

EXCERPTS
PLANNING AND ZONING COMMISSION MEETING
COLUMBIA CITY HALL COUNCIL CHAMBER
701 EAST BROADWAY, COLUMBIA, MO
June 23, 2022

Case Number 164-2022

A request by Engineering Survey and Services (agent), on behalf of Somerset Village Development, LLC (owner), for approval of a development plan and preliminary plat. The preliminary plat proposes three lots. This PD Plan, located on Lot 2, proposes two three-story multi-family structures, a community building, and associated parking. The 17.3-acre site is zoned Planned Development and is located northeast of the intersection of Battle Avenue and St. Charles Road.

MS. LOE: A popular location this evening. 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 preliminary plat and PD Plan, subject to technical corrections.

MS. LOE: Thank you, Mr. Kelley. 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. I see none. Any questions for staff: Commissioner MacMann?

MR. MACMANN: Thank you, Madam Chair. Planner Kelley, a comment and then a question. If you guys can pitch more landscaping and more trees for parking, you guys can make that swap more often, you would be rock stars. Second question, there's a detention basin between Lots 2 and 3. Is that to service Lots 2 and 3, or will one be able to service that, as well -- or need -- utilize that as its by mediation or whatever we're going to -- how's that -- how's that going to work?

MR. KELLEY: I'm not certain for Lot 1, unfortunately. I believe the applicant is here to probably answer that in more detail.

MR. MACMANN: Answer those questions? That's usually an engineering question, and we have -- we happened to have one right here. I just wanted to make sure because of its location, it might not be able to service Lot 1. I'll ask the engineer when he gets up there. Thank you.

MR. KELLEY: While I have the mic real quick, if you don't mind me adding one thing I should have mentioned in my report. I did have one letter that came to me, a letter of opposition that was included in your packet. I just wanted to mention that as I forgot to state that earlier, and then I had a few general inquiries via phone call. That was it. Thank you.

MS. LOE: Thank you. Any additional questions for staff? Mr. Kelley, you mentioned that there

was a few corrections on the climax forest?

MR. KELLEY: Yes. I'm trying to find the best graphic.

MS. LOE: Just to clarify what those corrections were?

MR. KELLEY: Sure. So I noted in the staff report and it's noted on the preliminary plat that there is climax forest on site. Reviewing the definition of climax forest, and how the ordinance reads and treats it and its preservation, there actually isn't any climax forest on the site. That's because where there would be climax forest, there's actually the stream buffer. And because there's a stream buffer there, that sort of negates the climax forest because it's already being preserved. So in speaking with the arborist and their interpretations, since the adoption of the UDC, there isn't any climax forest on the site because it has to be 20,000 square feet contiguous woodland community with a small rectangular portion of at least 5,000 square feet and outside of the stream buffer, there isn't that. The largest piece outside the stream buffer is about 15,000 square feet.

MS. LOE: All right. The definition of climax forest does not exclude the area in the stream buffer, it's only the preservation area that excludes the stream buffer area. And when we wrote this in UDC, I remember this work session. It was because we didn't want sites that had an abundance of natural features to be able to double dip and eliminate, so we didn't want a site just like this one that might have a creek and might have forest to say, well, I'm going to choose one and not the other. So it's the preservation areas that need to be counted separately, but climax forest, that -- it's counted including the area in the stream. I mean, it runs across the whole site. So we look at all the forest on the site and say, yeah, this is all the forest area, but then when we're looking at what to preserve, we exclude the area in the stream buffer, and then look at what was out. So when I was looking at what they were telling us was in the preservation, that's where I got stuck because that included the area in the stream buffer, which is being preserved, but not as climax forest preservation.

MR. KELLEY: Yeah. I'm understanding this completely. It's -- it's just not consistent with our interpretation from the arborist since the adoption of the UDC, unfortunately.

MS. LOE: All right. As someone that wrote that part of the Code, and I have two other members sitting here who -- do you agree with me?

MR. MACMANN: I will second the Chair's. We were very expressive about -- I'm taking your time --

MS. LOE: Yes.

MR. MACMANN: -- about not double-dipping, and to make sure that those preservation standards remain separate because one of the reasons is over time, one or both of them might change. So that's -- if that was the arborist's interpretation, that's fantastic, but the -- the framers' intent -- and we can speak to the framers' intent, if you guys want to talk about framers' intent sometime -- thank you, Madam Chair.

MS. LOE: Thank you. No. I wanted to run it by you two because I was sitting there going this is -- this is doing exactly what we were trying not to do, which was --

MR. MACMANN: It was also related because we have other protected areas, particularly in the east, south of this. We have a bat preservation area or some other sensitive vegetation or biomass or something, not allowing those, and Mr. Teddy might remember, we were -- had areas outside the City that were -- that could have been problematic. We didn't want double and triple dipping to go on is why we kept them as standalones, so they'd have their own preservation standards.

MS. LOE: So if the arborist is excluding the area in the stream buffer to begin with, they are by virtue creating this quandary. And if -- how it was written is setting up this interpretation, we need to relook at that language. And I want to say that based on the numbers, we should be preserving climax forest beyond the stream buffer. That said, we weren't given all the numbers, so I can't be really specific. I believe we should have about .56 acres of climax forest beyond the stream forest -- stream buffer. Now I really am compounding things -- screen forest buffer.

MR. KELLEY: The arborist was interested in looking at it as a text amendment that kind of considering the interpretation that you're taking, because we were kind of looking over that, well, what's the other interpretation of that. And to make it clear, we were looking at the potential text amendment I think is what you're suggesting.

MS. LOE: Well, I'm glad -- I'm glad the framers' intention still --

MR. MACMANN: I feel like -- like I've been talking to the Supreme Court. This is not -- Madam Chair, if I may. Do you want to hold -- do you want this issue now?

MS. LOE: The only reason I'm bringing it up is because I communicated with Mr. Kelley about this prior to this meeting, and I'm concerned that there may be changes that eliminate all the preservation area outside of the stream buffer, and I just wanted to make sure that's not happening.

MR. KELLEY: We -- so given the arborist's interpretation, we have suggested to the applicant to make technical corrections to remove the climax forest, as our interpretation would say that there is none because it is included in the stream buffer, and that would exclude the climax forest. So that is what has been relayed to the applicant at this time, to make that correction.

MS. LOE: And I'm positing that this body does not agree with that.

MR. SMITH: I think a good -- a good work around would be we'll -- we'll take this back. There is some technical corrections, so we can go back and confer with Mr. Teddy and Mr. Zenner, who was also involved with the writing, and see if -- if maybe that interpretation has gone askew over time, and if not, you know, it is kind of a technical matter at that point, if they decide that this is how we'll carry forward, then it probably needs to stay that way, and then we'll come back with a text amendment to clarify it. And if not, then they can go ahead and make those changes and still be consistent, I think, with what you're suggesting right now.

MS. LOE: Commissioner MacMann?

MR. MACMANN: And this was why I was referring to the County before. As long as the trees aren't cut down in the interim, then it's a moot point. That's -- that's why we -- because I saw that too, I thought I hope Commissioner Loe brings this up, because she loves the rabbit holes, and that's good.

That's good in this case because I think you expressed that really well. Some of these will be questions for the applicant. Madam Chair, do you wish to move on to the applicant, or do you want to address this more here, or what do you want to do?

MS. LOE: I'm -- I'm -- I think I asked my question of Mr. Kelley. Any additional questions for staff? Commissioner Placier?

MS. PLACIER: My only question after this discussion is what would be the practical effect of each interpretation on the plan we're looking at?

MS. LOE: The -- saving half an acre, another additional half-acre of trees.

MS. PLACIER: And would that affect the -- the building plan of the applicant?

MS. LOE: Not where they've shown it.

MS. PLACIER: Okay.

MS. LOE: Because the plat -- plats one and two don't currently have footprints on them. Any additional questions for staff? If not, we will open up the floor to public hearing.

PUBLIC HEARING OPENED.

MS. LOE: If you can give your name and address for the record.

MR. KRIETE: Good evening. My name is Matthew Kriete; I'm with Engineering Surveys and Services, offices at 1113 Fay Street, and the civil engineer on the project. I first want to say that -- I want to assure you that we're not here for Dollar General, despite what the slides say. So to address the questions first, I think that we heard. Lot 1, no detention is proposed for that at this point. That will come at a later date. We're -- we did have the opportunity to combine lots 2 and 3, and took advantage of that, but really no practical way to do all three at one time without utilizing the stream, which was not the best scenario for the stream. As for the tree preservation and climax forest, I like the framers' intent. I'm big on that. I think that's important. So at this point, our intent is not to take out more climax forest than allowed. I think our application shows that intent. I did make the changes as requested by staff, scratched my head a little bit, and said okay. I'm sitting here reading it and going I can see both arguments, so that's my opinion on it, at least. So I think -- I can see where both say --

MR. MACMANN: Well played, Mr. Kriete.

MR. KRIETE: Yeah. And you've been there with me before when I say, no, it says that. So yes. That's our intent. So it does not affect our plan, as you -- as you mention. You know, certainly, I think we want to solidify that for the preliminary plat moving forward as it does kind of set a standard, but what you have in front of you commits to that, even if the number is incorrect. All right. So at any rate, we are looking at what was one tract, splitting it into three to create a development parcel for what is -- what's lot 2, that kind of that middle parcel, which is what you see the PUD plan on. It is zoned. It's got utilities. The statement of intent has been created. And we're pretty much preserving all the trees outside of -- afraid the sewer is getting into a couple of trees along the way, but outside of that, it's trying to maintain as much of that as we can. You can see we've moved the sewer even away from the buffer as far as really is practical. And overall, we're proposing less density, less height than what's allowed, and really

on conforming with the UDC standards. With that, I would be happy to answer any questions you have. Oh, and then say finding some housing, affordable housing that's really needed in Columbia. There's not much of that here in this community, and particularly of a newer nature. So if you have any questions, I would be happy to answer them.

MS. LOE: Thank you, Mr. Kriete. Questions? Commissioner MacMann?

MR. MACMANN: You're about to get a lecture from Commissioner Stanton. You're not? Okay. I will ask you a question then. Do we have -- and you may not know this, and that's fine. Do we have a conceptual target point for a lease -- for how much rent is going to be here?

MR. KRIETE: I'm afraid I don't know that answer. I know it's set at a percentage less than the mean rent in the area. I can't speak to all the specifics about that, but that's part of the --

MR. MACMANN: Mr. Kriete, that -- Mr. Kriete, that is an excellent answer actually. That's a very useful answer, too. Mr. Stanton can confirm, we deal with mean incomes all the time. And thank you for being willing to be just flexible on while staff and framers ponder their intent. It's a matter of -- and for the other members of the audience and the other members of the Commission who weren't here, it's a matter of putting climax forests into a state of preservation rather than, hey, you need to keep those trees over there. We split this out to do, and I thought we did it in a very balanced fashion. Other communities may have a greater preservation standard, but we let a lot of these preservation things stand alone and didn't allow the double dipping that it's a stream buffer, it's a climax forest, and I want to thank you for being willing to do this. And I did notice that you all were short of the maximums on everything, and I was, like, oh, okay. So we're not going to be arguing over parking space and height of the building, and those kind of footprints, and I appreciate that, also. Thank you, Mr. Kriete.

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

MR. STANTON: Don't say affordable if you don't mean it.

MS. LOE: Thank you, Mr. Kriete.

MR. KRIETE: Thank you.

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

PUBLIC HEARING CLOSED

MS. LOE: Commission comment? Commissioner Stanton?

MR. STANTON: I think our previous speaker is example of I think our developers and engineers are getting it. They're really paying attention to the Code and trying to make a win-win situation for everybody, so I commend you and -- and support it.

MS. LOE: Commissioner Carroll?

MS. CARROLL: I love this plan. I was very appreciative of minimizing the parking in particular. I like the idea of multi-family near a high school. I -- I say this because I would like to see more plans like this. I also like the idea of multi-family near a forested area where it's enjoyable for those who live there and not just multi-family near a highway. It's rare that we see plans like this.

MS. LOE: Commissioner MacMann?

MR. MACMANN: If my fellow Commissioners have -- don't have any more comments or concerns, I'd like to make Mr. Kriete's day. In the matter of Case 140-2022 PD Plan -- oops -- wait, wait, wait, no. Retract what I just said. In the matter of Case 164-2022, the matter of Spartan Point Preliminary Plat PD Plan with minor technical corrections, particularly regarding climax forests and stream buffers, I move to approve.

MR. STANTON: Second.

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

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

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

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