

EXCERPTS
PLANNING AND ZONING COMMISSION MEETING
COLUMBIA CITY HALL COUNCIL CHAMBER
701 EAST BROADWAY, COLUMBIA, MO
MAY 5, 2022

Case Number 140-2022

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

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

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

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

PUBLIC HEARING OPENED

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

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

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

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

MR. BRUCKERHOFF: As my part of the project, I have not had any correspondence with the

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

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

MR. STANTON: Okay.

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

MR. STANTON: Thank you.

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

MS. LOE: Commissioner MacMann?

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

MR. BRUCKERHOFF: Bruckerhoff, yes.

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

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

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

MR. BRUCKERHOFF: Thank you, guys.

MS. LOE: Additional speakers on this case?

MR. KEMP: Good evening, Commissioners. Thanks for having me. My name is Greg Kemp; I live at 1306 Lake of the Woods Road. A Dollar General is backed up to my property -- my backyard. Why do we need another Dollar General in a residential neighborhood when there's just one two miles down the road on Clark Lane that has been burnt down twice? The other thing is I went around, and I've been in a lot of Dollar Generals around the country, and they're really not that clean. And I spend -- my neighbors and I, we spend a lot of time in trying to take care of our properties to get the property value up on our homes, and Dollar General is just going to pull them down. I mean, would you all like a Dollar General in your backyard? I mean, when you walk out, I spent a lot of time on my property in fixing it up and my backyard fire pit, and I've got to sit out there and look at Dollar General -- the side of Dollar General. The other thing is Lake of the Woods Road -- well, I take that back. St. Charles Road, they're putting a Dollar General right across from a fire station. Emergency -- the road is very hectic out there anyway due to the high school, the elementary, the medical clinic. If you come out there during the week,

I mean, traffic is really bad. Also, it's very close to a roundabout, it is there, which that roundabout, they say you're supposed to yield in them, but people don't. And Lake of the Woods Road, you can't even get off onto to St. Charles Road. We have, what, four Dollar Generals -- five Dollar Generals right now in Columbia. And I went out to the one on Paris Road. There's sofas sitting out there, trash and everything. And I don't know if I have anything to say. Nobody came to me or talked to me about anything, but if I can't get this stopped, butted up to my property, I was wondering if I have any say-so in what I would like. He mentioned they would put up an eight-foot fence. I forgot what he said, kind of fence it was. But me personally, I would like an eight-foot privacy plastic vinyl fence for the length of my property because these companies, if something goes wrong with the fence, like a wooden fence deteriorate, a wire fence, you know, get holes in it and stuff, they don't come out and fix it. At least if I get a plastic privacy fence put up, I can maintain my side of the fence, and as far as keeping it clean and everything. Far as the lights, Dollar General all night long, we have lights on, so that ruins me sitting out around my fire put looking at the stars and stuff because I've got to deal with the lights. Foot traffic, things around there has been kind of hectic, you know. We've been getting small burglaries and stuff, you know, and stuff from different neighbors we've been complaining about. But it's just going to increase more with the Dollar General there, the foot traffic, cutting through our neighborhood -- through our yards and stuff like that. So my thing is do I have any say-so about what's in my back door that's dropping the property value of my home that I work so hard to maintain and to bring up.

MS. LOE: Thank you, Mr. Kemp.

MR. KEMP: Uh-huh. Thank you.

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

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

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

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

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

MS. CARROLL: I have a question for --

MS. LOE: Okay. Question first.

MS. CARROLL: -- staff.

MS. LOE: Oh.

MR. KEMP: Okay.

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

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

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

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

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

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

MR. KEMP: Fine, thank you.

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

MR. KEMP: No. No.

MR. MACMANN: Just so you all know --

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

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

MR. KEMP: Okay.

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

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

MR. MACMANN: It does have to be -- and if it's not maintained, that's something else you could

-- they're required to keep those buffers to protect you all, and that's what that buffer is there for.

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

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

MR. KEMP: Okay. Thank you.

MS. LOE: Commissioner Stanton?

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

MR. PALMER: I don't know if I can. But basically, this area here is all what we would call a vegetative buffer. That's the 25-foot that was required with the zoning in 2013. So that's in addition -- that's an additional requirement that the developer imposed -- or the property owner imposed. And then the standard current requirement is a ten-foot vegetative buffer, which is provided along this property line on the east. And then they're also required to provide the eight-foot what we call a screening device. It is, essentially, a privacy fence, but we don't dictate the material it's made of.

MR. KEMP: Right.

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

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

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

MR. KEMP: Right. Right.

MR. PALMER: Yeah.

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

MR. PALMER: Sure.

MR. KEMP: Inside that line.

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

MR. KEMP: My property right there, yes.

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

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

MR. STANTON: I don't know about -- I'm going to shoot my shot and try and see if I can get a vinyl fence. I'm saying you could get ahold of the guy that -- that came up here and talked. At the end of

the meeting, I would get his business card. I'd get the developer. I'd make that known. See what kind of response you get from them and be -- and put the -- put it on your calendar when this comes to City Council.

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

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

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

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

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

MR. STANTON: Make your move.

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

MR. STANTON: Thank you.

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

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

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

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

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

MR. MACMANN: Yeah.

MS. LOE: Commissioner Stanton?

MR. STANTON: Chess.

MR. KEMP: Yes. Okay.

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

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

MR. WHARTON: Good evening. Good evening. My name is David Wharton; I live at 5967 East Waters Edge Drive, just up the road from my neighbor. Since I'm not privy to the plans that they're building, do we have a limitation on how tall their sign can be? You talk about light pollution, that thing sits up 40, 50 feet in the air, I don't care how tall your privacy fence, he should drown it out of the backyard. If you saw his backyard, it is nice. It is covered. It is well-shaded. It is very comfortable, a very safe place to be. I live up the road. I'm concerned about an extreme, you know, uptick in traffic, not only foot, but also vehicle. We have constant near misses with vehicle traffic back and forth on not only

Lake of the Woods, but St. Charles Road. It is right on top of the traffic circle, literally. Their entrance is right on top of the traffic circle. I mean, people nearing rear-end each other. Hey, Columbians don't know how to drive on traffic circles. They suck at it. They really do. But we don't have any sidewalks up and down Lake of the Woods, so if there's somebody walking up there to Dollar General to partake and, you know, support their business, you're jumping into the ditch, you know. If you try to avoid somebody, let's see here, my neighbors put up half a dozen mailboxes in the seven years I've lived there because people have driven off the road to avoid, you know, either a pedestrian or an animal. So it's -- it's a safety concern at this point. Whatever, you know, guidelines that comes in under you guys' umbrella.

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

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

MS. LOE: We do have a signage ordinance.

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

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

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

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

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

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

MR. WHARTON: Yes.

MR. STANTON: This is how we deliberate here.

MR. WHARTON: Yep.

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

MR. WHARTON: Right. Exactly. Thank you.

MR. STANTON: Thank you.

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

MR. WHARTON: Thank you.

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

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

MS. VAUGHN: Good evening. Thank you for your time. My name is Vanessa Vaughan; I live at 2043 North Lake of the Woods Road. I have a beautiful view outside the back of my home -- the lake.

Along with that is wildlife. I have a mother fox with her kittens. I have squirrels, I have rabbits, I have geese, I have ducks. The last thing I want to see is a yellow Dollar General bag floating on the lake. I already have that issue with the convenience stores, Casey's, the fast-food chains, the little miniature plastic liquor bottles. It's a constant battle. I have a beautiful lawn, and I think because I have a beautiful home that people think that I have a lot of money and I can afford an expensive lawn care. I am the lawn care. Now, I -- I've worked hard, and I want it to be in that area because of the woods and the lake and the solitude and the quiet. I did not ask to live in a commercial zone. Thank you for your time

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

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

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

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

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

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

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

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

MS. LOE: Ms. Vaughn?

MS. VAUGHN: Yes.

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

MS. VAUGHAN: Oh, I'm sorry.

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

MS. VAUGHN: I apologize. What has become residential is now becoming commercial. And I realize, you know, Columbia has grown in leaps and bounds. I've lived here for 65 years. I remember in

the early '60s when the population was something like 38,000. So, yes, I've seen a lot of cow pastures grow into subdivisions, and I get that. But also, too, we have to keep a sense of not everybody wants a business in their backyard. You know, there's a point when the almighty dollar speaks, and it speaks loud. And -- and I get that. It's potential employment. it's also growth, more schools, more businesses, but also sense, the sense of community, the feeling that I can talk to my neighbor without having a convenience store being the -- between both of us, you know, is what I'm trying to say. And as I said, I have wildlife, and I love it. It's quiet. I already deal with enough trash from the businesses on Clark and St. Charles Road, and I just feel like we're losing that rural community feeling. But I didn't know anything about the proposal in 2013, just as I did not know about this. Thank you for your time.

MS. LOE: Thank you.

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

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

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

this Dollar General because you all have heard everybody in the neighborhood say pretty much the same thing, that we don't want it. Now, I've had some dealing with Dollar General through the years with my family, with accidents, and slipping and falling on their lots and all, and stuff like that, and it hasn't been a good scene at all. They really don't give a hoot. That's must my opinion about Dollar General, and every time I go there, my wife loves to shop there, so I take her, but I don't care to go there because it's such a risk, especially the one down the street from us. and I feel as though that one down there has went through so much trouble, what -- what are we going to get with this one? Thank you for your time.

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

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

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

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

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

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

MS. ALLEN: Water and sewers?

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

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

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

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

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

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

MR. BUSCHER: Sure.

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

MR. BUSCHER: Sure.

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

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

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

recommending Board.

MR. BUSCHER: Sure.

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

MS. BUSCHER: And again --

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

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

MS. LOE: Uh-huh.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

MS. LOE: All right.

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

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

MR. ZENNER: Seven p.m.

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

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

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

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

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

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

MS. LOE: On the east side?

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

MS. LOE: So --

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

MS. LOE: Thank you. Any questions for this speaker? I see none right now. Thank you. Any additional speakers on this case? If there are none, we will close hearing portion.

PUBLIC HEARING CLOSED

MS. LOE: Commissioner comment? Commissioner Rushing?

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

MS. LOE: Commissioner Stanton?

MR. STANTON: Well, my experience is that these stores are placed based on zip code, demographics, and I can stand on that statement if you look at all of the other ones in town. They're also built where there is less political resistance. There is no Dollar Store near The Highlands, there isn't. It

doesn't fit their demographics. It doesn't fit their demographics, that's not their customer base. The people that live around here fit their income demographics. That's why they bought it -- the land there. That's why they're putting it there. That is the way of the world. That's how it's going to be. That's why stores and where they are. Do you have a Starbucks out there? I bet not. Because it's based on demographics. Okay. So I'm back to this. That's going to be the way of the world. This is a PD, and I keep saying that to my colleagues because PD means it's a planned development, which means there's some wiggle room. I'm going to say again that there's people in this room that have business cards, and the developer and the engineer are in this room. Based on your correspondence and talking with them, that should determine how you proceed at the next phase with City Council. So we have some play room here as a PD. The new UDC Code did add some protection, so you guys, what we're seeing is available to the public. I suggest you do your homework and look at the buffering. This is then to be a commercial corridor, so what's probably future -- is future endeavors is to make a long -- what is that -- St. Charles industrial. I mean, you know, stores and stuff like that, commercial stuff. That's kind of where things are going. It's great to have a neighborhood association, and it is great to be active like you guys are. Any future endeavors, any future purchases of land, and what you do with your property will determine the complexion of this neighborhood. I just wanted to give a little education, so that we can play chess.

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

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

MS. LOE: Commissioner Placier?

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

MS. LOE: Commissioner Carroll?

MS. CARROLL: Yeah. So I'm in agreement. Anthony Stanton pointed out something that is weighing on my mind, and that's that this is a PD plan. PD plans are intended to provide the neighbors

with a little bit more control, in which case I think that it's more advisable for the developer to communicate with the neighbors so that you arrive at a better PD plan. It's not serving the intent of a PD plan if it's not meeting that need. And so I'm not inclined to support this, either. I'm aware that this Board doesn't get to decide what type of business goes where. We're meeting the technical aspects. Nonetheless, the PD plan exists to provide more oversight and more control, and that's a function that I think gives us some consideration.

MS. LOE: Commissioner Stanton?

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

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

MR. STANTON: Okay.

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

property. Therefore, there is not an obligation for the City to have built sidewalks to connect Battle High School and Battle Avenue to this particular area. That is a Boone County related issue. And so there is an interplay here between the two jurisdictions, as well. And they're -- that is -- that's unique. This is an expansion of the City. It was an expansion done in 2013 based upon what the intervening residential property owner stated. It was an LLC that came and sought this rezoning request, given what they saw to the south. And, therefore, it was viewed in 2013, since I've been here this long, that it was an appropriate expansion by our elected officials at that time. The conflict was bound to come. The protections that were built into the statement of intent were intended to mitigate that impact. And again, the Commission, as well as the Council, has the ability to add additional mitigating standards should they desire to do so.

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

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

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

MS. LOE: I'm sorry.

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

MS. LOE: So as Mr. Zenner has pointed out, this is under a PD plan. And as I commented, I believe this Commission's duty is to review it based on the technical merit. So if we do vote no, I think you need to identify which components of the PD plan you aren't agreeing with. They do have a legitimate -- they have a statement of intent that identifies what uses can go on the site, which include sale of alcoholic beverage, which include a building up to 50,000 square feet. So there are uses that have been approved for the site that you probably will not like, but they've been approved, and they are entitled to those uses. So we -- we are not deciding that right now. I am very cautious about putting commercial, especially new commercial next to existing residential. In fact, my vote record on this is usually no when it's a change of zoning, but this is not a change of zoning. One thing that I looked at is the size of the building that's being proposed, and it's under 11,000 square feet. That is considered suitable for what we zone M-N, which is our neighborhood commercial district. So that, we consider that a small commercial store. So you may not like the tenant in that store, but we consider that to be the scale of store we want to see going in next to a residential neighborhood. This was probably approved to go to C-P back in 2013 because they see St. Charles as transitioning from residential to more commercial use. And based on the traffic activity you've described, it sounds as if it is moving in that direction, and this may be one of the first steps, and it is -- it's going to be hard. But given that the -- they already have

the use allowed, given the size of it, given that we're working with a PD plan that frankly has some good buffer built in, and their landscape plan is good, but we can make it even better if that's what would make you happier. I know you don't want it at all, but I, for one, don't see, based on what is before me, have any reason not to approve it. So I'm willing to add to the PD plan, but I'm -- I'm going to support it.

Commissioner Carroll?

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

MS. RUSHING: Addressed.

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

Ms. LOE: Commissioner Placier?

MS. PLACIER: Oh.

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

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

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

MR. ZENNER: Given that this is a -- it's a -- it's comparable to an M-C zoning district, we would apply the M-C signage standards generally, maximum of 64 square feet of signage, maximum height of 12 feet. And then there is provision within the sign code that allows for additional, if the sign is set further back, it can go up. Sign area increases by one and a quarter square feet per additional foot behind the required 25-foot front setback up to a maximum height of 30 feet, but that would probably be on the back property line, which isn't likely where the sign would be placed, nor where it is shown actually on the site plan right now. So, I mean, again, one of the aspects of applying conditions is it can be only a monument style sign, maximum height above grade of eight feet, and it is only internally lit with timed lighting associated with it that would have a dusk-to-dawn type light system with it, or actual timer. I think those are the types of conditions. And to Ms. Carroll's point, I think it is in the best interest of the applicant to probably have a discussion with what are the critical issues that the neighbors have, and approach us as a staff as to how can those be incorporated. An option that has not been discussed that I'm sure is

running through some of your minds is calling the applicant's representative and suggesting do you really want a vote, or would you like to just agree to table this project and take some time to talk with the neighbors, because a vote is terminal. It goes to Council, and Council gets to wrestle with the issue. If you take some time, you may be able to get a vote out of this body that may be more favorable than what I'm reading the room to be as not so.

MS. LOE: Commissioner MacMann?

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

MR. ZENNER: Twelve months.

MR. MACMANN: It will be 12 months.

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

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

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

MR. MACMANN: Would that be okay? I'm just telling you where I would want to go. I have a question. No. You can open it. I don't need to ask you. I would like --

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

MR. STANTON: We recommend --

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

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

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

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

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

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

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

MS. LOE: Uh-huh.

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

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

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

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

MR. ZENNER: Yes.

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

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

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

MR. ZENNER: Specifically, yeah.

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

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

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

PUBLIC HEARING REOPENED

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

MS. CARROLL: Bruckerhoff?

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

MR. BRUCKERHOFF: Yes, ma'am.

MS. LOE: Were you following that discussion?

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

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

MR. BRUCKERHOFF: Okay.

MS. LOE: But you do.

MR. BRUCKERHOFF: Okay.

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

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

MS. LOE: All right.

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

MS. LOE: Commissioner Stanton?

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

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

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

MR. BRUCKERHOFF: Okay.

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

MR. STANTON: Within reason.

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

MR. BRUCKERHOFF: Right.

MS. LOE: -- Commissioner MacMann?

MR. MACMANN: Mr. Bruckerhoff?

MR. BRUCKERHOFF: Yes.

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

MR. STANTON: Yes.

MR. MACMANN: That's your objective. I appreciate your technical things, and you're on the

mark. Mr. Zenner, as much as we clash heads, it wouldn't be here if you didn't I and T, or he would have said no.

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

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

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

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

MR. BRUCKERHOFF: No.

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

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

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

MR. BRUCKERHOFF: I think that.

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

MR. ZENNER: That is what he has communicated that his -- his higher-ups are willing to table versus a denial. That is what I had heard. What I would strongly suggest is that you contact Mr. Palmer. Mr. Palmer can provide you the sign-in sheet from this evening's meeting, which, if you in the audience that have spoken this evening have not signed in on the sign-in sheet on the back table, we would request that you do so, please. We will provide your contact information to the engineer. We will also provide you the mailing list of the contacts that were provided notice within 200 feet of this property, and that will be the beginning for you to begin contact.

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

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

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

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

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

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

PUBLIC HEARING CLOSED.

MS. CARROLL: Right.

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

discussion first?

MR. STANTON: Close the public hearing?

MS. LOE: I did.

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

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

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

MS. LOE: We have to table it.

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

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

MS. LOE: You can proceed, Commissioner Stanton.

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

MR. MACMANN: Second.

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

MS. CARROLL: No.

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

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

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

MS. LOE: Recommendation for tabling is approved -- submitted.

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

Case Number 140-2022

A request by Lewis-Bade, Inc. (agent), on behalf of The Overland Group (contract purchaser), seeking approval of a PD plan on a 1.79-acre property located at 5905 East St. Charles Road. The proposed PD plan depicts a new 10,640 square-foot Dollar General store on the site. The property was zoned C-P, now PD, upon annexation in 2013. (This item was tabled at the May 5, 2022, Planning Commission meeting.)

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 "Overland DG #24012," PD Plan, dated 6/14/2022.

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 at this time so all Commissioners have the same -- 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 apologize if I missed this. The staff report indicated that there had been no additional public communication since the last plan. There had been no additional letters of opposition with the new PD plan. Is that still accurate?

MR. KELLEY: There have been no letters of opposition. They have received support from a non-profit food pantry, I believe, who serves a lot of people who don't have access to cars and states that this would be of benefit to them. And I think that was detailed in the report, but I don't think we have a separate correspondence.

MS. CARROLL: Okay. Thanks.

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

MS. KIMBELL: Where is the driveway? They said it was a shared driveway.

MR. KELLEY: Yes. Here on the southwest side to be shared with the adjacent parcel, so this parcel and the one adjacent to the west would utilize this driveway coming off of St. Charles here. So when the parcel to the west is developed, it wouldn't have access, I take it, to St. Charles Road. It would take access via this driveway.

MS. KIMBELL: Okay. Thank you.

MS. LOE: Commissioner MacMann?

MR. MACMANN: Thank you, Madam Chair. Is that currently the same owner? I understand this is a contract purchase that we're dealing with right now. You don't know. Just say I don't know, personally.

MR. KELLEY: I don't know.

MR. MACMANN: Sometimes there are conflict issues with sharing things, but it's platted out, so it should be good to go. Right?

MR. KELLEY: Yeah. The easement is provided, yeah.

MR. MACMANN: All right. Thank you.

MS. LOE: Any additional questions for staff? If there are none, we will open up the public hearing for this case.

PUBLIC HEARING OPENED

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

MR. STAUFFER: Thank you. Jacob Stauffer, Springfield, Missouri. We -- I'm with the development group in this matter, mainly here just to answer any questions, one with respect to the shared access. JoAnn Allen is not our seller in this, but we have been -- we fully negotiated an easement agreement with her and her attorney, so that -- that's resolved. I think all of the owners on this planned development were aware that there were going to be shared accesses prior to this development, and they want to kind of spur the development of the master tract. Again, our intent is to be a good neighbor. With that, we made the concession of the nine -- approximately 900 feet of eight-foot sidewalk that we will install for the entire -- the entire block to block there, which I'm going to guess is probably to be about an \$80,000 investment. Also the vinyl fence we're going to do to provide screening to the residential properties around us and as well as the landscape buffer. So I'm happy to answer any other questions you might have. Yes, sir?

MS. LOE: Commissioner Stanton?

MR. STANTON: Are you aware the last time this came before us?

MR. STAUFFER: Yes. Our engineer was here, as well, and we are aware there was quite a bit of opposition.

MR. STANTON: Well, between then and now, you have had intense engagement with the neighbors and have come up with these adjustments due to the feedback?

MR. STAUFFER: Yes, sir. Yes, sir. Our site locator and as well as our broker has been in contact with every neighbor that they could be in contact with. And some -- you know, these are -- there were additional requests. There were requests for facade upgrades and requests for sidewalks. Within our budget, we could do one or not the other, and so I thought the sidewalk would be more beneficial to the -- the entire community.

MR. STANTON: So you worked with the neighbors?

MR. STAUFFER: We've done our best. We can't do -- we can't do everything --

MR. STANTON: Okay.

MR. STAUFFER: -- but we've done more than what we were going to do before.

MR. STANTON: Okay.

MS. LOE: Commissioner MacMann?

MR. MACMANN: Just a comment. I'm glad you guys addressed -- a couple of comments. I'm glad you all have addressed the neighbors and we'll hear from them in a moment. They were rather vocal last time, and that's fine. I would like to comment on something that you propose to do and something we constantly fight. You offered to build more sidewalk. Just FYI, everybody and their brother wants to get their sidewalk waived, so I find this, in and of itself, kind of remarkable. Just a comment.

MS. LOE: Commissioner Carroll?

MS. CARROLL: Thanks. You said you were able to talk to each of the neighbors. Were you able to hold a neighborhood meeting?

MR. STAUFFER: So what we did, in lieu of holding a neighborhood meeting, we got phone numbers and we called. So I've got a spreadsheet of everyone we called. I think the only one that I don't know that we were able to get in touch with that I've -- that has been reported to me -- again, it was my broker and my site locator doing this, was Vanessa Vaughn and Sarah -- Sarah Frazee. That phone number provided didn't work there, but otherwise, we've got -- you know, I'm happy to provide staff with minutes of the conversations that were held.

MS. CARROLL: Thanks.

MS. LOE: Any additional questions? Commissioner Placier?

MS. PLACIER: Yes. One of the comments that are not addressed in this plan -- I don't know how they can be addressed in this plan, but that was the fear that people from the streets behind this would walk through the two remaining lots to get to the Dollar General, and then impinge on their -- they're still residences at this point. I don't know if you have any ideas. Obviously, they can't go over the fence to the rear, they'd have to go around, but any thoughts on that?

MR. STAUFFER: Well, we've got screening on three sides, other than to the stub shared access with Ms. Allen's property adjacent to us. So it -- and then we're building the sidewalk, so I think we've -- we've created, and if you've been out there, it's relatively overgrown at the moment. So what we've -- we've created a -- a more amenable pedestrian path than walking through other people's yards, frankly, or climbing the fence. So --

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

MR. STAUFFER: All right. Thank you so much.

MS. LOE: Any additional speakers on this case?

MR. KEMP: How are you doing? My name is Greg Kemp; I live at 1306 Lake of the Woods Road. As you all know, I'm not happy about the Dollar General that backs up to my property. I want to say I talked to the gentleman that was sitting in his seat. I don't remember his name, and he gave me a

list of all the people that were supposed to approve this being rezoned. Well, I went and did some foot walking, and half the people I seen said that they never received anything on it being rezoned that lived there in 2013, which I lived there, and I didn't get anything. There are some people back here, too, that said that they never received any. So a little funny stuff, it seemed like, in my head is going on. The other thing is Dollar General -- well, let me back up. There's a sign posted right down on the property. It states -- there's a number on there, but it has no date and no information. It's just saying a hearing, and it has no date and no information about when it is, and it has a phone number. I called this phone number seven times, never got a return call back, and there's some other people back there that called it, too. And it's a Ms. Henry -- the last name is Henry, but nobody returned nobody's calls. Now, the Dollar General, I just talked to Dollar General about a week ago because I haven't heard from them, and I didn't want to get caught with the ball -- dropping the ball on my end, so I called, and I was informed that they were supposed to have started notifying us about what they want -- our concerns. And it just so happened when I was talking to them, the realtor guy calls him. So we finally started getting calls just in the past week. I concern -- I confessed my concerns with the Dollar General and my property. Now, I understand that it's been approved for an eight-foot fence; is that right? Am I right on that?

MR. KELLEY: Yes. There's an eight-foot fence on this plan.

MR. KEMP: Okay. Well, one of my concerns was I looked at it, talked to my lawyer about it. Eight foot ain't really too tall. I wanted a ten-foot fence -- vinyl fence that goes the distance on my property, and backs up to my shed, you know, my shop there, you know. That's what I wanted, because I don't want to have nothing to do with Dollar General. I've got a beautiful backyard, you know, and stuff. And my kids and the grandkids love it. The other thing is the traffic. He just mentioned they're putting a sidewalk in, and this fencing is supposed to stop people from cutting through. Well, they -- if everybody's yard is not fenced off, we're going to get people cutting through because all of the condos, the houses are back there, you know, be on that side street in the back of the store where the store is going. So I want to make sure that my property is totally closed off from anybody's cutting through, you know. And I'm at the -- I'm on the Lake of the Woods Road side, you know, and the back of it -- the whole side of the store backs up to my property. I was told to play chess, and I never played chess before, but I played it like I was playing checkers. Thank you.

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

MS. CARROLL: I wanted to get an idea. Is it the site plan in particular that you have problems with, or is it the use, or is it both?

MR. KEMP: Well, it's the site plan and the use -- the main thing with me, I hate it that my property value of my property, my house is going to drop. You know, I spent so much time and work on it, you know. And like I told you all, would you all want a Dollar General in your all's back door, you know. And like you said, you don't see them out in The Highlands, you know.

MS. CARROLL: I don't disagree with you.

MR. KEMP: No. And it -- it's actually in my backyard, you know. And so I'm -- I'm into, like, I can

become a good neighbor of Dollar General, whether I wanted to or not, I've got to be a neighbor, you know, unless I move, you know. But at least I would like Dollar General to work with me and doing stuff that might increase -- you know, kind of keep my property value up, you know. Kind of help me out with a little of this and that around my property, you know, since they're going to make it drop, they can help me try to build it up. But I haven't had a one-on-one conversation other than a phone call with Dollar General conversing my concerns about what's going on. But actually it's -- those are the two things. You hit it on the nail head. Those are the two things that I'm really concerned about.

MS. LOE: Commissioner MacMann, and then Commissioner Stanton?

MR. MACMANN: Thank you, Madam Chair. If it's all right, I'm going to express some of your concerns and questions to staff. Planner Smith, can you address some of these issues about the reach of the letter, the timing of letters, and I -- if I understand it, a lot of times those public notice signs are not much more than call this number. There's usually no -- sometimes there are dates on those, though, aren't there?

MR. KELLEY: Our current sign right now does not have a date. It has a number that you would call our offices, and we direct you to the project manager for that site. So if there's an issue with that, we'll -- we'll double check into that, but that generally should go to staff at some point.

MR. KEMP: There's -- there's several people back there that have been calling in.

MR. KELLEY: The question regarding a list -- I'm not sure. Mr. Palmer is the project manager for that case, and he was not able to be here tonight. I would presume he may have supplied the list of the notice address list that's the list of people that we would notify within 185 feet of the site. Per ordinance, we will send them a letter when there's a public hearing involving the property next to them or within 185 feet. There is no requirement for everyone on that list, though, to approve a plan, but it would be, obviously, our hope in that the best-case scenario is that everyone surrounding that area could come to an agreement on plans and revisions, especially in this case. But I was not aware of any -- any specific approval requirement for that.

MR. MACMANN: Just to follow up on that a little bit, the thing that does concern me is when they do reach out, and there are other people who are going to testify to this, we can tell. The non-return phone calls on an issue that's already been expressed is a public concern, and we already spent, you know, an hour on this a while ago and tabled it to address these concerns, and then the folks reach out and don't -- our level of community engagement looks poor, and we don't serve the public when that's the case. And I'm sorry that that happened to you because on something like this, everyone should be clearly heard. That's all of my questions and concerns at this moment.

MS. LOE: Thank you. Commissioner Stanton?

MR. STANTON: Let me get this clear before I get to chewing. You did not get a letter from the City relating to this meeting. Correct?

MR. KEMP: Yes. We got a letter.

MR. STANTON: Oh, you did?

MR. KEMP: Yeah. We got -- we got -- we got one letter, what was it, last week? That's when we got it.

MR. STANTON: Okay. So you got one?

MR. KEMP: For this meeting. For this meeting.

MR. STANTON: The number on the sign did not work as far as getting a return call concerning that property. Correct?

MR. KEMP: Right. This sign just come up there this week.

MR. STANTON: Okay.

MR. KEMP: Or I take that back, last week.

MR. STANTON: Okay.

MR. KEMP: It was posted last week on the property.

MR. STANTON: Okay. Three, all the discussion and community interaction we had at the last meeting, and advice and debate that went on, are you telling me that no one from this gentleman that was at the last meeting and anybody above concerning Dollar General has not talked to you since, but other than, like, last week?

MR. KEMP: When -- nobody had talked to me until I made a phone call --

MR. STANTON: To them.

MR. KEMP: -- to the City -- to them. And I think it -- wasn't it you I called? Yeah. I called him to see where -- what's going on, you know. I knew this time was coming -- drawing near, and I didn't want to get caught dropping the ball on my end. So I made a call to him to see.

MR. STANTON: And we exchanged -- but didn't we exchange numbers at the end of that evening?

MR. KEMP: Yes. Yes, we did.

MR. STANTON: Okay. Fourth, I understand your concerns about the Dollar General being here. You don't want the Dollar General at all, so let's just --

MR. KEMP: Yeah. I don't want it at all.

MR. STANTON: That's your position?

MR. KEMP: Yeah. I don't want it at all, but I've got to deal with it.

MR. STANTON: Okay.

MR. KEMP: I want to be happy.

MR. STANTON: So now we're playing chess. Okay? So you -- they made their move, you're making yours. Right?

MR. KEMP: Right.

MR. STANTON: The plan that you see now, is it better than what was proposed the last time we met? Is it -- say, it's not -- it's not 24-carat gold, it might be 18. Can you live with what you see here?

MR. KEMP: No. Me, personally, I can't live with it because it's not making me happy. And -- and the thing is -- the only thing that I -- I agree with on this plan -- well, the whole thing, the total thing is -- is

wrong where they're doing it if you sit down and think about it. Fire station, roundabout, traffic from high school, medical clinic, it's -- it's a big jumble there, you know. They could have went to the other side of the road and plenty of room and everything. Backed up to a residence. But the only thing I see good out of it is the sidewalks because there's no sidewalks there. And right now we deal with kids walking out in the road now. And the other thing is my doggone property value, and the way my property is going to look and stuff. And I don't want -- far as them, sir, I know I've got a 25-foot buffer between my place and Dollar General. All I want is my fence and stuff, what I asked Dollar General for, and I don't care what they do on the other side of the property. But I know it's -- it's a done situation to fill in that idea right now because the how many of us back here don't want it, how many that was here last time don't want it. We're fighting a losing battle, I feel.

MR. STANTON: Well, I don't want you to feel that way, but what I want to feel is that you had -- before I get to chewing, I want to know that there has been a communication between the City, these guys here, you expressed the ten-foot to them, they can only do eight. This is business. This is business. You know, I want a Lamborghini, I've got a Crown Vic, you know, I -- you know, money is, you know,

MR. KEMP: They want to give me eight foot. They want to give me eight foot, and all I want is ten, you know.

MR. STANTON: Okay.

MR. KEMP: I just want -- I just want to be secure, you know. And like I say, Dollar General, once I made that call, I guess they started making the moves. They started moving.

MR. STANTON: Okay.

MR. KEMP: And like I say, it was just last week, and then some of the people tell me that they called, and then my other neighbor, she never got a call, you know. Right here and stuff, you know.

MR. STANTON: But you were proactive and got the ball rolling?

MR. KEMP: Yes. Yes.

MR. STANTON: Okay.

MR. KEMP: We're trying -- we're trying to do the right thing.

MR. STANTON: But the bottom line, you don't want it there anyway?

MR. KEMP: I mean --

MR. STANTON: So that's just what --

MR. KEMP: I don't want it there, but if I have -- I don't want it there, but I'm going to lose this battle, but at least I want to try to be good neighbors and a happy neighbor.

MR. STANTON: And you hold them to the fire as far as your fence and making sure it stays maintained and all that good stuff, so I don't want you to feel like you lost. I just want to make sure you was in the fight.

MR. KEMP: Oh, yeah. Yeah.

MR. STANTON: All right. Okay.

MR. KEMP: Believe me, I feel the bruises coming.

MR. STANTON: Thank you. Thank you.

MR. KEMP: Thank you.

MS. LOE: Commissioner Wilson?

MS. WILSON: So what I think is a very valid concern, it's been stated twice, but I -- I want to ask you, as a homeowner, landowner in that space, what is, in your opinion, the likelihood that people will be transversing [sic], trespassing on your property to get to Dollar General? Because, for me, that is a no go.

MR. KEMP: It's going to -- it's going to -- I have -- it's -- I have already put up fencing to stop traffic from cutting through my backyard. Okay?

MS. WILSON: So it's just going to get worse?

MR. KEMP: And it's going to be -- it's going to be worse. It's going to be worse. On my half, if I get things the way I want, I can contain them to just the front of my house heading across on St. Charles Road. Then the only thing I have to deal with --

MR. MACMANN: Speak into the microphone, please.

MS. WILSON: You've got to speak into the mike, please.

MS. LOE: Sir, we need you to use the microphone.

MR. KEMP: Oh. Oh, sorry. So I -- the only thing is, I have to do is if they cut through the front of my yard and cut between the three houses, my neighbors that's on St. Charles Road, you know, instead of going all the way to corner, they take a shortcut, you know. And these are kids and stuff -- a lot of kids, teenagers and stuff like that that you see walking up and down the road. And then far as the front goes, you know, you've got Demaret over there and stuff, and you see -- we never had crime in the neighborhood, but lately we've -- you know, in the past couple of years, it has picked up.

MS. WILSON: To your point, you know, it would not in my thoughts, be acceptable in some neighborhoods to create a scenario where people are going to be transversing across my property. And so, for me, this does not work.

MR. KELLEY: I'm sorry. We have to -- we have to wait until a microphone is available for public comment.

MS. LOE: I'm sorry, ma'am.

MR. STANTON: Do you want to give up the mike if she wants to talk?

MR. KEMP: Oh, baby, you can have the mike. Come on. Here.

MS. LOE: I'm sorry. I'm sorry, ma'am.

MR. STANTON: We need your name and number and address.

MS. EDWARDS: I have a big voice. I'm Mary Edwards, 1306 --

MR. KEMP: She's with me.

MS. EDWARDS: But can you show her where our property at 1306 is going to back up against the Dollar General. There's really nothing there. I mean, it's just in our backyard. We have grandkids

and cats, dogs, and I want my family to be safe. And with traffic cutting through, you don't know who's going to come through your yard. At nighttime, we're maybe in bed. We have to get cameras and spotlights out, so we know we're safe, and I don't want that for my family at all or for my grandkids. That's my concern. I want to be able to let my kids go out and play in the backyard and be comfortable and safe.

MS. WILSON: That's fair.

MS. EDWARDS: And not worry about who's coming through or -- and I have to stand there with them all the time. My youngest one is one.

MR. SMITH: Can you clarify? You're directly east of the red box. Correct? On the north half?

MR. KEMP: Right -- yeah. Right there.

MS. EDWARDS: That's us. Yeah. That's our whole backyard.

MS. WILSON: And so literally --

MS. EDWARDS: Yeah. That whole backyard --

MR. KEMP: Yeah. That whole backyard. And I basically come all the way over to the three houses. My property butts up to the three houses on St. Charles Road. Yeah, those three there. My property comes that far.

MS. EDWARDS: So unless you block off the whole area, there's -- they're always going to cut through. And my kids -- grandkids should be able to play out in the pool and be comfortable and not worry about, oh, my God, Grandma, somebody is out here they don't know.

MS. WILSON: So are you worried about -- I mean, obviously, you didn't sign up for this. So are you worried about the enjoyment of your property?

MS. EDWARDS: Yes, we are.

MR. KEMP: Yes.

MS. WILSON: And, of course, the long-term effects of this, as well. I think are you saying you're worried about that, as well, because 20 years from now, you know, somebody else may have this property in your family, and it's just going to keep getting worse and worse and worse.

MS. EDWARDS: Yes.

MR. KEMP: And Dollar General is going to be going downhill.

MS. EDWARDS: We keep -- we keep very good of our property. We have things nice --

MR. MACMANN: Ms. Edwards?

MS. EDWARDS: What? I'm sorry.

MR. MACMANN: I'm sorry. I have to -- point of order, Madam Chair. Our recorder needs to record everyone's voices, so I know that you're all impassioned, and that's awesome. Try to pause between the different speakers and speak more slowly because she's having difficulty recording both of you, and this is for the public record.

MR. STANTON: No record, no evidence.

MS. LOE: Actually, we can only have one speaker at the podium at a time, so if you can decide

who is going to speak.

MS. EDWARDS: Okay. I'll just finish, and I'll talk slowly. My concerns are is I want my family to be comfortable and safe, and not to have any fear at all. We raise our kids to be comfortable in their environment and not to have any fear, but you be careful and mindful of strangers. Well, we're going to have strangers walking through our yard, and we do -- we entertain our kids. We have a big backyard, as you can see, but we can't even be comfortable entertaining. If we wanted to entertain, we have strangers come up that want to eat or whatever. It's just not safe. And that's what I'm concerned about because it's right back up against our yard.

MS. LOE: So there will be an eight-foot fence between this property and your yard.

MS. EDWARDS: Yes. But then if you continue on around where it's going to go onto St. Charles Rock [sic] Road where Dollar General is going to be, that's not going to be blocked off.

MS. LOE: So they're going to go through the neighbors' yards --

MS. EDWARDS: Which will also, with the backside is the only thing that's covered now, but we have that side on St. Charles Rock[sic] Road which they're going to walk through. So they'll get the edge of it, but it's still -- you should be able to be comfortable and safe in your own backyard.

MS. LOE: I'm going to go to Commissioner Placier, and then Commissioner Carroll?

MS. PLACIER: Yeah. Just a point of clarification. As the staff report pointed out, these three property owners there, those three lots, back in 2013 elected to be annexed to the City with the zoning -- of commercial zoning.

MS. EDWARDS: Right.

MS. PLACIER: C zoning. And so a lot of very intensive commercial uses could go into that --

MS. EDWARDS: I understand that.

MS. PLACIER: -- including Dollar General. It's -- this one has started right next to you. I think that somebody remarked last time that their plan was to go together as all three and plan something bigger, but that never has -- obviously, these three property owners saw an -- that this was becoming a more commercial area, and that they would plan for that or -- but that has not happened since 2013, so everybody was kind of thinking that this is residential.

MS. EDWARDS: In 2013, we did not get a notification. I mean, I double-checked. He didn't get notified in 2013, so it was all new when this just actually started happening.

MS. PLACIER: That's interesting. I don't know what the -- what the notification possibilities or requirements are if someone has not asked to be voluntarily annexed to the City, and then I don't know what happened with the rezoning at that time. So that would have to be somebody who was here in 2013 who could answer that question, but this has been like a train that was coming down the tracks, but now it's here and --

MS. EDWARDS: Yeah. Correct.

MS. PLACIER: -- and you and the County are surrounding our being affected by it.

MS. EDWARDS: Yeah.

MS. LOE: Commissioner Carroll?

MS. CARROLL: Thank you. So Commissioner Placier hit the nail on the head here, and that is that this parcel of land has a statement of intent that's already approved for a commercial use. We can't do much about that.

MS. EDWARDS: I understand.

MS. CARROLL: What I'm looking for is what type of site plans could you be happy with that would make you more comfortable, because I can say that I have not seen a lot of applicants make changes that are this beneficial to neighbors, and I'm concerned, you know. Commissioner Stanton suggested that you need to play a game of chess here, and I feel like I'm looking at a game of chess that has been well played by you all. I'm afraid that if you reset the chess board, you might get something that you like less, and this direction, even -- I have problems with the communication. I have problems with the communication that I've heard from the City with unanswered phone calls. But with the site changes, I'm seeing some good changes. I want you to get a property there that would benefit you.

MS. EDWARDS: I agree.

MS. CARROLL: I'd like to get you in that direction, so my -- the summary of all this still has been --

MS. EDWARDS: I understand. I understand.

MS. CARROLL: -- what site aspects can make you more comfortable?

MS. EDWARDS: Okay. I understand. I just think they are doing what, you know, whatever they asked for our back property, but I can't say, okay, I want you to fence the whole around the corner of my - - that's not even in my -- my area, it's in the neighbors' area. So they're going to cut through.

MS. CARROLL: Yeah.

MS. EDWARDS: So if they block off our area, there's still an access and cut through, which is not going to be on my property, but it's going to be on someone else's property that lives next door, but mine is still on the edge. So I can't request something for someone else on someone else's property.

MS. CARROLL: Yeah.

MS EDWARDS: I can't.

MS. CARROLL: That is understandable.

MS. LOE: Commissioner Stanton?

MR. STANTON: I'm about solutions. We've got to get to a solution here. Eight foot is what they're going to propose. You guys want ten. If they pull out of the game, they could do whatever. You guys are at the table now; you get what I'm saying? They can pull out of here and you wouldn't get anything, zero. They could put a strip club right there; do you hear where I'm coming from?

MS. EDWARDS: Oh, I agree. They can put anything they want to there.

MR. STANTON: You guys are at the table, and this is what they've got.

MS. EDWARDS: Right.

MR. STANTON: Eight-foot fence all the way around this way. Push too much, they jump out of

the game, you get zero.

MS. EDWARDS: I'll let him speak.

MS. CARROLL: Thank you, guys, very much.

MR. STANTON: Okay.

MR. KEMP: Greg Kemp, 1306 Lake of the Woods. You say this is negotiation. So these are the Dollar General guys, so I can look at these guys and they can tell me they're going to give me my -- my -- are you all going to give me my fence?

MS. LOE: Sir, I'm sorry. We can't do negotiation on the floor here.

MR. KEMP: Oh. Oh. I'm sorry. I'm sorry.

MS. LOE: You can -- you can give us your comments at the podium.

MR. KEMP: I'm thought we're going to handle it now.

MR. STANTON: This should have been happening before we got here, is kind of where I was at.

MR. KEMP: Okay.

MR. STANTON: But they agreed to eight. Better than nothing. After this, maybe you can discuss. I'm really --

MR. KEMP: I need to know what I'm getting at my -- what eight am I getting?

MR. STANTON: Along that fence line, you see --

MR. KEMP: I want -- I want -- I want everything to correspond with what I've got. So, basically, what I need, I need it to go to the fence line, and I need it to turn the corner, and butt up to my shop, and I'm totally secure like I am now.

MS. LOE: All right.

MR. KEMP: There's trees and woods and everything on the back half, and then I had to put a fence up to cut people off from cutting through.

MS. LOE: Okay. So we have the plans of what they're proposing. If there's anything specific -- you've identified you would prefer a higher fence. Is there anything else specifically?

MR. KEMP: Just -- just -- just to cut the corner so everything blends in together. And the corner will be -- I don't know. We need the other picture up on my property so you can see where the corner cut -- can you zoom me in?

MS. LOE: You mean the southeast corner?

MR. KEMP: That -- you see the back -- you see the back corner. You see that road, and you see the Lake of the Woods -- yeah, that road there, well see, there's a short little -- where he's at right now, there's a short little fence right there that goes to the back of my shop. And I would like it all to be --

MS. LOE: Beyond their property?

MR. KEMP: Yes. It just cuts like this, because most of it there is their property, then it's just a short fence right there with a gate in it, you know. I just want everything the same.

MS. LOE: All right. Any -- any other comments?

MR. KEMP: No. I mean, if I'm going to have to negotiate with -- I guess I'm going to have to sit

down and talk to -- to these guys over here, you know.

MS. LOE: I think talking to them is where we're at. Yeah.

MR. MACMANN: If I may redirect?

MS. LOE: Commissioner MacMann?

MR. MACMANN: Thank you, ma'am. Two things. You have other neighbors who need to speak. I think we can let them speak. And after we're done here, whatever we do, say we were to pass this, in that case, it does go to Council.

MR. KEMP: Uh-huh.

MR. MACMANN: Okay? And then they approve it. The reason I mention that is if this does go that far, you all could talk to Council, and this would be in Councilperson Skala's ward; would that be correct, Mr. Smith? That would -- it's in three?

MR. SMITH: Restate, please?

MR. MACMANN: Were this to go to Council, this property currently sits in the Third Ward; is that a correct statement? I think that's where --

MR. SMITH: I think that is correct, yes.

MR. MACMANN: Okay. If we get that far, that's where you all would go next time, just to let you know. This is not your last bite at the apple. This is your biggest bit at the apple because Council directs us to do -- to go down the rabbit hole to talk about your fence height, to talk about the distance, the things, want to talk about the phone calls to ask these gentlemen to do different things. We do that dirty work, not that it can't be done up there, but this is everyone's opportunity to express the depth and breadth of their concerns and their needs. I'm just letting you know that there's another step after this. So I'd like to hear from the rest of the neighbors and see what they think.

MS. LOE: Yes. Yes.

MR. KEMP: I would too.

MS. LOE: Yes.

MR. KEMP: Thank you. Thank you.

MS. LOE: Thank you.

MR. YOUNG: Hello. My name is Bruce Young; I live at 1550 -- 1551 North Lake of the Woods Road just right up the street from this. I testified -- I didn't even know about this hearing tonight. I came on behalf of Giving Gardens, and the other -- what we just were on a few minutes ago, so I knew nothing about this hearing tonight. Anyway, my biggest opposition to this is its Battle High School. If you come there at 4:00 in the afternoon when school is in session, there are cars backed up as far as the eye can see. I mean, more than probably three-quarters of a mile long, high -- high school kids trying to get through that turnaround. I just think having a store right at that intersection when we just had a Schnuck's just less than a football field away, a huge mega-store put in, why do we need a Dollar General? Again, my biggest concern is, you know, I'm sitting at that turnaround for a long time waiting for those high school kids to get through there. And, again, we're talking about high school kids. I see it as a safety

issue more than anything. You know, those high school kids are wanting to get out and get going. That turnaround is just -- boy, putting that -- that Dollar General there, I just -- I think it's a safety issue. That's my biggest concern.

MS. LOE: Thank you, Mr. Young. Mr. MacMann?

MR. MACMANN: Just real quickly. Bruce, I didn't recognize you with your mask on. Good to see you again after 30 --

MR. YOUNG: I've aged a little bit.

MR. MACMANN: No. No. You look just the same. Thank you for your input. Just to let you know, anybody within 185 feet, so if you're beyond 185 feet, which is not very far, you wouldn't have received a notification.

MR. YOUNG: Right. Okay. But, again, I did see the sign, but it didn't have a date or anything on it, so I had no idea this was tonight, so --

MR. MACMANN: And I will continue to address that. Usually when we do, like, demolitions, there is a notice, you know, with a date on it.

MR. YOUNG: Right.

MR. MACMANN: There needs to be some more information so people understand what's going on, and I'm glad that the other gentleman brought that up.

MR. YOUNG: And I will tell you someone did call me. I don't know if it was one of these gentlemen or not, and I expressed this very same thing to them.

MR. MACMANN: Thanks, Bruce.

MS. LOE: This comment did come up at the last hearing. And just so you're aware, this is much smaller square footage than what could go on this site, so that's one of the reasons we're actually more supportive of it because of the very reasons you're talking about.

MR. YOUNG: Again, all I say is just consider when I look at the line of cars that literally go back --

MS. LOE: Understood. So when we're -- when we're considering, though -- this is zoned commercial, and the list of things that could go here is extensive, as well as the size. So this is a much smaller use than what could go on this site.

MR. YOUNG: Again, my biggest thing is the safety issue with these high school kids.

MS. LOE: Yeah. We understand.

MR. YOUNG: That's my biggest concern.

MS. LOE: Thank you. Any additional comments?

MS. ALLEN: Hi, there. I'm JoAnn Allen; I live at 5813 East St. Charles Road. I think I told you the last time when that was proposed for all three owners to go together, the LLC dissolved. At that point, everybody was free to do whatever. So that's why that lot is sitting there with a potential sale. My concern, as Mr. Kemp's is, traffic through. When they built the Petro Mart and some of those other -- the Sonic over there, I had kids cutting through all the time. I think we've got an older group now, because I

haven't -- I -- or they're going a different way, but I know that we're going to get a lot of traffic from behind us and to the west of us cutting through, because who wants to walk all the way down and around when they can half that distance. And as Kemps, I've got grandchildren out there playing -- four-year-olds. I have enlisted an attorney to deal with Dollar General because I didn't realize until this came up with this proposal that when it was originally the three lots, we had two accesses. And with that one lot selling now, it gives me no ingress and egress if my lot would sell to somebody, so I have to work with one side or the other or my lot will be locked out. So that's -- I haven't resolved anything with Dollar General. It's been in an attorney's hands, and I'm not sure exactly where that is. I haven't had any contact from them. The other thing that was brought up the last time was the signage, and I didn't see that that was addressed in your report. And I think that's about all I have to say.

MS. LOE: Thank you. Commissioner Carroll?

MS. CARROLL: I actually had a question for staff, but I want to ask you a question, as well. You're talking about the height of the illuminated sign?

MS. ALLEN: Yes. That was brought up. They -- they have different signage. I've noticed that some of them are great big, some of them are not too big, some of them are high, some of them are not so high.

MS. CARROLL: Would you be able to clarify again, and I know you did at the meeting a month ago, which -- which property was yours?

MS. ALLEN: I'm in the middle.

MS. CARROLL: You're the middle one, so you're between two PD.

MS. ALLEN: Yeah. Right.

MS. CARROLL: I believe your property is also zoned PD. That's what it says on City View.

MS. ALLEN: It is. The three -- the three of us, and it was to be one big parcel, but then the -- it was, I think, a five-year duration or a seven-year duration. It expired. Joe wanted to sell, and so he's had his listed, and so has Robyn. I'm not in a hurry, but --

MS. CARROLL: Do you all have the same statement of intent? Are the SOIs listed from all three properties the same, or are there different statements of intent?

MR. KELLEY: Yes. A statement of intent -- sorry. Not to interrupt you, ma'am. The statement of intent was for all three properties.

MS. CARROLL: That's what I thought.

MR. KELLEY: They were all zoned at the same time, so it applies to all three.

MS. CARROLL: That was going to be my question for staff if all three properties had the same statement of intents.

MS. ALLEN: Right.

MS. CARROLL: Interesting. So the drive is leading up to your property? The shared drive is leading up to your property?

MS. ALLEN: Right. Yes.

MS. CARROLL: How do you -- how do you feel about that shared drive?

MS. ALLEN: Well, I think that is in the event that I sell, there is an egress and ingress to -- to my lot.

MS. CARROLL: Right.

MS. ALLEN: I don't think -- I haven't heard that they're putting anything in there at this time, so I would like the fence along there. I think it's in the future -- for the future that there will be an easement through there to my lot.

MS. CARROLL: Right. But it's a future that you --

MS. ALLEN: Yeah. In the event that I would sell. Nobody is going to want to buy it if they can't get in and out, so -- and there's the option that I could do the same thing with the other property, but that one is not for sale, so I am -- you know.

MS. CARROLL: Do you live at this residence or is it a property that you have?

MS. ALLEN: My property? I live there.

MS. CARROLL: Okay. Yeah. Just clarifying.

MS. ALLEN: Yes. Yes. I'm not real happy with the store next door, but I really feel sorry for some of these people, like, over on the east side, on the south side, Mr. Kemp's property, that one house is -- their house is probably ten feet to the fence line, so they're going to be right on top of them.

MS. CARROLL: Okay.

MS. LOE: Any additional questions for this speaker? I see none at this time.

MS. WILSON: I do. I'm sorry. I do.

MS. LOE: Commissioner Wilson?

MS. WILSON: Thank you. When -- and you may not recall, but when you all originally approached the City to do the zoning, what did you have in mind? What was your thought process?

MS. ALLEN: Well, I -- in my mind, we wanted something that was nice that was going to be an asset to the -- you know, that wouldn't really disrupt everything else, but we were told that that area was going to develop, they were putting that bypass through, that it was all going to be eventually commercial, and both of the parties on either side of me were anxious to sell, and they thought that they could -- that since it sounded like it was going to be commercially developed, that they wanted to go ahead and do it. Well, we did it, but nothing happened. So here we are with -- sitting with commercial property.

MS. WILSON: Thank you.

] MS. ALLEN: But I -- I think -- I don't know whether we -- that zoning is for multi-family, but if they had put one of those senior facilities or something like that in there that, you know, would be quiet, would have a small population, pretty stable, something like that would have been great in there, and the seven acres would have allowed for that, too. Some sort of a medical facility where there is not a lot of traffic in and out, but something that was not -- not a Dollar General. Sorry.

MS. WILSON: Thank you.

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

MS. PLACIER: Yes. Mr. Kemp suggested the possibility for preventing the walk-through traffic. Do you have any suggestions for preventing people from walking from behind your property through --

MS. ALLEN: Well, other than having to put up a fence, no. There isn't, really, and if it was put up to the back, they'd just go to the next lot, which is empty, and cut through there. So I've got to go around both sides, the two -- the north side and the west side. I'm going to have to fence that; otherwise, I will be having people cutting through.

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

MS. ALLEN: Thank you.

MS. LOE: Any additional speakers on this case?

MS. NICHOLS: Good evening. My name is Karen Nichols; I live at 1580 Lakewood. My property does not back up to this. I did receive a call last week from a gentleman named Mario. I had a very, very good conversation with him, very polite gentleman, and I expressed my concerns. We had a very good call. And I told him, I said when the Schnuck's was going in, I was so happy it was going to increase my property value. And I said now you have just negated that. But my main concerns was safety. I am thrilled that they're going to do a sidewalk. Here's what I see happening. That line at -- did anybody do a study to look at the traffic during the school year at the cars coming out of there? I have sat for 15, 20 minutes waiting to get out, and it's a real thing. I can see somebody coming trying to get out of Dollar General being very impatient and aggressive driver, and somebody is going to get t-boned. Somebody is going to get killed is my fear. You know, I'm thrilled for the pedestrians, for the bicyclists for the sidewalk, but I am extremely concerned that with aggressive drivers, people -- they don't want to sit for 15 minutes to get out of the Dollar General parking lot. And so I was just curious, was any kind of study ever done at the traffic congestion during the school year?

MS. LOE? Mr. Smith or Mr. Kelley, is that something you can help us with?

MR. KELLEY: Sure. So the traffic engineer did review the plan, did review the access, which is the -- one of the main points here, so the access point was reviewed in relation to the roundabouts. They reviewed distance from driveway to leg of the roundabout. Being specific to a traffic study, a traffic study would only be required if the store would generate a certain number of peak trips -- or a certain number of trips in the peak hour, and this didn't cross this threshold given the small scale of the store, so a traffic study wasn't required.

MS. NICHOLS: Okay. So that's where I'm coming from. That's my main concern is for these high school students, and the shoppers pulling out of there because they're not going to be patient and wait 15, 20 minutes like I do. They're going to gun it to get out of that parking lot, and we have high school kids that -- you know, and not even just high school, but that's my concern is somebody is going to get t-boned there. You know, that's where my concern lies.

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

MS. PLACIER: Yes. Just -- I just was noticing -- I should have noticed before that this is -- will

be just to the right after people come out of that roundabout. Have you noticed any patterns of people coming around the roundabout? They're supposed to, you know --

MS. NICHOLS: Have you driven in any of the roundabouts? I actually live next to the first roundabout is where I live.

MS. PLACIER: Yeah.

MS. NICHOLS: And that's where I sit trying to get out coming of Lakewood Drive. When that school traffic is coming through, that -- I've sat trying to get off of my street 15 to 20 minutes. They do not slow down. They do not stop. They do not yield to anybody. They get that line of traffic there, you know, nose to butt, and they keep it like that where no one can get out. And there's going to be people who are not going to be patient and wait, you know. We can't maybe change that; we can't fix people. I just know it's an accident waiting to happen, and I can see a situation where we've got so many accidents that happen, now the City is like, oh, maybe we should put a yield sign at that railroad track, or whatever, you know. But then we're looking at hindsight regretting that we didn't put the foresight into maybe looking harder at that, and that's why I wanted to know if there was a study done to see how much traffic comes through there during the school year. I know the summertime is not a problem, but during that school year, it is heavy -- very heavy.

MS. LOE: So just to follow up, Mr. Kelley, you said the traffic from the store didn't prompt a traffic study because the size of the store. Correct?

MR. KELLEY: Right. Which would -- you would use that to derive the peak trip information.

MS. LOE: But do we have a traffic study on St. Charles?

MR. KELLEY: I -- I don't know the -- for that specifically.

MS. LOE: Because I believe that's actually what we're hearing is that the traffic on St. Charles is heavy enough currently that simply adding any traffic to it, so -- and I understand what you're saying, but I'm wondering if we're just look at it --

MR. KELLEY: Yeah. So I understand your question. Unfortunately, I don't know the answer to what study we have specifically for this segment of St. Charles.

MS. LOE: So if we could just make a note of that, because I do -- I question when we require traffic studies, too, and sometimes --

MS. NICHOLS: You know, maybe the questions could be placed --

MS. LOE: We do go through it and -- right. And we're approving projects --

MS. NICHOLS: The Battle High School, how many of your students have parking permits? How many students are driving?

MS. LOE: And I think it would be good to note that we're getting comments on traffic on the street, plus I would like to note that this change of zoning on the 2013 property was done prior to the high school opening. So we're -- we're potentially approving a use on something that has changed the circumstances in the region of change since that time. So it's giving me some pause. I'm going to go Commissioner MacMann, and then Commissioner Wilson.

MR. MACMANN: I have a real quick -- just real quick. the most recent traffic study, if one was done, would either be Battle or Schnuck's. Schnuck's might have been big enough to trigger, and that would be the closest, most accurate traffic study. I will use this moment to share your concerns. If you don't mind, I'm going to piggyback on where you are. We get a traffic study, and it's peaked out -- and that's split out over a period of time. As you know this town is very student centric. We have peak periods like Battle letting out or the University, you know, where we might have 1,000 cars in 20 minutes, and that's not often well captured in a traffic study, particularly if the traffic study is done when those kids aren't in. You know, a July traffic study is not comparable to a November or if you have a football game or something like that. So looking more granularly at the data would be great, but just, I would think, Commissioner Loe, is that Schnuck's might have triggered one and Battle certainly did trigger one, but at the same time, when both -- well, particularly when Battle was built, this was a very different when we first approved Battle. It's changed significantly. Thank you for your time.

MS. LOE: Thank you. Commissioner Wilson?

MS. WILSON: My statement is akin to -- to the statements that have been made about the study. What I'm concerned about also is that the roundabout was not there when this property was zoned, and that's going to make a difference when people are coming off of the property and from the roundabout. So, yeah. It may not necessarily trigger a study because of the size of the store, but some things are just common sense. That's going to cause a problem. Right? Coming off of that roundabout and coming out of the store, that's -- that's going to be problematic.

MS. NICHOLS: And many people do, they gun it through the roundabouts. I see it in every roundabout around town, you know. They don't yield, they gun it so they can hurry up and get through, and somebody is going to get hit, you know. I'm thrilled for the pedestrians that there's wanting to build a sidewalk. I just don't know what's going to happen when a high school student t-bones somebody and kills them.

MS. LOE: Commissioner Carroll?

MS. CARROLL: Is staff able to tell us when the roundabouts were installed, what year, generally?

MR. KELLEY: I can't pinpoint it exactly with what I have in front of me, but I can tell you the zoning occurred in 2013, and we have aerials from 2017 and both roundabouts are there, so I would -- in the four-year span, I would say that those roundabouts were probably known were going to be constructed when this was zoned at the very least. So -- and, you know, if we're drawing comparisons to the Schnuck's down the road, it, too, has consolidated access points along St. Charles or on Clark Lane at that location, which is probably generating a lot more traffic than these three parcels would in the future. We do look at consolidated access points for these locations, and this one, some of those provisions that they put in at that time was to combine accesses, so two maximum. And that is meant to consolidate those conflict points so that you don't have multiple driveways along that where you do have accident potential. That is actually consistent with what our current regulations are where you have to

have at least 300 feet of frontage along an arterial to get a driveway, or else you will be sharing. So they did have some foresight at that time to limit it to the two access points. Would it be ideally if this could move a little further from that roundabout? Potentially. But the traffic engineer did review it and didn't seem to think there were issues at that point in time. A traffic study generally in these situations is -- is going to -- is going to look at that peak hour. It's going to look at the intersections around it. I think the better data here is just the current traffic volume on St. Charles, and I'm not sure what level you would have to get to -- to say that a commercial driveway is not warranted along an arterial street, so especially a site that doesn't have any other means of access.

MS. NICHOLS: That's what I'm saying, and this time of year is not indicative -- does not indicate what the traffic is like. If somebody were to call Battle and ask them how many students do you give permits that are driving to school every day, that tells you, you know, at 4:00, them and the school buses, how many are trying to come through. And what's the chance that we have an emergency right across the street at the firehouse and they're trying to get out at the same time?

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

MS. NICHOLS: Karen.

MS. CARROLL: Thanks, Karen. She was calling on me. I'm Commissioner Carroll. With her mask on, I couldn't see who was talking.

MS. LOE: That's a common problem here.

MS. CARROLL: So what I wanted to ask you is very similar to the question that I asked the previous neighbors, and that's that given that this is site approved already for a commercial use and that another commercial use -- a commercial use of some kind is likely to go in here, what kind of site features could possibly address your concerns with traffic. I find it hard to believe that there would be no driveway there for a commercial use of some kind. How -- how can those concerns be addressed?

MS. NICHOLS: And I don't have an answer for that. You know, I said my property doesn't back up to it, so I don't have the issue, you know. I still believe we'll have littering, and people walking through, but, you know, my issue is the safety. I mean, do you take out a roundabout and put in a light? I don't know. I don't know. That's a huge expense on the City --

MS. CARROLL: Yeah.

MS. NICHOLS: -- and I don't know what the answer is. I just -- I can just foresee it. I've had a very close family member was t-boned, and I know it can happen, and I just -- I do believe at some point, it's going to happen, and probably more than once.

MS. CARROLL: Yeah. I understand. It's not your job to solve those problems, but I've got to ask if there is a route.

MS. NICHOLS: Yeah. I don't know what the answer is. Answers don't build it, and we're happy, but I understand something else could go there, yeah. You know, my concern is -- I mean, how is a high school kid going to live with that the rest of their life if they t-bone somebody and kill them? You know, and they have to live with that forever, you know, so anyway.

MS. CARROLL: Yeah. Thanks.

MS. NICHOLS: You're welcome.

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

MR. NORMAN: (Inaudible) -- 5909 East St. Charles Road.

MR. KELLEY: Real quick, sir, if you could lean into the mike. Thank you.

MR. NORMAN: I don't know. My concern is basically the same --

MS. LOE: Mr. Norman, can you repeat your name and address? Sorry.

MR. NORMAN: Oh. It's James Norman, 5909 East St. Charles Road. My concerns are still the same, I guess, no matter what happens or whatever, just whatever constructions goes there pretty much just could tear my foundation even more, I guess, or whatever, which would cause me to -- conflict between me and whoever is going to be putting a business there. There's trees that leans over. When the wind blows, I'm afraid they're going to fall on my property. The construction working there, I'm afraid it could cause a conflict between me and them. The fence line, I believe, has a gas line and stuff running across of it. I'm afraid that if they do hit it or something, that it might cause me money or it would cause another conflict between me and them. Far as -- so this PD thing, that's just for the three properties; right? It doesn't include mine or the neighbor behind me or aside of me at all?

MS. LOE: Correct.

MR. NORMAN: Okay.

MS. LOE: Just those properties are zoned PD.

MR. NORMAN: Okay. But, yeah, that's my big concern, is just that something could devalue my property, I guess, from the construction -- (inaudible). Appreciate it, though. Thank you.

MS. LOE: Thank you. Any questions? Mr. Norman, one question.

MR. MACMANN: I do not have a question for Mr. Norman.

MS. LOE: Oh.

MR. MACMANN: Our recorder is having a very difficult time, and we're trying to get your -- and we're trying not to interrupt you or them. It's just a reminder we could be --

MS. LOE: Is it volume?

MR. MACMANN: Folks, if we could be closer to the mic and have it up to your face and speak close to it, that would be awesome.

MR. RAUCH: Randall Rauch at 8020 Payette Drive. I agree with this group of people who have talked. The traffic on St. Charles Road at 4:00 in the afternoon is terrible. It's not like Schnuck's where you have a divided highway both sides of Schnuck's. This is a two-lane highway, just two lanes. If you really want to see what it's like, go down there in September at 4:00 in the afternoon and stand there and watch. It's going to be a big problem. It's a safety problem, guarantee you. That's what I've got to say.

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

MR. RAUCH: Thank you.

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

hearing.

PUBLIC HEARING CLOSED

MS. LOE: Commission discussion? Commissioner Wilson?

MS. WILSON: So I am deeply disturbed by the lack of notification. I am also -- you know, I -- it's not lost on me that this property is zoned commercial and there's already approvals. However, I think without the notification and the opportunity to discuss between the property owners and Dollar General that we don't even have a chance to come up with ways to solve some of the concerns. And so my request is that we table this to give that opportunity for Dollar General to do their due diligence, and the City to also maybe come back around and try to give some alertness so that people can have more discussion about this topic.

MS. LOE: Commissioner Kimbell?

MS. KIMBELL: I understand that it's commercial and there's going to be traffic issues. I understand that. And it doesn't matter what type of business, I think, goes in there, my -- what I've gathered from design. My question is for the applicant, why -- why the need for another Dollar General store, even though it's a smaller footprint, in that particular area?

MS. LOE: Commissioner Stanton?

MR. STANTON: Demographic studies, income, activism in your neighborhood, that's why certain stores are where they are. They want it there because of what you guys make, how much your property value is, and all that goes into a -- into an algorithm and they spit out potential spots to put stores. That's why we've got a Raising Cane's down here, and you all don't. Why you guys have got -- what's out there -- why you've got a Sonic and why you don't have a Culver's. Demographic studies. That's the way of life. That's how it goes. Play chess.

MS. LOE: Commissioner MacMann?

MR. MACMANN: I would be supportive of Commissioner Wilson's concept of us tabling it, not them. Not them, but us tabling it to address these specific issues. I am very concerned about the communication aspect, not just from the agent's perspective, but the City's perspective. We seem to have in this room at this time the relevant parties, and they could exchange numbers and have a fruitful conversation if we were to table this to date certain, say 30 days hence. So I think if you want to talk about that, that's -- that's fine, but I'm willing to make that motion.

MS. LOE: Commissioner Stanton?

MR. STANTON: I don't know if it would do any good. I think Dollar General has got some kind of feedback. I don't know if it just came from the site guy. I don't feel like they -- at the end of the last meeting, I was convinced and probably bamboozled that the guy that was here representing Dollar General and the neighbors exchanged numbers. I thought there was going to be an active discussion not a week before they got here. I really thought that -- I felt -- I was maybe bamboozled, that that conversation would be over a period of time, not right before the meeting. That's what I thought. There has been changes. They have made accommodations. They have -- they have proposed some sidewalk

that is badly needed there. I don't think that Dollar General is going to budge much more than they have. And I don't know if tabling is going to do anything -- anything better. I don't think that Dollar General is going to reach out and discuss or have any more conversations than they've had, and if they do, they'll just wait a week before we come back here, and I hate being bamboozled. I just really do. It gets under my skin. So I don't know if it's going to work. I think we need to go up and down and vote. They live or die on the vote.

MR. MACMANN: I'd like to redirect, Madam Chair, if that's possible. I agree with your perspective, Commissioner Stanton. And just so you all know, often, we only have one tabling on something, and often that usually reach -- it allows the parties -- everybody comes and they see each other, and they go, hey, we didn't mean this, or we really want this, and they get that together. It is uncommon after a tabling that something comes back to us and still remains after one hour and 20 minutes at an impasse where people are not happy. I don't necessarily -- it may or may not have been -- let me just put it this way. It would seem to me that communication on a variety of levels, be it the City, and other parties, were not what then needed to be. And I would -- I am always an individual, and I see your point about say yea or nay and let them fight it out. I would like engagement to have another opportunity. If we say yes to the applicant, it goes to Council and it has our seal of approval. If we say no, it may go back to square one, it may not. I don't know. And I wanted to put that forward. Commissioner Wilson mentioned this to me, and I -- I think it has some validity. And it has more validity -- I'm normally like you, Commissioner Stanton. I'm, like, you know, we already gave them 30 days, or however much time we gave them.

MS. LOE: Six weeks.

MR. MACMANN: Six weeks. It seems a little late to be -- I'm -- I'm disappointed they couldn't reach anyone, or I'm disappointed of their discussions. And regardless of whether it's fruitful and good or not, didn't really start until a week-ish ago. That's -- that's problematic to me.

MS. LOE: I agree there's been communication issues. I guess my thought is that I'm not hearing so much that there's still items to be negotiated as they're simply not happy with what's going in and the traffic. And I understand those, but I'm not sure those can be negotiated away. So I'm not sure tabling this is going to achieve anything. Commissioner Carroll?

MS. CARROLL: I would be inclined to vote to approve a tabling. I don't want to be here another time. We're having a conversation that is substantively similar to the conversation we had last time, and we voted to table that. I -- I'm with Commissioner Loe. There seemed to be impasses. If wonder if Council is the next decision body for this. I do not want to see it on the consent agenda because I think it's controversial enough that it should not end up on the consent agenda, so if this vote goes in this way and it ends up on the consent agenda, I would suggest that we have a second vote to remove it from the consent agenda.

MS. LOE: Commissioner Placier, then Stanton, then Wilson.

MS. PLACIER: Well, typically, when there is a conflict like this, in many other venues, it would be

the possibility of mediation. I don't know if the City is the correct party to do a mediation, but -- and I don't know if this has happened on P & Z before, but I don't know that -- well, I don't want to impugn anybody's skills, but I don't know that Dollar General has -- let's say just the need to pursue an authentic kind of conflict mediation process, if they can just power through and maybe get what they want anyhow from Council. But, you know, I'm always eternally hopeful in thinking if we did have the tabling, maybe that would open up that possibility because just going back and doing nothing until the final week, you know, that is not going to -- that's not going to do any good.

MS. LOE: Commissioner Stanton?

MR. STANTON: I have no faith in the negotiation of Dollar General with the neighborhood. We gave you six weeks. Waited till the last week or two to really get down to the nitty-gritty, and we spent two hours the last time talking about this, and it was heated, heavy communication between the community and the entity, and you waited a week before you got here to talk about it. I have no faith that there will be any -- any leeway or anything changed, no faith in that discussion. But I will say this. Dollar General did make some good accommodations here, and the bottom line is I think that the neighbors that are here are the most active, don't want it anyway. So I don't know if there's much we could keep negotiating. I mean, the ten-foot fence thing, I don't know if it was discussed before tonight. That definitely should have been a discussion happening more than a week ago, but this is a business. They're going to do what they can financially do. That's the bottom line. It's a business, and if somebody came to my -- you know, put yourself in their shoes and kind of come up with a compromise, but play your cards, your chess moves right. So I have no faith in Dollar General's negotiating anything more. They gave some accommodations here. Most people that are here don't want it anyway. I still agree with an up or down vote, and the citizens that have problems, I think they need to -- even though I have no faith -- go back and talk to these guys before it goes to Council. You have Council again. This is more technical. Council is more political. You have one more shot at getting what you need or eliminating the project altogether. But I just want to up or down vote it and let -- and go from there.

MS. LOE: Commissioner Wilson?

MS. WILSON: Thank you. So the fundamental problem that I have here is that I am eternally hopeful, and I do think that Dollar General does want to be a good neighbor, hence the changes that have already been put forth, which are good changes. I believe that people are capable of thinking things through. I used to work for IBM. Our whole model was think. And so people are capable of thinking things through and working with each other to come to a conclusion. It's not going to be perfect, but it can be better. And right now, I think we need better, which is the reason that I'm suggesting the tabling, and I am strongly urging people in this room to exchange information and talk to each other so that we don't come back here and spend another two hours of our time at a place where we all are feeling like we're at an impasse. I believe in you. You can do it.

MS. LOE: Commissioner MacMann, I'm going to go to Mr. Smith first, and then we'll come back to you.

MR. SMITH: Thank you, Ms. Chair. I just want to say that, you know, given the communication feedback here, if there is something at issue with the phone number, we will look into that, and if there was an issue, we -- we do sincerely apologize about that. In the meantime, just while we have people in the room, Mr. Palmer is the project manager on that -- Rusty Palmer, so I've got his contact information directly here. So I'll leave that with Mr. Teddy. If you want to come up, take a picture of that. If you received the property owner letter, this should have been out recently, his contact information was on that letter, as well, but if you weren't within that 185 feet, if you weren't part of, I think it's 14 individuals that were within that area that was notified, you can get his contact information here. I would use this contact instead of the one on the sign, which I do know we've had issues. I think we're on sign number two. The first one mysteriously disappeared, so we'll go out to make sure the second one is still there, as well. And we did re-advertise a second time for this meeting, given the length of time it was tabled. Typically, we don't unless it goes beyond two months, but we felt in this situation property owner letters and advertising in the paper was due again, so we have re-advertised this one specifically. So I'll leave this with Mr. Teddy in case anybody wants contact information.

MS. LOE: Mr. Smith, while we have you on the microphone, can you remind me of the ramifications if the Commission tables versus if the applicant tables?

MR. SMITH: Yeah. Generally, the Commission can choose to table it beyond two months. That is their prerogative. Generally, the limitations on two meetings or two months is if the applicant is seeking that. If the Commission is the one initiating the tabling, you can go beyond that. Since we have re-advertised, there really isn't an issue there. Either generally are policies if it goes beyond that two months, we're going to re-advertise, but we already did it for this one.

MS. LOE: Thank you. Commissioner MacMann?

MR. MACMANN: I'll try to make this all as quick as I can. To Commissioner Stanton's point and to Commissioner Wilson's point, I think somewhat, we have the well poisoned already. I'm going to point out a couple of developers -- agents who use a different technique. They reach out early and often, and they get what they need because they've reached out early on. And I'm not -- this is not a commercial for the names I'm about to mention, but it's just a way of doing business. Mr. Ott and Mr. Crockett will go to the neighborhoods and the neighbors early, and say, hey, this is what we want to do. This is what we're going to do. We're to a point now where we have some mistrust issues, and those are really hard to overcome. I'm going to set that aside for the moment. Thank you, Mr. Smith, for agreeing to address those communication issues on the City's part, and I will apologize to the neighbors that our aspect of the communication was not held up. Now I have two suggestions. I suggest we move forward. I'll make a motion to table, and then we go from there. And if that does not pass, I can make a motion up or down on the applicant's request. Is everyone copacetic with that course of action? That -- I'm seeing nods. With that being said, Madam Chair, I wish to make a motion. In the matter of Case 140-2022, I am thinking forward here, I move to table to date certain, that would be 30 days hence, Mr. Smith. What's that day for that meeting?

MR. SMITH: That would be --

MR. KELLEY: July 21st.

MR. SMITH: Thank you, Mr. Kelley. July 21st.

MR. MACMANN: I'm sorry?

MR. SMITH: July 21.

MR. MACMANN: July -- to date certain, 21 July 2022, I so move. Do I have a second.

MS. WILSON: Second.

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

MR. STANTON: If I would be out of line just to get right to the nitty-gritty and ask if Dollar General is willing to even negotiate any further, or are we wasting our time?

MS. LOE: We have to open up public hearing and all that good stuff, so no. We're in the middle of a motion right now.

MR. STANTON: Okay.

MS. LOE: You're wasting your time.

MR. STANTON: Yeah.

MS. LOE: All right. Any other discussion? If not, Commissioner Carroll, may we have roll call, please.

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

MS. CARROLL: We have five yeses and two nos. The motion carries.

EXCERPTS
PLANNING AND ZONING COMMISSION MEETING
COLUMBIA CITY HALL COUNCIL CHAMBER
701 EAST BROADWAY, COLUMBIA, MO
July 21, 2022

Case Number 140-2022

A request by Lewis-Bade, Inc. (agent), on behalf of The Overland Group (contract purchaser), seeking approval of a PD plan on a 1.79-acre property located at 5905 East St. Charles Road. The proposed PD plan depicts a new, 10,640 sq. ft. Dollar General store on this site. The property was zoned C-P, now PD, upon annexation in 2013. (This item was tabled at both the May 5, and June 23, 2022, Planning Commission meetings.)

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

Staff report was given by Mr. Rusty Palmer of the Planning and Development Department. Staff recommends approval of the "Overland DG, #24012," PD Plan, dated 7/11/22.

MS. LOE: Thank you, Mr. Palmer. Before we move to questions of 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 at this time so all Commissioners have the benefit of the same information on the case in front of us. Seeing none. Are there any questions for staff? We're all familiar with this case at this time. All right. We will move on to opening the floor to public hearing then.

PUBLIC HEARING OPENED

MS. LOE: If there is anyone that has anything they would like to share, please come up to the podium. We need your name and address for the record.

MR. KEMP: Glad to be back again. My name is Greg Kemp; I live at 1306 Lake of the Woods Road. I just have some questions that you had mentioned, but first, I did -- Dollar General did get with me, and we come to agreement. The only thing is I want it in writing, you know. That's my only problem I got with it. You mentioned that there is going to be a lot of trees, there's some scrubby and stuff supposed to be growing up and you're supposed to be planting. Down the road when this stuff gets out of control, who is going to maintain it?

MR. PALMER: Well, they're required to maintain it, but --

MR. KEMP: Okay. Will there be something, like, okay, since it abuts up to my property, the reason why I'm asking that. If trees get out of hand, you know --

MR. PALMER: It would be, like, a typical -- like a neighborhood services complaint, if there becomes an issue, and all of those are kind of complaint driven policing efforts. And so, that would be -- you know, hopefully, it would never reach that point, but if something were to arise, you would just contact

neighborhood services, and they'll come and take a look.

MR. KEMP: Okay. The other question is the sign that we talked about. They have a timer on it where the sign goes out, it don't burn all night. We had talked about that in the first meeting.

MR. PALMER: And I believe -- I -- this is from memory, but I believe that the applicant planned on that being on a timer, and also of a height that wouldn't be visible offsite based on the -- the screening device that's installed.

MR. KEMP: Okay. And the parking lot lights?

MR. PALMER: Again, I think that that was kind of the general consensus on the lighting across the site was that it would be cut off in nature so it points downward and not outward, and they have done a lighting plan to show that it was at zero lumens at the property line, which is actually less than what the City Code requires, so they were -- they were trying to address those issues up front for sure.

MR. KEMP: Okay. And I want to thank you all, although I lost the battle, but I want to thank you all for your concerns and your help in making me somewhat happy neighbors with Dollar General.

MS. LOE: Thank you for your comments, Mr. Kemp.

MR. WILLIAMS: Good evening. My name is Randy Williams; I live at 6208 East St. Charles Road. About the Dollar General, I'm still concerned about the trash and the traffic. I'm already picking up Schnuck's traffic and cut-through through my property, and Schnuck's bags, and cleaning up both sides of the street already. This Dollar General, I'm sure I'm going to be picking up yellow Dollar General bags all over my property. There's only one sidewalk, and that's on my side of the street. I notice they're putting in a sidewalk on the other side just to the roundabout, but there's still not a sidewalk on the opposite side, so I'll still be picking up a lot of traffic coming from the further streets and behind me, such as Demaret and Sneed, and the rest of those that's down on that end. I'm just concerned about the -- you know, the traffic because I'm getting a lot of cut through to my property already, and I'm sure it's going to increase. It's something that I'm really concerned about because I'm getting it at all times of the day and all times of the night, you know. I've -- I've already had to secure my property and put cameras and motion detectors and stuff like that around, and it's going off all during the night. I'm just not getting the proper rest and getting -- looking up and looking out every night and I just think there's going to be more and more of a problem for me on my side of the street, and the neighbor next to my right and to the left of me, as well. I have a lot next to my property which they're already cutting through to -- on Players Place, and no one wants to walk around the corner there, so that's my main concern with this new store coming in. I do shop at Dollar General, which is two miles down the road, but I just think this one would be a bigger problem for me, picking up around the -- my property and on the curb and on the street. I'm open for any questions.

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

MR. STANTON: If you were in my shoes right now, what would your vote be on this?

MR. WILLIAMS: No. I'm willing to sell out. I mean, they -- they already got me ready to put my house up for the sale because the traffic is just getting to be overwhelming, and I just think in the next

year or two, it's just going to be -- I'm not just going to want to stay there anymore.

MS. LOE: Commissioner Carroll?

MS. CARROLL: Yeah. I'm wondering if your concerns are specific to this plan, specific to this use, or if any commercial use at that spot would have the same concerns for you?

MR. WILLIAMS: Yes, it would.

MS. CARROLL: Yeah. Okay. Thanks.

MS. LOE: Commissioner Wilson?

MS. WILSON: So to veggieback on your comment, I think the last time that I was here was the first time that I became familiar with this. And what I learned and understood during that meeting was it is our desire to mitigate as much as possible what could happen. And so given all of the scenarios, we had hoped that Dollar General would come back and work with you all so that we don't have to say no and open up the possibility of bringing something worse than Dollar General. So I just want you to know that -- that it is the heart here to protect you -- right -- and to -- to make sure that you have good use of your property. I very much hear you when you -- I hear your concern, I hear your frustration. I mean, the fact that you are considering selling your property is very -- it is heartbreaking. At the same time, I think we're doing or we're trying to do what we think is -- is best, and that is preventing something worse than Dollar General.

MR. WILLIAMS: I understand that fact, but still the fact remains of the -- I'm sure most of the people in that area is going to use that store, and so that's going to increase the traffic. It's just -- it's just no way around that. I mean, even if there was a sidewalk across the street, it still would be more traffic. I mean, I'm getting beer bottles, liquor bottles, just -- you name it, and -- and, like I said, I just know that trash is going to increase with Dollar General bags, people are driving by throwing things out, people that are walking by are throwing things out. We hear people talking, you know, it's just -- it's just going to be a problem for me, and it's just my concern, and I just want them to know that that's why I'm standing on this.

MS. LOE: Commissioner Placier?

MS. PLACIER: Oh. I was just trying to locate your property in relation to this. Could you point it out on the map for me?

MR. WILLIAMS: I'm, like, the second house past the fire station.

MS. PLACIER: Oh, okay. Down past the roundabout?

MR. WILLIAMS: Uh-huh. Past the roundabout.

MS. PLACIER: Okay. Got you.

MR. WILLIAMS: Past the roundabout on the right side of the fire station.

MS. PLACIER: Okay. Yeah. I can see.

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

MR. WILLIAMS: Thank you.

MS. ECHOLS: Hi. My name is Martha Echols; I'm actually here for another agenda item, but I'm

just listening to the residents of this neighborhood say that they don't want this Dollar General there and I'm --

MS. LOE: I'm sorry. Can we have your address, please?

MS. ECHOLS: 111 Maplewood Drive.

MS. LOE: Thank you.

MS. ECHOLS: And I'm -- I wasn't at the previous meeting where maybe you were talking about this, but the zoning for the surrounding area on that side of the street looks like all residential, and I'm wondering if there was some discussion about, like, whether this Dollar General was a benefit to the neighborhood and how you evaluate that.

MS. LOE: So the PD zoning was approved back in 2013, and it allows for commercial use, and it actually had allowed for the three lots you see there to be conjoined, and for a much larger commercial use to go in at that location. And at this time, one of the lots is being sold with a smaller, single -- the Dollar General being proposed. So the use has already been determined, and we were looking at the plan, just the site, because it's a planned development --

MS. ECHOLS: Uh-huh.

MS. LOE: -- and it had not come forward with that. So that's -- we're not looking at the use as much right now as much as the plan.

MS. ECHOLS: And then residents are also concerned about, like, plastic bags, which I know has been a topic of discussion for a long time and some places don't allow plastic bags, and that's not the case here. But, I mean, maybe this particular store could solve that problem by not offering plastic bags, so offering some sort of alternative, like, paper bags, or not doing bags or --

MS. LOE: Now, that's -- right. That would be something that the Zoning -- Planning and Zoning would not typically get into. This is a fully fenced on three sides property, so as far as containing trash, not to say there wouldn't be plastic bags, that was a step taken by the owner to address that concern.

MS. ECHOLS: I'm sorry? The owner did address that concern with the fence?

MS. LOE: In -- by putting a fence on three sides of the property.

MS. ECHOLS: Oh, okay. Okay.

MS. LOE: And -- yeah. And trash receptacles.

MS. ECHOLS: Okay. All right. Thank you.

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

PUBLIC HEARING CLOSED

MS. LOE: Commissioner discussion? Commissioner Carroll?

MS. CARROLL: You know, there's something that I've been wanting to give voice to on this topic, and that's that personally, for myself, I'm not particularly comfortable with this use here directly next to residential. Unfortunately, that's already an approved use. If that zoning had come before me, I might have made a different decision now, but we're not voting on that tonight. I do feel that Dollar General has

gone a long way with this plan, especially in the most recent iteration going beyond the Code in many situations to attempt to address some of the impacts they may have on neighbors. I'm glad that they've been able to contact their neighbors, and I hope that that communication has improved. If you're unhappy with the way that the site is being maintained, I encourage you to contact Neighborhood Services in the future. I -- I do think that they're following our Code and have met what we've asked of them at this point.

MS. LOE: Commissioner Geuea Jones?

MS. GEUEA JONES: Oh, no. It was Anthony.

MS. LOE: Oh. Commissioner Stanton?

MR. STANTON: First of all, I think it was Ben Franklin, but it might have been somebody else. A good compromise is when both sides are equally upset. I'm sure Dollar General did not want to put this extra money into this, but this goes to my point that I've been saying over the last two meetings. Citizens have power. This is a perfect example. I'm sorry you feel like you lost, because you really didn't want it anyway, but you fought, your neighbors fought the good fight, you engaged. I am very proud of the efforts of both Dollar General, and I will retract my statement because the last time I said I had no faith in Dollar General in making any moves, I'm going to retract that, and I would like to commend Dollar General for making these adjustments to help be better neighbors. Not everybody is happy, they're not happy, you guys are not happy, but you're equally compromised, and that is a perfect compromise. I think that's what's happened here. I like all the concessions. They bent over backwards, I think. I think you guys fought the good fight as far as getting what you could out of the situation because, like we always said, they could retract and it could be way worse. This is planned development. They could back out of all of this and put another BP right there. They could put a full-service gas station or something there. I mean, they -- so you guys did a great job, the neighbors did a great job, Dollar General did a great job. I hope this is an example to those out here, any community, that if you have something going on in your community, something being built, be engaged, stay on top of it, and do your due diligence, and you -- the results are this plan. So I definitely plan to support it because I think they've done everything they could. I wouldn't ask them to do anything else, and that's all I have to say.

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

MS. KIMBELL: I just want to say I'm in agreement with Commissioner Stanton. I didn't have -- I voted against it the last time, but I was glad to see that the Dollar General store reached out to the constituents here and to see Mr. Kemp back again and appreciate what each side of the party did. I'm in total agreement. You guys came together and worked it out. Maybe it wasn't a win-win on everything, but you were much -- you got much further this time around than what you had before.

MS. LOE: Commissioner MacMann?

MR. MACMANN: I have a comment, and if none of my other Commissioners have a comment or a question, I was going to make a motion after that. To piggyback, veggieback -- thank you -- on what Commissioner Kimbell and Commissioner Stanton said, the general situation, and this is a comment to

hope Council reads this or listens to it, and some of the development community. Developers who reach out to the neighbors first, before they go talk to Mr. Zenner, get a whole lot further. That's said, I do have a motion.

MR. STANTON: One more comment, sir.

MR. MACMANN: Certainly, Mr. Stanton. I -- I yield to Mr. Stanton.

MR. STANTON: I'd like to also for this to be on the record. The way stores are placed is based on the demographic, so the Dollar General broke their back to put this store there is because the demographics in which you live, they really want it there. That goes to any store that is built anywhere is based on the demographics of the surrounding area. They didn't put a Starbuck's there, they didn't put a -- I don't know -- Culver's there, either. So it's the demographics. It's the demographics. It's the demographics. Thank you.

MS. LOE: Commissioner MacMann?

MR. MACMANN: If I may, Madam Chair. Just a technical point, Mr. Palmer, or Ms. Thompson, or Mr. Zenner. These additions to the PD are written into the ordinance, and I don't need to list them out per iteration or event or --

MR. PALMER: They're actually depicted on the plan itself.

MR. MACMANN: So we approve the PD?

MR. PALMER: Yeah.

MR. MACMANN: Then, very good. I don't need to --

MR. PALMER: Defacto, you're approving all those conditions.

MR. MACMANN: Thank you, sir. In the matter of Case 140-2022, PD plan, Dollar General, 5905 St. Charles Road, 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.

MS. GEUEA JONES: Oh, I'm sorry.

MS. LOE: Commissioner Geuea Jones?

MS. GEUEA JONES: Sorry. I probably should have done this during comment, but it occurs to me to let the public know they can get copies of this PD plan and use it as a checklist. That is, in effect, Dollar General putting in writing the things that they've promised to do. So if they don't do it, you can hold them to account. If it's on that PD plan and they don't install an eight-foot fence, you can hold them to account. Yeah. Planner -- Planner Palmer can help you with it.

MS. LOE: And they'll be available through the links for this meeting, as well.

MR. PALMER: Yeah.

MS. LOE: Through the City website, the links for the meeting will have any of the exhibits that we've looked at tonight.

MS. GEUEA JONES: Yeah. It just occurred to me that we hadn't made that explicitly clear.

MR. ZENNER: And if I can before we get off this topic. The official version of this plan will be signed by the City's mayor, and it is that version of the plan, because it is possible that the Council may make adjustments, that is the important version to collect, and that would then be available to the public. It's available to anybody. It is the document that is used for the purposes of permitting, so our permit review staff is looking at it in a similar fashion. As Ms. Geuea Jones pointed out, it is the checklist that is utilized to issue the CO. If it is not there, or if it is improperly planted and dies, those are the plans that we will go back to to ensure it is met -- the letter of the requirements is approved by Council. So that plan will be available after the Council has finished deliberation on this, which should be probably the middle of September.

MR. PALMER: I just wanted to point out also, just as an example. Under the red box that I drew, and that's actually the existing neighboring garage or shed there, there's a note there that indicates, and also a line depicting the fence in this instance, that says eight foot tall, vinyl, sight-proof fence, remove and replace existing fence up to -- I can't read that next line, but it basically says up to the shed, approximately 55 feet, so it's very -- very specifically noted on the plat, and the same is true of the remainder of the fence being vinyl sight-proof fence, the location of the trash receptacles, and so on. So -- also, the sidewalk exhibit will be included in the report as it's forwarded on, and so that will also be available to show the pedway or the side path that they're intending to construct, so it will all be included.

MS. LOE: Okay. Commissioner Carroll?

MS. CARROLL: Not to belabor the point too much, but per Mr. Zenner's comments, don't forget that you're going to want to be present at Council, too. We're not the last vote on this. And I'm sure that's on your radar, but occasionally, people do not come to Council, and things can change. So make sure you're at Council, as well.

MR. KEMP: When is that?

MS. CARROLL: Date?

MR. ZENNER: I'm getting that date right now.

MS. LOE: Mr. Zenner is checking for when the Council meeting date will likely be.

MR. ZENNER: The approval of the project would be tentatively scheduled, which this particular type of action requires two readings of Council. It is the second hearing that you would want to be at, which is the potential -- is the decision-making hearing, and that would be on September 6th. That is a Tuesday. It's at 7:00 p.m. here in this room, and it will be part of a larger Council agenda, so it will be -- that is the second reading. The first reading, if you do want to be here, you're more than welcome to be, would be August 15th. That is the first reading for the project. There is no public comment generally taken at that point. It is simply a reading of the ordinance title, and then the second reading is where there may be discussion if Council has any, or the public would be able to do -- discuss the project, if needed.

MS. LOE: Commissioner Placier?

MS. PLACIER: I guess we're still in discussion of the motion?

MS. LOE: Yes. We are still in discussion of the motion.

MS. PLACIER: Just wanted to explain, I am still going to vote no because I just think it's a very bad siting of this particular kind of business that close to a roundabout where people are coming around the curve and entry and exit to it just doesn't -- just doesn't seem safe to me, so that will explain my vote.

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. Kimbell, Ms. Wilson, Ms. Loe, Mr. Stanton, Ms. Burns, Mr. MacMann, Ms. Carroll, Ms. Geuea Jones. Voting no: Ms. Placier. Motion carries 8-1.

MS. CARROLL: We have eight yes and one no. The motion carries.

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