Can we put conditions on the waiver such as I think maybe Commissioner MacMann or Commissioner Loe was talking about where if it is subdivided in the future, that removes the waiver?

MR. ZENNER: I -- I think that you can. What I would suggest is the way that the -- the way that the policy resolution functions, so the Planning Commission has to review the design adjustment criteria of the UDC, we apply in this unique instance, because it's unimproved, the design criteria -- or the criteria for the policy resolution. The policy resolution allows the option for a payment in lieu of, our regular design adjustment criteria does not. So -- and that is a -- that's an option that the Planning Commission can utilize to recommend to the Council instead of construction. We have the money in hand, and it would be used in the future. The other option is, as you -- the other way that the performance -- the policy resolution functions is if a waiver is granted, if a full waiver is granted, that does not reduce the City's right or ability to, in the future, if sidewalk were construction in this particular -- in this particular location to be tax billed to the property owner to recoup what would have been required to have been paid in the fee -- the payment in lieu of. So I think one thing to keep in mind is the City of Columbia and reconstructing streets has a complete street policy. We would build or reconstruct this roadway to be fully incorporative of a sidewalk and a pedway at that time that that construction came along. So the question potentially is, do you -- pursuant to how you have handled similar situations, recommend a payment in lieu of and let Council, at that point, potentially override that recommendation and leave their option to tax bill at some point in the future, or do you just grant based on the hardship that exists and the

impracticality if you see it that way for this property owner to be obligated to construct. I wouldn't apply conditions. I think it becomes far more challenging for us to probably deal with in the future.

MS. GEUEA JONES: Thank you.

MS. LOE: Commissioner MacMann?

MR. MACMANN: On that point, it's very difficult to say what's going to be -- Mr. Kelley, it's not on a ten-year CIP. CATSO has no plans?

MR. KELLEY: It is on the major roadway plan as a neighborhood collector, but there are no plans in the CIP, to my knowledge.

MR. MACMANN: Okay. Capital improvement plan, for those of you who are here, anything that's not planned for the next two or three years, it's not funded, and it's just an aspiration. It's not a plan. Again, I -- I believe we should grant the design adjustment, and if Council thinks we're wrong, they can certainly tell us we're wrong. Normally, I would not do this. If this person chooses to replat to develop this property, then it will become a definitive issue. And at that time, even if we waive -- if we grant the design adjustment, at that time, this individual comes back and decides to develop this property, and to answer your question, probably six to nine per acre, so that's a lot of houses, the City can address it at that time.

MS. LOE: Commissioner Carroll?

MS. CARROLL: Again, I'm struggling with this one, actually, and I didn't expect to. I'm not looking at what will be some day or what we predict will be. I'm looking at what is even right now, and I see a neighborhood development just to the west. I see another development just to the north with quite a few houses. I see already existing plans for a trail extension in the area, extension of Bear Creek Trail. And I -- I feel you and I understand the hardship it -- there is a real hardship here, and I don't deny that at all. I -- I'm also concerned, you know, about the fairness, how I would rule in another situation, how I ruled just last year, and the community at large and how it affects more people and more properties. I believe in being fair and consistent, and, yeah. I don't know if I feel comfortable changing how I would typically vote in this situation.

MS. LOE: Any additional questions for staff? If not, we're going to open up the floor to public comment.

#### **PUBLIC HEARING OPENED**

MS. LOE: If anyone has any public comment on this case, please come forward. Again, we need your name and address for the record.

MS. DALY: My name is McKenzie Daly. My current address is 1710 Gypsy Moth Drive, which is Columbia, Missouri. I'm going to backtrack just a little bit. I believe you asked about what the floodplain looks like, and I have a visual of that if you would like to see it. I printed out the map. I -- I apologize. I didn't know how many of you there were, so I only printed five.

MS. GEUEA JONES: We can share.

MS. DALY: It's the 100-year floodplain map that I was able to find public on Google. I -- it references -- hang on just a second. I can tell you. Flood insurance rate maps of unincorporated Boone County is what you're looking at, and I zoomed in closer to the property. It gives you about 20 acres to the west and I don't know how many acres to the east, and a little bit to the south, just to give you some reference. So to circle back to what Mr. Kelley said, it's about 70 percent of our budget that we're looking at if we are required to put in these sidewalks. If that happens, that will completely halt and probably finish the construction of the single-family home that we're seeking to put on the property due to the fact that we're a young couple and that's just -- that's what we've got. So that's the first thing. Second thing is the fence. I don't know if could see it in the picture, the roadway pictures, by chance. Yeah. Any of those should work. That fence that you see and those trees right there is continuous to the rest of the Horse Fair plots because they were all, at one point, all one big about 60-something acres parcel. So those are all continuous, so not only will removal of that cause us to -- to pay some things, there will be maintenance and repair costs to Deborah Booker, who owns both the Plat 2, the 20 acres to the west and direct north property. It's about five or six acres, I believe. Let's see here. Going back to the floodplain map that I gave you, this corner here that you see in these pictures floods almost completely. And so, at that point, there's been natural drainage that has happened. The roadway has obviously survived that at this point, but that floodplain in the next picture of the corner going south. Yeah. There you go. You can see the mud across the road. This is almost every time it rains kind of thing because the creek floods across at both points of this corner and usually goes down within a few hours. So it's been brought to my attention not only by myself, but by the neighbors around us that sidewalks being added to this area will affect this drainage which affects three driveways here in this corner, and then, obviously, traffic to either direction. Let's see here. That's mostly my comments that I came prepared with. To put a little bit of the area into perspective, the entire west fence line and the north fence line and the three parcels that connect there, I'm actually set to inherit, so I can tell you a little bit of just what our plans are for that. This, in the plan now, which I'm 24 years old, to put into perspective, is that this is not going to be subdivided. We plan to leave it as much the way it is now as possible, and that comes to be 60 acres or 12, the five to the north, there's an eight-acre parcel, and then 22, and I want to say, and like 12. My math may be really bad there, but that's kind of my general grouping. My grandmother was unable to make it tonight. She owns the property directly to the west, and like I said, directly to the north, and she wanted me to make sure that I brought up that that corner floods, to speak on her behalf, just due to circumstances. Does anybody have any questions before -- yes, sir?

MS. LOE: Commissioner Stanton?

MR. STANTON: What are your intentions for real with this property?

MS. DALY: We'll live on it forever.

MR. STANTON: Single family?

MS. DALY: Single family. My mom grew up on the property. My family has owned it since



1967. My grandmother would haunt me from the dead.

MR. STANTON: This is why I'm asking, because what -- as you see, the Commission is feeling both sides, but I'd be real ticked off if we gave you this, and all of a sudden you threw up, like, 20 --

MS. DALY: I cross my heart and hope to die.

MR. STANTON: Became a billionaire and --

MS. DALY: I better be in the ground before that happens.

MR. STANTON: Then we make you make this sidewalk, and you're, like -- and then --

MS. DALY: No, never. I wouldn't do it, I swear. I swear. I do.

MS. LOE: Commissioner Carroll?

MS. CARROLL: I'm trying really hard to be convinced. I really am. Okay. So you were talking about other plats surrounding it.

MS. DALY: Yes, ma'am. All Horse Fair plots are with my family.

MS. CARROLL: Get a map.

MS. DALY: If you do back to the aerial map. I'm sorry. I made you change it. So there's a very long driveway to the west there, and then open pasture land next to it. Those are two parcels, and I can't tell you what Horse Fair lot they are just because I know them by what my family calls them. The horseshoe shape back there where your mouse just was is another parcel, eight acres.

MS. CARROLL: Okay.

MS. DALY: I think the backfield is another. I think there's, like, five pieces. I'm set to inherit all of those. I'm the only kid, the only granddaughter left, and that's -- yeah. That's what I know, so, yeah. I don't know if that answered your question. I'm sorry.

MS. CARROLL: It does, because there will be fewer walkers from the -- fewer pedestrians from the adjoining subdivisions.

MS. DALY: I've also lived in the area for 24 years. I know he said that there was only one walker on the road, and there's maybe two sets of people that have walked on the road my whole life. And all but, like, the last two years, I've lived in about a mile radius of that area, so --

MS. CARROLL: Do you know where the Bear Creek planned extension is on this map, like, very approximate is fine?

MR. KELLEY: Yeah. As -- would you mind if I take the mouse? So if you kind of follow this general wooded area, Bear Creek kind of swerves through here. There's across the road, the property about this location, but generally follows the wooded area southward along here.

MS. CARROLL: Okay.

MR. KELLEY: I'm only aware of the trail easement, specifically in this area, being dedicated right here. I'm not aware of the easements on -- or potential easements along any other section.

MS. DALY: To the east are all current single-family homes that have been there my whole 24 years, if that's helpful.

MS. LOE: Commissioner Stanton?

MR. STANTON: That's a lot of land. I'm looking at the -- you're trying to tell me that you're not going to get paid and make big bucks subdividing that? You're just really trying to tell me that, seriously?

MS. DALY: I'm telling you, if you knew my grandmother, she would haunt me from the grave.

MR. STANTON: There will be a lot of money on the table.

MS. DALY: No.

MR. STANTON: And there's going to be people on the side say you're only 24, you know, you might want some money.

MS. DALY: I know what I've got. I swear I do.

MR. STANTON: Okay. Thank you.

MS. DALY: You're welcome.

MS. LOE: Commissioner MacMann?

MR. MACMANN: A couple of things. Planner Kelley, could you return to the southbound photograph at the curve? There we go. Ms. Daly, I guess it is.

MS. DALY: You're fine.

MR. MACMANN: How far is it from, like, the edge of the road to those trees? Like eight feet?

MS. DALY: Oh, I could probably lay down there.

MR. MACMANN: Okay. That's kind of what I --

MS. DALY: It's -- at most, it's eight feet.

MR. MACMANN: So, and you're saying, also, this entire area floods when that creek comes up?

MS. DALY: Yes, sir. That -- the tree with the leaves on it that you can see there, like, on the trunk, right behind that, you see that tall grass. That's, like, actually more or less marshland than grassland, like, to the point where we can't mow it.

MR. MACMANN: I can see it. So in the floodplain, if this map is correct, this is a --

MS. DALY: I don't -- that's the one I was able to find last night to print off. I was hoping that it would be useful.

MR. MACMANN: If this map is correct, and I think it is, the bottom -- well, the middle third of this entire property that requires a sidewalk is in a floodplain?

MS. DALY: It would be all but --

MR. MACMANN: So -- plus more, because of where the creek would actually cross, where that feeder creek actually crosses. So that area would have to be constantly repaired or have a culvert under it to be effective. Also, we would be putting a pervious surface that will make the water worse. Also, Mr. Kelley, could you look back up north on our photographs? The trees to the south and then those trees to the north, they're gone. The trees are gone and we're putting more pervious surface in. Mr. Stanton -- Ms. Daly, I'm using your time; is that okay?

MS. DALY: Yeah. Go for it. It's fine.

MR. MACMANN: The City -- we give them the waiver; the City will retain the right to tax bill them. If they come back in to plat this -- I know it's 60 acres. She's going to inherit it. It's a horse farm. It was probably a whole section at one time, 160 acres. We still maintain control. I think -- and normally I would be on the other side of this. She's not here. If she could afford to replat, she would have someone other than herself up here. She would. We would be speaking with a gentleman that we see all the time.

MR. STANTON: Might be hoodwinked.

MR. MACMANN: So if we are hoodwinked, if we grant the waiver and we are hoodwinked, the City can tax bill when they get to that point.

MR. STANTON: Okay.

MS. LOE: Also, I mean, if I understood correctly, but just following normal procedures. Should this be subdivided in the future --

MR. MACMANN: It would come back --

MS. LOE: -- would that trip the sidewalk requirements again? So this is not a --

MR. ZENNER: It's not a done deal.

MS. LOE: -- permanent waiver.

MS. DALY: Okay.

MR. MACMANN: Ms. Daly, I apologize for using your time.

MS. DALY: That's okay.

MR. MACMANN: But I did intend to further your cause.

MS. DALY: I appreciate that.

MR. STANTON: No. I really appreciate you came back up here.

MS. DALY: My goal is to not do this.

MS. LOE: You're doing a great job.

MS. CARROLL: I've cried at that podium before, too.

MS. DALY: That makes me feel better.

MS. LOE: Any additional questions for this speaker? You're off the hook.

MS. DALY: Thank you.

MS. LOE: Thank you. Any additional speakers on this case?

MR. DALY: Mark Daly, 9230 Highway HH, Hallsville. Son and daughter-in-law heard several times that wanted to be tapped in. They don't -- they don't have an option. We looked at replotting, and they said it didn't matter. They would still be forced in. I would say 75 percent of your sidewalk will be under water. I also heard major roadway. Not true. This is a back road. Everybody goes around alfalfa. The subdivision to the west has interior sidewalks, which one of you mentioned, not a roadway. These kids are on a budget, trying to get their first house. They're being forced to be annexed. And I like how you think, I just want to say that, but --

MR. MACMANN: You probably wouldn't all the time.

MR. DALY: You know, this -- give these kids a chance, and trust me, her grandmother, she scares the -- she scares me. She's a very strong woman. I believe her word, but just the same, deal with it when the time comes. Give these kids a chance. That's all I ask.

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

MR. DALY: Thank you.

MS. LOE: Any additional speakers on this case? Seeing none, I'm going to close public comment.

#### **PUBLIC HEARING CLOSED**

MS. LOE: Commission comment?

MR. MACMANN: Ms. Carroll had something to say.

MS. LOE: Well, Commissioner Geuea Jones? You haven't spoken.

MS. GEUEA JONES: I -- I want to make a clean record and whether -- if Commissioner MacMann is going to lay out the rationale, I will yield. But I want to make sure we have a clean record of the rationale for this. So I -- I would state it as the following: There are serious environmental problems with putting a sidewalk on this lot. That is a unique feature to this lot. We talk over and over again about floodplain protection, tree protection, things like that. And I think that there are some serious things that you would have to do -- tree removal, interfering with the floodplain, interfering with potentially wildlife on the marsh -- we haven't done any of those kinds of studies. That, combined with the fact that this is a single lot that we will only allow one home, one single-family home to be built on, despite its size, I feel that the cost of putting in a sidewalk would be an undue burden for that land use. Finally, I would point out that any subdivision of this lot would bring the owner back before us, and future building permits would require sidewalks in that case. So if, at some point, 40 years in the future, your retirement plan -- the owner's retirement plan ends up being build a subdivision, we will, at that time, be able to require sidewalks. So that -- for all those reasons, I do not think it is an arbitrary decision to go against what has been our normal course to allow for a waiver in this case.

MS. KIMBELL: You could make that a motion, and that would work.

MS. LOE: Commissioner MacMann?

MR. MACMANN: If my fellow Commissioners have no other comments, and in homage to Commissioner Geuea Jones' reasoning, I'm going to make a motion. In the matter of Case 70-2020 [sic] Horse Fair Lot 3 design adjustment, I move to approve.

MS. RUSHING: 2022.

MR. MACMANN: Did I misspeak?

MS. RUSHING: I believe you said 2020.

MR. MACMANN: Restating the case number, Case 70-2022. Thank you.

MR. STANTON: What was your motion? To --

MS. LOE: To approve.

MR. MACMANN: To approve the design adjustment.

MR. STANTON: Okay. Okay.

MS. LOE: Seconded by Commissioner Kimbell. We have a motion on the floor. Any discussion on this motion? This motion is to approve the --

MR. MACMANN: The sidewalk waiver.

MS. LOE: The sidewalk waiver.

MR. MACMANN: The design adjustment.

MS. LOE: Seeing no discussion. Commissioner Carroll, may we have roll call, please.

**Roll Call Vote (Voting "yes" is to recommend approval.) Voting Yes: Ms. Geuea Jones, Ms. Placier, Ms. Kimbell, Ms. Carroll, Ms. Loe, Mr. Stanton, Ms. Burns, Ms. Rushing, Mr. MacMann. Motion carries 9-0.**

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

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

MR. MACMANN: Thank you. Just a minor point of order. To the Daly family, you still have to go before Council. Bring your A game. Okay? Thanks.

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

#### **Case Number 75-2022**

**A request by Engineering Surveys & Services (agent), on behalf of Western Oil, Inc. and Kaylee Boyd (owners), for a one-lot Preliminary Plat and Planned Development (PD) rezoning. The site contains one parcel zoned M-N (Mixed-use Neighborhood) and two parcels zoned R-MF (Multi-Family Dwelling) that are located within the Benton-Stephens Overlay District. The PD Plan requests design adjustments relating to lot frontage and right-of-way dedication. The subject property is located northeast of the intersection of College Avenue and Paris Road.**

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

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

1. Approval of the requested design adjustment for street frontage;
2. Denial of the requested design adjustment for ROW dedication on College Avenue and Paris Road;
3. Denial of the requested rezoning, associated SOI and PD Plan to be known as Petro-Mart Planned Development.

Alternatively, if the Commission desires to approve the Statement of Intent and both design adjustments, then the requested rezoning and PD Plan may be approved subject to:

1. Minor technical corrections (clerical notes and legal description);

2. Approval of the final plat associated with this request shall be compliant with or obtain a waiver from the provisions of Appendix A.6(b) prior to the issuance for any building permit associated with redevelopment depicted on the PD Plan.

MS. LOE: Thank you, Mr. Kelley. Before we move on to questions for staff, are there any Commissioners who had wished to recuse themselves from this case? Mr. Stanton?

MR. STANTON: Madam Chairman, I'm going to play it safe. We do -- the people I'm associated with do a lot of business with Western Oil, so I'm going to step out for a minute.

MS. LOE: We understand. Thank you. Any others? No. Ex parte. If any Commissioner -- oh. Mr. Kelley.

MR. KELLEY: Sorry. I had glossed over it, focusing on this. Speaking specifically of public input, the Benton-Stephens Neighborhood President did have a few brief conversations with me. He said they do -- they do have some -- they do have concerns. I think he was going to provide those at a later date. But just a general summary, has an issue with removing a residential property, loss of affordable housing, some pedestrian conflicts, lighting, glare, noise, et cetera -- some of those things we have mentioned. And then I had a couple of inquiries throughout this review process. Then several today, this afternoon, also while you were work session, you'll notice on your desk, you have two letters of correspondence that -- one, I would say, is not supportive, and you can read through those reasons, and the other isn't opposed to the gas station, but has -- has some issues with it; noise, lighting, glare, those items. I just wanted to mention that there.

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

MR. MACMANN: Thank you, Madam Chair. Planner Kelley, when it's time, you're going to want three motions?

MR. KELLEY: Yes.

MR. MACMANN: Thank you.

MS. LOE: Commissioner Placier?

MS. PLACIER: Well, I was responding to your earlier question about ex parte.

MS. LOE: Oh, sorry.

MS. PLACIER: Yeah. Both Commissioner Carroll and I did receive a text message about the inability -- mostly about the inability of the President of the neighborhood association being able to participate -- sorry. You can't hear?

MS. LOE: I'm not sure it's getting picked up. Yeah. We can't hear you.

MS. PLACIER: Oh, okay. Both Commissioner Carroll and I received a text message about the inability of the Benton-Stephens Neighborhood Association President being able to participate in this

process, and some concerns about that. Though I don't think it was designed to influence our decision, you have a different --

MS. CARROLL: I don't know if I was on the same text chain then. I didn't hear any particular concerns, although I did hear that he wouldn't be able to make it tonight, and that is the extent of my knowledge.

MS. LOE: Okay. So you were just contacted by people in the loop?

MS. PLACIER: Yeah.

MS. LOE: Thank you. Any additional ex parte? So we may be missing some commentary. All right. Seeing none. Questions for staff? Mr. MacMann has already received clarification. He wants three votes. Commissioner Burns?

MS. BURNS: Yes. I'm sorry, Planner Kelley. You indicated that there were three meetings, and I don't -- I'm looking here in your report and looking for communications between neighborhood, ways to make this successful for everyone. Were there communications engaged in between the developer and the neighborhood and others?

MR. KELLEY: Yeah. Yeah. They had a -- I personally received a postcard that indicated three dates for virtual or in-person meetings. I remember seeing at least two of them were October, there around that time. The Benton-Stephens Neighborhood President did indicate to me that they took a large amount of minutes and took notes from those. The applicant did relay at a high level some of the concerns during -- at the time of the concept review. And then throughout the review process, the Benton-Stephens Neighborhood President, again brief discussions, did relate that they had several concerns as -- you know, largely originating, coming from those interested party meetings that the applicant had.

MS. BURNS: Okay. Thank you.

MR. ZENNER: None of which were provided to us. There are no records, no minutes.

MS. BURNS: That's -- I'm looking -- I was looking for some type of summary or whatever of those meetings or communications. Thank you.

MS. LOE: Thank you, Commissioner Burns. I had a similar question. Any additional questions for staff? Seeing none, we will open up the floor to public comment.

#### **PUBLIC HEARING OPENED**

MS. LOE: If anyone has any public comment they would like to share in this case, please give us your name and address for the record. We do limit you to three minutes if you're speaking for yourself, six minutes if you're speaking for a group.

MR. KRIEDE: Thank you. My name is Matthew Kriede; I'm with Engineering Surveys & Services. I'm the civil engineer on the project. Just to answer the question about the public meetings. Yeah. We did have -- we had three opportunities, one indoor, one outdoor, and one virtual. We did ask for written comments, and we've received none. We did receive verbal. Those have been passed on.

I think they do echo what you've heard from staff today, and we have done -- done some work to address some of those. But first tonight, I think you really -- you've got two questions at hand here. One is the rezoning and PD Plan. Is that a better situation than the existing condition? Currently, it's still -- it's a gas station today. We're proposing that it continue to be a gas station. I think approximately in around 1980, so it's been a little over 40 years, it's been a gas station, as far as I can tell from history. So the question is not whether the gas station is an appropriate use here. It already is. The question is whether we can improve the condition that's there today with what we're doing, and if we are. Second is on the design adjustment. I am greatly concerned that not granting this design adjustment is completely undermining the integrity of the overlay district. It is an important part the district to -- to control the integrity of the corridors, the character of the area, and we'll talk a little bit more about that, but that I think that is another important aspect that we're looking at here, so -- so look at the PD. You know, certainly, we do have M-N zoning today. Staff says we have a conditional-use permit. You know, we could ask for more M-N zoning, and the expansion of that conditional-use permit. We felt it was better that the neighborhood would have more control. Staff's concern that it doesn't open it up for the possibility of other development, and I would say, yes, it does, we just have to come back to this body again and have these same hearings again if the use changes in the future. I think that locking that in and knowing what it is and this plan being in place I think way out values the open zone district that would allow greater uses. So many advantages to this compared to the current condition. One, I mean, you're getting a new store. You know, upgraded, better appearance, you're improving landscaping, you're getting an opportunity to put in modern storm-water management, the tanks will be removed and replaced with new modern tanks. We're improving bicycle and pedestrian access into the facility. Traffic circulation and safety for the pedestrians and bicyclists are being improved. The intersection improvements are, I think, also a great improvement for the area, as well. Bicycle lanes do not continue through to College Boulevard now. As they get to the intersection, they become combined with the existing lanes. We're proposing to widen both sides so that lanes continue through. In addition, to add a second left-turn lane onto College Avenue from Paris Road. And, lastly, we're providing turn pockets at the intersection with Hinkson and the driveway to the gas station. The alternative is to leave it what's there today. You have the four intersections; you have the haphazard circulation that occurs today. And the concerns that staff brings up about the use of a gas station remain. So we can improve on those situations and make them less severe, or we can continue to leave it the way it is today. And this is -- you know, the gas station near a residential area is, you know, certainly not ideal, but not unusual, and I can point back to the Gerbes gas station on Ash Street. Again, PD zoned, we went through the same similar process, and I think that's turned out well, and I personally have heard no complaints. So in terms of the second question, the design adjustment, again, I think this is -- this is, at the heart of the matter, is the overlay district. I've got an exhibit here.

MR. MACMANN: We've had some issues today too.



MR. KRIEDE: It was working great at about 6:30. This is an exhibit of College Avenue. Now, granted, north is to the left, just so it displays better on your screen. So what you're looking at now, this is the existing Petro-Mart. This is College Avenue here, and it continues. We've got it basically from the Colt Railroad all the way back down to Broadway. The hatched area is the Benton-Stephens Overlay District. And you'll see a few spots where there has been some right-of-way dedication along the way; you know, particularly here's one here, there's been some others. But -- but the red hatch is the required dedication of right-of-way. And what I'll point out is setting the precedent of this overlay of -- of dedicating this right-of-way for these improvements creates what ultimately will be a suburban corridor opportunity, like Grindstone Parkway or Scott Boulevard. That's not what College Avenue is, and I'd question whether that's really what we want. What's important to note as you -- as you look through these exhibits, or you look through the right-of-way dedication, the impact to the buildings. This goes into the building at Walt's Bike. It goes into this building, into this building, into this building. And if you continue down the corridor, that this sets the precedent to remove multiple structures along this entire corridor or put the right-of-way at the front porch of the buildings or the houses that are there today. Continuing -- you know, just looking further down at the right-of-way, you can continue see the right-of-way dedication continues to encroach into the footprints of these buildings. This is not protecting the integrity of the corridor that's -- the overlay district is looking for. So I understand that staff's intent to try to allow for improvements in the area, but I think we're setting a precedent that's going to ultimately just change what the character of College Avenue is in the Benton-Stephens neighborhood. You know, whether you like a gas station or not, I think this is an important matter for those in the area. And as mentioned, just kind of last piece about the truncated corner, we have added that to the plan. We'll -- we are not seeking a design adjustment on it. You know, we had believed it was already truncated, the way it was provided, but it wasn't per Code, so we've adapted that, so it is correct.

MS. LOE: Are you willing -- your six minutes is up, so --

MR. KRIEDE: Yeah, I am.

MS. LOE: -- was there any summary comments or did -- or were you willing to take questions?

MR. KRIEDE: No. I will -- I will be happy to answer any questions you have. I'll leave it at that.

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

MR. MACMANN: Mr. Kriede, question. This is my store, this is my neighborhood, these are my neighbors. Traffic is about maxed right now. Do you think expanding the store will help or hinder the corner?

MR. KRIEDE: Again, you're talking about the traffic in and out?

MR. MACMANN: The traffic -- every bit of traffic associated within 300 feet of the center section is maxed, as we speak.

MR. KRIEDE: I think these improvements are going to help, and I think a lot of the problems with the intersection, it's not so much College Avenue is the problem, but it's Paris. And I -- I lived out

this corridor and drove this for years, and it's been a while, and it's only gotten worse since I've moved. But those left turns onto -- onto College in the morning, it's -- it's a long backup. It backs up through Hinkson Avenue. It backs up through the driveway here. That just causes continued stacking and backing up. It causes backups in the -- in the -- in the gas station, as well. But providing an extra turn pocket, it's allowing more traffic to get through on a signal cycle. That's going to shorten those lengths of those stackings, and as well as adding the turn pockets at the driveway that -- where somebody was waiting to make a left turn into the gas station was backing up traffic onto college, that traffic is now -- that car is now out of the way. And the same thing going to Hinkson -- Hinkson. Now, you have a turn pocket, you could turn, and go onto Hinkson. That will improve the circulation in that area greatly, and I think you're going to see a much better improvement even with a slight increase in traffic into the store. You know, I think, ultimately, you want to see more business. You're going to see a little bit of increase in traffic, but it's not going to be significant. Ultimately, this is a -- isn't a store that serves the area. It doesn't bring people in from around the community, by any means, and it's not pulling in highway traffic, so I don't think you're going to see a massive increase in traffic, but slight, just because it is an improved store that will draw a few more people in.

MR. MACMANN: A follow-up question, if I may. I would submit my assessment of your analysis would be different than what you just gave me. The next question: The current store has a crime issue. What steps do the owners plan to take? How will this make any of this better?

MR. KRIEDE: Well, the modernizing the store helps out. You know, as the stores have been designed now to help improve security on them, you know, you've got better cameras, you've got better visibility, and you can -- and you utilize that to, you know, to -- to -- I mean, you can't stop crime. Crime -- the crime is still going to happen, but you can reduce the possibility of it happening --

MR. MACMANN: Let me redirect just a second.

MR. KRIEDE: -- and you can deter it by the activities and the security you put in place.

MR. MACMANN: These are the same owners that owned this facility for a while?

MR. KRIEDE: Correct.

MR. MACMANN; The two residential properties currently behind, which are currently unoccupied, they own?

MR. KRIEDE: They own one of them, and that -- that is the one that has been torn down. The other is under contract for purchase.

MR. MACMANN: Okay. Those -- those -- the reason I bring it up is those houses in and of themselves, at least one of them was a crime source.

MR. KRIEDE: Yes. And that's why that house was torn down. And I understand from the owner, from my client, that was at the request of the Columbia Police Department.

MR. MACMANN: A lot of distribution there. Thank you.

MR. KRIEDE: Uh-huh.

MS. LOE: Commissioner Burns?

MS. BURNS: Thank you. What are the current hours of operation for the gas station/convenience store?

MR. KRIEDE: I should know that question. I don't honestly know the answer to that. I think it's 24 hours, if I'm not mistaken.

MS. BURNS: Twenty-four hours?

MR. KRIEDE: Yeah.

MS. BURNS: And because -- and the reason I'm asking that question is because of the correspondence that we received with concerns about light, noise, traffic --

MR. KRIEDE: Uh-huh.

MS. BURNS: -- in particular, cars staying parked there and leaving radios on, just disturbing the neighborhood. What has your client done to alleviate this, if anything? I mean, do they have their own security system? Do they go and monitor the issues? It doesn't sound pleasant for the adjacent neighbors.

MR. KRIEDE: No. And I think, again, as you modernize a store, now the clerks in the store have better visibility of the property, the internal of the store. They have better cameras, and they can see the issues that are occurring and be more proactive to deal with them. Whereas today, you know, they don't have that luxury to see it. They've really got to get out and look at it. It's a lot less convenient to do it. So I think the modernization of the store will, in and of itself, help improve that. You know, I cannot guarantee, and I won't guarantee that it's all going to go away, but I think these make steps that improve that scenario. And then for lighting, I didn't bring in lighting, but you're talking about, again, a store that's -- you know, the standard of lighting is much different than what it is today. Now you can see a good lighting level on the property, have those fixtures cutting off those light sources so it's staying within the property, and you don't see the point of source of light anymore, as well. So that -- that is another great improvement in terms of how it sheds off towards the neighbors. Again, the fixtures we have today are so much more advanced than what they were 20, 30 years ago, and so that is, I think, is going to be a great improvement. And at the same time, you know, it has enough light for the security of the area, so it doesn't have those dark areas. You know, one area we looked at in the early as we met with neighbors, we had actually a patio area. This is a common thing on Petro-Mart, to kind of have an outdoor patio and seating area, and we had that out back on the building. We removed that due to concerns of the crime, and that was a discussion about, you know, are we just creating a location for, you know, someone to stay and hang out, and for criminal activity to occur behind the building where nobody is watching. And, you know, so there are -- there are some steps we're taking to improve that, you know. But again, there is no way anything -- it all gets completely eliminated.

MS. BURNS: Thank you. I guess I'll just -- I hope that we'll have some residents from the neighborhood to perhaps share what their suggestions might be for the parent company to come in and

take care of what appears a problem property.

MS. LOE: Commissioner Carroll?

MS. CARROLL: Yeah. I also frequent this store quite a bit as a pedestrian actually. You've mentioned some improvements that you have in terms of complete streets and bike lanes. I see a lot of changes to this intersection -- two left-turn lanes. I see the addition of a bike lane. I have some concerns about the bike lane as it's shown here. I'm looking -- let's see -- like northeast of the property, you have the bike lane marked going in there. Do you own the house beyond what's marked on this PD Plan?

MR. KRIEDE: Well, the proposed improvements are in the right-of-way, so, no, we don't need to own the property, and we're just doing improvements within what is already City right-of-way.

MS. CARROLL: Okay.

MR. KRIEDE: And there's just a -- there's a little jog in the curb. I mean, if you -- and you've driven it, you've seen it.

MS. CARROLL: Uh-huh.

MR. KRIEDE: And, man, if you can just straighten that jog out, you can get the bike lane to go through, and I'm, like, why don't we do this while we're at it? And that -- so we've added that into the plan.

MS. CARROLL: Yeah. Yeah. That's currently a shared lane. There's a bike lane beyond that that ends about three properties up, but as you go this way, I'm actually not sure how useful that bike lane is, how helpful it is going straight up to the intersection. It's useful if you would like to turn right, but being -- following that bike lane as it's extended from where it would have ended, that brings you into traffic if you wanted to go straight or go left, you still have to get out of the bike lane at the same point that there's already not a bike lane.

MR. KRIEDE: Well, I think -- I believe this -- and this was our intent, is that that bike lane is continuous through the intersection all the way through, because there is a -- there is a bike lane along here, and I believe it tapers out and ends right in here, and we're --

MS. CARROLL: Those are sharrows. It's a shared lane on the other side of the intersection.

MR. KRIEDE: Are you talking about this one here, because this -- which side are we talking about, just to make sure we're on the same page?

MS. CARROLL: Oh. You're adding one on the south side, too. Yeah. So it's this one here.

MS. LOE: The north side.

MS. CARROLL: Yeah. You would still -- if you wanted to use this intersection as a cyclist, you would still be coming out of the lane quite a bit back here to not interact with the traffic.

MR. KRIEDE: And the intent is that this is actually continuous all the way through. So there's a bike lane that does extend back here, and so we're repaving and even beyond within the right-of-way on back so that that lane connects to the existing lane. So your existing lane is right around in here. It's

going to be continuous all the way through. That's the intent of what that lane is.

MS. CARROLL: I understand that it's going to be continuous all the way through. I'm not sure that this is where that would be useful to a cyclist. And the bike lane ends three properties up from the end of your property.

MR. KRIEDE: Yeah. And, you know, at this point, it's a matter you're not having to now share the lane with the cars. You can take your way all the way up to the signal. You know, if you're coming --

MS. CARROLL: Yeah. If you wanted to make a right turn.

MS. KRIEDE: If you wanted to make a right turn, or you wanted to continue through. At some point, yeah, you've got to -- you've got to veer back in on Rogers if you go straight.

MS. CARROLL: True. You have to cross the right-turn traffic. Okay.

MS. LOE: Commissioner MacMann?

MR. MACMANN: I just wanted to redirect. Mr. Kriede, did you do Ash Gerbes gas station?

MR. KRIEDE: Yes.

MR. MACMANN: You talked about their lighting.

MR. KRIEDE: Yeah. I talked about that you had a planned development filling station go in adjacent to a residential area --

MR. MACMANN: Okay.

MR. KRIEDE: -- and I believe there was -- it's successfully done.

MR. MACMANN: And I believe you had -- you personally were the engineer on that?

MR. KRIEDE: Yes.

MR. MACMANN: Okay. I just wanted to -- I did want to say -- you can kind of tell where I'm going anyway. But in regards to that gas station and that light source, we often, me in particular, do use that as a reference on how things should be done, because the neighbors don't complaint and they were deeply concerned.

MR. KRIEDE: Uh-huh.

MR. MACMANN: I just wanted to --

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

MR. KRIEDE: Thank you.

MS. LOE: Any additional speakers on this case? I see none.

MS. JEFFERSON: Barbara Jefferson, and I do live at 305 North Fifth Street. Fifth Street runs into Roger, Roger runs into College, you know, that's how that works. There's always a concern about traffic congestion at College and Paris Road. I don't even try to go down that road. I think about when would be the best time to go, and usually I don't even try to go. But I am a little concerned because I did attend one of those public hearing type meetings, and I wrote on a piece of paper some of the things that I didn't think was a great idea. So for there not to be -- I would like to know where my written statement

went to is -- is my thought. Crime is bad. Lighting, everything that Mr. MacMann has said, those are concerns, and this is a neighborhood that you're talking about here. Thank you.

MS. LOE: Excuse me. I'm sorry. I had a question. There's a comment -- staff had made a comment that this was improving traffic circulation. I actually had some question about that, especially when you're heading north on Hinkson into Paris with the new stacking lane that they're showing going left and right to allow, because they had -- because they shortened the left-turn lane going onto College.

MS. JEFFERSON: Yeah. Yeah.

MS. LOE: They had to -- they had to add -- double up on the left-turn lanes.

MS. JEFFERSON: Uh-huh.

MS. LOE: And I'm thinking I know I already wait trying to make a left turn off of Hinkson. And with that becoming a turn lane, it's going to -- you're going to have to look for more -- I'm worried it's an accident area now.

MS. JEFFERSON: Yes, ma'am. I highly agree with you, and my main thought is it's not -- is public safety, and I -- I see it making public safety worse if that's the way to say it or not. But just the -- just think -- just the thought of the way those lanes are looking, the idea of the sidewalk --

MS. LOE: Okay.

MS. JEFFERSON: -- and then I think about -- well, this is like -- this is all the time, but I really think about it even more when I think about when we've snow and ice out there.

MS. LOE: Thank you. Any additional questions for this speaker? Excuse me.

MS. GEUEA JONES: Sorry.

MS. LOE: Sorry. You can't leave yet.

MS. GEUEA JONES: Sorry.

MS. LOE: One more question.

MS. GEUEA JONES: I just have a quick question. I am wondering -- so those neighborhood meetings, none of that is for us, it is to inform before it gets to us for the developer, so I would like to know what you wrote down, if you can remember.

MS. JEFFERSON: Well, I wrote down traffic congestion. And that -- that Petro-Mart does have a high crime. Now, you know, I don't -- you know, that's -- you know, I don't know how you're going to find the documentations of that, but yes. That has been a high crime area. It definitely is a 24/7, so it -- you know, I'm just going to go with, like, you know, at 2:00 to 5:00 in the morning, you know, there's crime going on.

MS. GEUEA JONES: And did you see any change from the initial plan to what you're looking at tonight, or did they try to do anything to address your concerns?

MS. JEFFERSON: Well, you know, if you're -- are you talking about the crime part of it?

MS. GEUEA JONES: Or the traffic part, either way?

MS. JEFFERSON: I don't know if they did anything to improve it. I don't -- I just -- I just see

where this is still not going to be safe.

MS. GEUEA JONES: Okay. Thank you. That's -- I just -- since we don't get to see that, I was --

MS. JEFFERSON: No. I did write -- what I remember, and I -- I know there was this -- a discussion about how they removed a house and some of the neighbors were concerned about that house could have been -- that area could have been used for another house. Just because the house looked bad doesn't mean you've got to go and expand something.

MS. GEUEA JONES: Thank you very much for your comments.

MS. LOE: Thank you. Additional speakers on this case?

MS. BRYAN: Hello. I'm Lizzy Bryan, and I live at 1308 Hinkson Avenue. My house is one of four houses that faces the gas station on Hinkson, so as soon as you turn onto Hinkson, my driveway is -- there's a driveway pretty much right on the turn, right before the turn, and then my driveway is the next. So there's a landscaped area there, that's my house behind there. I've lived there for probably close to ten years. And the gas station has always been a thorn in my side. I have had a lot of negative experiences with just -- you know, during the week, being woken up from the noise and sound. The engineer spoke about it really services the area, and there's not a lot of people that come in to use the gas station, but I would disagree that at 1:30 when the bars close and you can still buy alcohol, that parking lot is crazy full of intoxicated people with their music blaring. And I've made the mistake of going over there in my pajamas, sleep deprived, and -- and was very scared. Realized I had made a bad decision to try to talk reason. I do have a lot of concerns about the traffic, as well, and one of the main things is that when people are coming onto Paris, so they're -- they're passing College and going onto Paris, but then they want to turn left into the gas station, they are stopping there because the oncoming traffic -- oh, excuse me -- is full, and -- and then you've got maybe four car lengths before it's in the intersection, so it ends up blocking the intersection. It's very dangerous there. There's a lot of car accidents. I -- we hear them a lot. There is a lot of crime. There was just a shooting there pretty much in front of our homes not that long ago. There are people loitering in the parking lot, urinating back there, talking as if they're mentally ill, you know, that just kind of hang out there at all hours. I've had people try to live on my front porch. They'd slice my screens and just plugged in their stove and their phone and had all their stuff in there. It's -- it's not great right now, but I do see that this is an opportunity to improve it. And so rather than going against it altogether, I feel that possibly there is a chance to make it something that is a lot better than what it is now. So, you know, improving security would be wonderful. It seems that there is a lot of staffing issues at this gas station. I -- I don't know how much time I'm at, but I could go on for a really long time.

MS. LOE: You're probably coming up against your time.

MS. BRYAN: Okay.

MS. LOE: You're willing to take questions, so are there any questions for this speaker?

Commissioner MacMann.

MR. MACMANN: Hi, Lizzy.

MS. BRYAN: Hi.

MR. MACMANN: I guess you guys could tell, I do know Lizzy.

MS. BRYAN: How are you? Yes. We do know each other.

MR. MACMANN: Just to reiterate, everything -- I will say I will vouch for everything that Lizzy just said, every single thing. I have actually been to her home, but we have not discussed this particular issue. Thank you for that, by the way. You and I both know the problems, and I think the other Commissioners are getting, you know, the flow of it. Do you think, I mean, honestly, that an upgrade would address these issues -- the crime, the lights, the sound, the cars? I'm really concerned about the traffic.

MS. BRYAN: Yeah. When you said -- okay. Let's just go with the lights. When you said that it's much better at this other location that this engineer was in charge of, but --

MR. MACMANN: Well, I just -- I will say this. He's referring to -- if I'm correct, Mr. Kriede, nod at me -- Gerbes on Ash, they put a gas station in there.

MS. BRYAN: Yeah. Yes, I've been there.

MR. MACMANN: I use that with other developments when people have this very concern with lights, because they very effectively, he said they got rid of the point of source, so it doesn't have a canopy with the light right here. It's kind of shielded and the lights curve back in. The lights are lower, and they point in, and they're also a different color, if I remember correctly, so it doesn't overwhelm the neighborhood.

MS. BRYAN: That would be nice.

MR. MACMANN: And people were concerned when that went in --

MS. BRYAN: Yeah.

MR. MACMANN: -- and the neighbors are fine with that now. Because it's the same thing, it's a gas station right inside, and the current gas station, 24/7, it's a --

MS. BRYAN: Yeah.

MR. MACMANN: -- it's a neon sign.

MS. BRYAN: It is.

MR. MACMANN: So do you think these upgrades will address any of these traffic, lighting, crime --

MS. BRYAN: I think lighting could be improved. I don't like their traffic design. I don't think you should be turn in left --

MR. MACMANN: From Paris into the station?

MS. BRYAN: -- from Paris. I think it could be a right-turn only if you're going westbound on Paris, but, other than that, you can't cross over, you know, which -- I know there's an issue. I had talked



to Brad Kelley and he, you know, said they have to be able to get in there with their emergency vehicles, so there's a reason that there even needs to be an access on Paris, because I was kind of, like, can we just not have an access on Paris. Right? You know, and, like -- but they need to be able to get in there, so --

MR. MACMANN: I think there was some juggling there. It could be a right out, and that does allow emergency vehicles.

MS. BRYAN: Yeah.

MR. MACMANN: Those stanchions can be driven over by the fire department and the ambulances.

MS. BRYAN: Yeah.

MR. MACMANN: I just wanted to get your take, because she lives right there. You walk out of Lizzy's front door --

MS. BRYAN: I am right there.

MR. MACMANN: -- and she's right there.

MS. BRYAN: Did not make it to the previous meetings sadly.

MR. MACMANN: If I recall, you've been there a while, too. It was a Texaco before it was this gas station, wasn't it?

MS. BRYAN: Yes, it was.

MR. MACMANN: Long ago.

MS. BRYAN: Yes.

MR. MACMANN: It was a gas station before it was a gas station.

MS. BRYAN: Yeah.

MR. MACMANN: Thanks, Lizzy.

MS. LOE: Commissioner Placier?

MS. PLACIER: Yeah. I had a similar question about some of the issues that you've experienced already with Petro-Mart. They have not been very good neighbors to the neighborhood if they have not been dealing with crime, noise, the 24-hour, you know, opening hours does not help if you're next to a neighborhood where people are trying to get on with their lives. Have you complained about this to the company or owners?

MS. BRYAN: I -- only to the poor people working in the gas station. I've called over there very late and, I mean, I've even gone to the point of saying can you please go outside and tell whoever it is to turn their car stereo down because it's, you know, 30 minutes. It's, like, I don't know what they're doing over there that long. And they have, but, you know, sometimes they say they will and then it just never stops. I've called the police, and the police are great. They'll -- all they have to do is drive through. They just drive through and the whole place clears out. It's -- they don't even have to get out of their car. They did have some security, like, off-duty security guys working at the -- right around the bar close, like,

maybe midnight to 2:00 a.m. I didn't really notice that that helped, you know. It's nice to see that, but then, you know, after that, that parking lot will fill up. And even -- and it doesn't matter what night of the week it is. And will all the -- the increase in college students downtown, I feel it's -- it really worsened once that -- a lot of those students, those luxury student housing, I felt like that gas station got a lot busier. There was a lot more people there at 1:00 -- you know, with bar close, so --

MS. PLACIER: So have you seen anything in this plan that would -- that would improve any of those problems?

MS. BRYAN: Other than it becoming more of an updated, professional establishment, that might be able to retain employees that are -- that if they're going to put this amount of money into it, maybe they want it to be a little more upscale than what it is right now. I don't see a whole lot of reason to think it's going to be better, but I don't know, because I've seen really nice gas stations and I've been in bigger cities, in Kansas City, et cetera, where there's, you know, QuikTrip is kind of like a nice -- nicer gas station. But they're not -- they usually aren't facing, like, a neighborhood. They're -- you know, they're facing more -- and this was big thing. It's, like, can it face more towards College altogether, you know? Why does it have to face directly towards us? There's no blockage of sound. Can we landscape, like, that whole side really thick, you know. Make it where it's not such a walkway that people want to go around and not walk right through the neighborhood, you know, by the school, et cetera. So I don't -- I don't know if I've seen anything that will make it better, but I -- I have hope -- optimism.

MS. LOE: Additional questions for this speaker? Thank you.

MS. BRYAN: Okay. You're welcome.

MS. LOE: Any additional speakers?

MR. SALIERNO: My name is Paul Salierno; I live at 1312 Hinkson Avenue. I'm two doors down from Lizzy. I just painted my house purple, bought it April last year. So I have the same concerns as Lizzy had just said. A couple of additional things is with the people loitering and everything, trash just comes right down our hill, and the dumpster there, our yards are full of trash from this store constantly, which is really an inconvenience. The lighting, as it is right now, as we talked, it would be great, you know. From our house, we're downhill, so when I look out my windows, I'm looking at spaceship, basically, right now. This store is always dirty. You can go there tonight, and it is -- it's filthy everywhere. I -- I -- I see other places who power wash their place quite often. This -- I've never -- I don't think one time I've seen this place power washed or taken care of. The employees are in and out. There's new employees there all the time. This is across the street from me. I do visit it and see the condition. The pictures of the new place look -- look great. I really wish we could see pictures of what this place looks like now and how it's taken care of. Is that going to be the future of this gas station, to be continued to be taken care of the way it is? If so, then I'd almost rather not have a gas station there. So I love the convenience of being able to take my lawnmower over there and fill it up. You know, that's great. I don't think this store needs to be bigger. I think it's a waste. It's -- there's not -- nobody from --

a lot of people I work with live all over -- Hallsville, this or that. They do not stop at this gas station. They will not stop at this gas station. They're afraid of this gas station. So the people who use it are this neighborhood, pretty much. So I don't think it needs to be bigger. I think it -- with -- if we could make it smaller, we could face it another way. There is no reason for all this food. They're saying they want to put a bunch of food in this place to serve the community. I don't think anybody in the community is going to buy food from this place. We -- I'm going to speak for the neighborhood, as I think I can. We're not going to shop there for groceries. So I don't think it's necessary to do that. Also, you know, we have the Tiger Tots, which is right there. We have the elementary school right there. And the crime is -- is terrible here. I've had cop -- the police officers put their business card on my house saying we had a robbery last night. I see you've got cameras. See if you got it on there. There are so many things that could have been improved on to make this feel a lot better for the neighborhood, but if it's going to continue to go down this road, I'm not -- I'm not a -- I would love to see it be better and improved, but I think it's just going to get dilapidated again as it is right now.

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

MR. MACMANN: Mr. Salierno, Hi, Paul.

MR. SALIERNO: Hi.

MR. MACMANN: Do you have -- this again, the question that we've been asking. Does -- does anything in this new plan give you hope that the narcotics, the crime, the dinginess, all the negative issues that have been brought forward would --

MR. SALIERNO: It brings me terror.

MR. MACMANN: I'm sorry?

MR. SALIERNO: It brings me horror. That extra parking lot on the side, that just says hang out spot, drug deal, whatever.

MR. MACMANN: The one towards your house?

MR. SALIERNO: Yeah.

MR. MACMANN: Yeah. I -- I --

MR. SALIERNO: That is 100 percent what I see there. I -- like I said, I -- there's just -- and, you know, like they said, well, we had this nice place in the back. Unfortunately, with what we see every day, that would be a terrible idea, to have any space in the back.

MR. MACMANN: All right. Thank you.

MR. SALIERNO: Yeah.

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

MR. SALIERNO: Thank you.

MS. LOE: Any additional speakers on this case?

MS. GORTMAKER: Good evening. Ann Marie Gortmaker, 1714 McAllister Street. My husband and I live in Benton-Stephens. I -- you might have guessed I didn't intend to speak tonight, but I

know there are several from our neighborhood who -- who had attended some of the meetings, who could not be here this evening, and I at least wanted to present the -- to make it clear that there are many of us who care passionately about the neighborhood. I am a walker. These are my tools. So when I cross Paris, and cross College at Paris, this is what I'm doing in hopes of getting attention of people. Sometimes it works. Well, obviously, it's worked so far so well -- so good. I make that point, not to be a drama queen, but to say this makes my neighborhood less secure to me. I appreciate the audible signals at College and Paris. However, if I were to cross Paris going towards the gas station, I would still -- I could have the audible signal to let me know that it's safe to go, and then there's a right-turn lane, and then I'm kind of smoked. So if you'll give me two -- two left-turn lanes when I'm wanting to cross College, and there's two now left-turn lanes coming at me, more frightening. I am a strong pedestrian advocate. My two feet are my ways to work, they are my ways around town, and they are the ways that I enjoy this city, that we moved here for access largely. So I think one of the biggest misgivings or concerns that we all have as those who have spoken is that the lack of confidence that a new establishment will be run any better than the present one is. If they're not able to manage well what's in place, I don't have confidence that making it bigger and more -- more traffic, more vehicles, will make it better for the neighborhood. That's enough to say.

MS. LOE: Thank you. Any questions for this speaker? I see none. Thank you. Any additional speakers on this case? I see none. I'm going to close public comment.

#### **PUBLIC HEARING CLOSED**

MS. LOE: And move to Commission comment. Commissioner MacMann?

MR. MACMANN: Sure. I will also -- I told you I knew Lizzy and I thank Lizzy for not hitting me up on this. Someone else I know who I trust in their opinions, Mr. McCarter send this letter, Cory. Their views -- none of these people's views are hidden or anything like that, but they did not -- they didn't lobby me on this. As far as the rest of the neighborhood, they -- I think that Ann Marie put it really well there, and Mr. Salierno said something that's too -- I go -- you know, I get gas here and stuff like that. The turnover is -- if there is not a two-week period where we don't have a brand-new employee, it's a rare two-week period. I can see the owners making the point of we have to upgrade to make it better. Ann Marie's point about I think you take care of what you have, and it definitely does not have the neighborhood support. That's -- that's rather clear. I think the neighborhood has been very measured in their response. We've seen other neighborhoods who have done less measured, but I think they got their point across.

MS. LOE: Commissioner Geuea Jones?

MS. GEUEA JONES: I -- I am concerned about something that I don't think has really been discussed, which is the expansion into two residentially zoned lots. You know, we -- we talk constantly about how we have a struggle in Columbia finding housing that isn't on one of the two ends of the economic spectrum. And it seems to me that us saying we're going to take what is essentially the same

use with essentially the same volume and expand that footprint and, in the process, lose two residential lots, that concerns me as much, if not more, than the comments that we've heard from the neighbors that are equally compelling about what -- we keep calling it a crime issue, but let's call it what it is. The owners aren't taking care of their property. They're not doing what they need to do with what they have now to make it a good neighbor, so why are we going to give them more space, give them more capacity, and in the process, remove residential properties. I -- I am disturbed also to hear that it sounds like the neighbors have been saying this for a while, and potentially no changes have been made, or at least no significant changes have been made through the plan. So that -- just to let my fellow Commissioners know kind of what I'm thinking because I -- I don't think I've heard a lot about the fact that we're losing two residential lots.

MS. LOE: Commissioner Carroll?

MS. CARROLL: I share your concern with the residential homes. Those are the entry level housing right there. That's not something we frequently consider in and of itself. I also am concerned with the lack of appropriate staffing and what we're calling a crime issue. I've witnessed that myself. And, you know, I -- I hear the claim that improving the property will solve those problems, and to a certain extent, that can help, but you don't need to expand the property to improve the property. You can maintain your property with the footprint that exists. And I agree with the staff's analysis that this location is more akin to a neighborhood commercial node than to a regional center. And this is meant to be smaller in size and serving the neighborhood. I have seen gas stations do this effectively with very small footprints. I can't name one locally to my memory, but I have seen very small footprints that served their neighbors well as a gas station and a convenience store. The neighbors used it. The community used it, and their sales were good. That -- I would like to see that happen at this location.

MS. LOE: I -- oh. Commissioner Placier?

MS. PLACIER: Oh, you go ahead if you were going to --

MS. LOE: I -- I've been thinking about all the concessions and effort that Log Boat Brewing made across the street when they came forward to do some improvements, and they were already on the more commercial College, being on the west side. And we were concerned about simply the face of them and what the face they were presenting to the residential side. And I have to admit it's concerned me, analogous to Commissioner Geuea Jones, that not only are we encroaching into the residential side, but we're taking away from the residential side with this project. And I wasn't, let's say, convinced as much by the efforts being made to work with the neighborhood that we saw with that other applicant coming forward. I also just want to go back to the fact that this is currently a conditional-use permit, and I take very seriously the concerns of the neighbors and the neighborhood in considering a conditional-use permit. And given the lack of support of the neighborhood, I see no grounds for expanding a conditional use permit in this case. And then, finally, the traffic conditions at the Paris and College Avenue interchange, I -- I agree with Ms. Bryan's comments also, just about the ongoing stacking. And I -- I don't

think the current situation is good. I don't think the proposed situation resolves those issues. This may be a good candidate for a traffic circle, given the awkward arrangement of roads coming in, in which case I don't see any reason for walking away from the right-of-ways. So those are going to be my thoughts at this point. Commissioner Placier?

MS. PLACIER: I agree. I agree with all your points. I also think there were some disingenuous statements in the -- in the proposal that I know people use rhetoric thinking it's going to be convincing, but saying that it maintains the historic character of the neighborhood and that, you know, it maintains this historic nature -- really -- when it's really an expansion of a store to sell mostly unhealthy foods and late-night alcohol sales. So I'm -- I'm -- I think that the larger store is also going to require more staffing and more security, and they haven't shown that they've been able to maintain that currently. So I'm just not convinced.

MS. LOE: Commissioner Rushing?

MS. RUSHING: I'm just going to agree with everyone else. I drive by this location on a regular basis, and I don't see -- you know, I understand they want to enlarge their facility, but they're doing it at the expense of the neighborhood. I agree with one of the neighbors who said they're -- they're facing us. I mean, they're -- everything that goes on here affects people across Paris Road. It's not like they're wanting to angle away more so they're looking more towards College where, like Log Boat, it would -- you know it wouldn't affect the residential neighborhood as much. They're just making what they have bigger, and I don't see that as -- I see that as negative for the neighborhood.

MS. LOE: Commissioner MacMann?

MR. MACMANN: I have a comment and then, at the end of my comment, if we have no more comments or concerns, I have a motion. My comment is as follows. This is for the ownership group. I -- you guys have a right to make money, you have a right to expand, that's all fine and good. And I don't think you've been bad -- they've been bad neighbors. I don't think they've been effective neighbors. I mean, Liz and I have been here a long time. This has been a drug-dealing corner for decades. The house that they tore down was slinging drugs. There's a house two doors down around the corner from you that's slinging drugs and has shootings. It's not necessarily your all's fault, but it's the hub. And the realistic concerns about housing and the one house that was torn down, because they were dealing drugs. Because of those and the general lack of neighborhood support, I'm going to make a motion. And just for all of you, what you're about to hear, I'm going to move to approve this, but we have to make all of our motions in the positive, in the affirmative. I will be voting no. Mr. Kelley, could you put up your -- yeah. So I can see all the different motions that I have to make.

MR. KELLEY: Well, I've got it changed on my screen, but we need to get it changed on --

MR. MACMANN: Sure. That's all right. There we go. Okay. Do you want me to go in any particular order?

MS. RUSHING: Can we do just three, perhaps?

MR. KELLEY: Yeah. Just three.

MR. MACMANN: Do you want me to just do three, because the rest follow, or do you want to have an answer on all three of them?

MR. KELLEY: My interpretation, my understanding would be to go in order, one, two, and three.

MS. RUSHING: Okay.

MR. KELLEY: If Pat sees it any differently, then certainly follow his guidance.

MS. RUSHING: Okay.

MR. MACMANN: I'm going to do three, one, two. That should be a very clear message. In the matter of Petro-Mart Planned Development, Case 75-2020 [sic] --

MS. LOE: 2022.

MR. MACMANN: I did it again. My apologies. Case 75-2022, request for rezoning, change the SOI -- an SOI and the PD Plan, I move to approve.

MS. GEUEA JONES: Second.

MS. LOE: Seconded by Commissioner Geuea Jones. 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 No: Ms. Geuea Jones, Ms. Placier, Ms. Kimbell, Ms. Carroll, Ms. Loe, Ms. Burns, Ms. Rushing, Mr. MacMann.**

**Abstention: Mr. Stanton. Motion denied 8-0.**

MS. CARROLL: We have eight no votes, and one abstention. The motion is denied.

MS. LOE: Commissioner MacMann?

MR. MACMANN: Just for a matter of record-keeping. I'm going to combine the design adjustments 1 and 2, if that's okay.

MR. ZENNER: I think that will be fine.

MR. MACMANN: All right. In the matter of Petro-Mart Planned Development, Case 75-2022, a design adjustment as related to streets --

MS. THOMPSON: Can I actually interject real quick, will you go ahead and do them each as individual motions?

MR. MACMANN: Thank you very much.

MS. THOMPSON: Yes. Sorry.

MR. MACMANN: In the matter of case 75-2022, as it relates to street frontage, approving street frontage, I move to approve.

MS. GEUEA JONES: Second.

MS. LOE: Seconded by Commissioner Geuea Jones. 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 No: Ms. Geuea Jones, Ms. Placier, Ms. Kimbell, Ms. Carroll, Ms. Loe, Ms. Burns, Ms. Rushing, Mr. MacMann.**

**Abstention: Mr. Stanton. Motion denied 8-0.**

MS. CARROLL: We have eight no votes, and one abstention. The motion is denied.

MS. LOE: Thank you. Commissioner MacMann, did you want to make the last motion?

MR. MACMANN: I will go for it. In the matter of Case 75-2022, I move to approve the design adjustments relating to right-of-way dedication.

MS. GEUEA JONES: Second.

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

**Roll Call Vote (Voting "yes" is to recommend approval.) Voting No: Ms. Geuea Jones, Ms. Placier, Ms. Kimbell, Ms. Carroll, Ms. Loe, Ms. Burns, Ms. Rushing, Mr. MacMann.**

**Abstention: Mr. Stanton. Motion denied 8-0.**

MS. CARROLL: We have eight no votes, and one abstention.

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

## **VII. PUBLIC COMMENTS**

MS. LOE: Are there any additional public comments? Seeing none.

## **VIII. STAFF COMMENTS**

MS. LOE: Are there any comments of staff?

MR. ZENNER: Yes, there are.

MS. LOE: I knew you wouldn't disappoint us, Mr. Zenner.

MR. ZENNER: Well, comedy hour begins now. We will have our next meeting on February 24th, not March 7th. You will have a meeting on March 7th, as well, but your next meeting is on the 24th of February. And before we get there, I promise -- I am hiring young now. This is our newest addition to our planning staff. John Smith and Rachel Smith's wonderful daughter, Ivy, born back on January 14th. They're doing well. We haven't heard from them; however, we did hear that they were at Gunterhouse this evening before this meeting partaking and laughing at our extreme experiences. But in all seriousness, we do have cases coming up, and we do have a number of them. We have a total of six. As laid out here, we have a final plat off of the Business Loop. This was intended to be on this evening's agenda, however, due to some technical issues that had not been resolved, it was pushed forward. This is a straightforward final plat of previously unplatted property; and therefore, it requires a stop at the Planning and Zoning Commission. The next item under our subdivision section is a property that was recently annexed into the City off of Van Horn Tavern Road. This is the Midway Golf and Games property, and it is a proposed preliminary plat to divide off the property in order to allow for a building permit to be issued for some expansion. It is a preliminary. It does show some right-of-way dedication -- future right-of-way dedication, and part of the overall annexation process, it was required to be platted, so preliminary is the first step in that. We'll get a final to Council at a later date. Your second



grouping of projects are tied together, and, at this point, it is our understanding that the applicant is desiring to move forward with both of these items. Legacy Farms is the name of the project because the site does not have an actual street address, but this is the University of Missouri's property located off of Sinclair Road, south of the Mill Creek Elementary School, and across from the John Warner Middle School. It is a 380-acre parcel of property proposed to be rezoned into the three zoning classifications identified from Agriculture, so it is a mixed-use residential project. Mr. Smith will be delivering the report on this, so it will be probably quite extensive. There is some other -- a property exchange process is going on with this as well between the City and the applicant in order to acquire property for a south Columbia salt dome, which is relevant to the platting action and the future improvements that would be required on the adjoining street network. Associated with this is a preliminary plat, so that preliminary plat is going to identify and allocate the areas within the acreage that would be utilized for R-1, R-MF, or M-N purposes. It will also show right-of-way dedications that would be required as part of a future final plat. And we are currently in the process of working on a development agreement that we will provide context for as to what would be acquired out of that development agreement or provided by the applicant in exchange for improvements that would be required and the salt dome exchange of land. So that is -- that's all tied into the preliminary plat, but this is probably the most significant development that we have had in I'd say probably five to ten years. This is an enormous parcel of property, and it is being proposed to be master planned outside of a planned zoning district with its combination of land uses, so a very exciting project. And then the final grouping is just our standard public hearings. The 2201 Nifong Boulevard property, that is the Woodcrest Chapel site. It is possible that this one will be withdrawn, but it is, at this point, proposed to be rezoned from agricultural to M-N, and this is directly to the north of the Mill Creek Elementary School. And then 4130 Lenoir Street. This is a parcel of property that was previously operated as Ed's and Sunset Mobile Home Park immediately to the south of the Lenoir Subdivision and south of the Lenoir Retirement Community. It is zoned PD today, and it is being proposed to be rezoned to M-C. Part of this project would also end up connecting, if I'm not incorrect, Lenoir Street to the extension of Discovery Parkway, which comes up where we have some existing development built on the University's property just to the South Gans-Discovery Parkway interchange. So we have context, your Business Loop 70 project. This is immediately north of the Walmart on Conley at the intersection that was recently recreated. This used to be the old MoDOT salt dome and maintenance yard. The proposal here is to reconfigure the lots that are closest to the Business Loop where Business Loop and Conley come together in order to accommodate a new grocery store and relocate some of the internal road network that you can see below the crosshatch area that exists on site today. The adjoining property or the adjoining slide is our Midway Golf and Games tract of land that was annexed into the City two months ago or so, and this is the preliminary plat on that annexation. If you recall correctly, there was a very small area that was allocated towards M-N zoning, and there was the balance of the property that was left in O zoning, so the platting action is trying to allocate those zoning territories onto their own

respective lots. Your next two slides are the Legacy Farms property or what is known as the University's property off of Sinclair, the MU Sinclair property. As you can see, running south of Mill Creek Elementary all the way down basically to the Lake Arrowhead Subdivision there just across from where The Cascades is located on South Sinclair Road. And then finally the last two, Woodcrest Chapel there at the corner of Nifong, Vawter, and Sinclair, and then finally our Ed's Sunset Mobile Home, formerly Ed's Sunset Mobile Home there off of Sugar Maple -- or Sugar Grove Road and Lenoir Street just south of the Grindstone AC interchange for Interstate 63 -- or Highway 63. With that, that is all we have for this evening. We will convene again on the 24th and discuss -- continue our discussion with our short-term rental definitions, as well as hopefully getting into additional discussion as it relates to either identifying where our second category of short-term rental may be permitted or use specific standards for what we have discussed this evening. With that, that's all we have to offer, and thank you very much.

MS. LOE: Thank you, Mr. Zenner.

**IX. COMMISSIONER COMMENTS**

There were no comments from Commissioners.

**X. ADJOURNMENT**

MR. MACMANN: Move to adjourn.

MS. KIMBELL: Second.

MS. LOE: Seconded by -- we have a tie. I'm going to give to Ms. -- Commissioner Kimbell.

Thanks everybody.

(The meeting adjourned at 9:48 p.m.)

(Off the record.)

Reported by: Janna L. Tayon  
CCR 1260  
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