

**EXCERPTS**  
**PLANNING AND ZONING COMMISSION MEETING**  
**COLUMBIA CITY HALL COUNCIL CHAMBER**  
**701 EAST BROADWAY, COLUMBIA, MO**  
**February 8, 2024**

**Case Number 54-2024**

**A request by A Civil Group (agent), on behalf of Marilyn E. Brown (owner) for approval of a request to permanently rezone 37.59 acres to R-1 (One-Family Dwelling) and 30 acres to R-2 (Two-Family Dwelling) upon annexation. The 67.59-acre subject site is located at 1301 Olivet Road and is currently zoned Boone County A-1 (Agriculture.)**

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

Staff report was given by Mr. Rusty Palmer of the Planning and Development Department. Staff recommends approval of the request to permanently zone the 67.59 acres as follows:

Tract 1 (30 acres) R-2

Tract 2 (37.59 acres) R-1

MS. GEUEA JONES: Before we go to questions for staff, if any of my fellow Commissioners have had contact with parties to this case outside of the public hearing, please disclose so now. Seeing none. Does anyone else have questions for staff? If not, I've got a couple. Commissioner Loe?

MS. LOE: Thank you for the report, Planner Palmer. I have a question just about you mentioned that the road network is developed and -- as properties are acquired. Can you tell me what right-of-ways have been obtained for the north-south road on the east side of Hawthorne? It would be on the west side of this property between --

MR. PALMER: Let's see.

MS. LOE: -- Richland and WW.

MR. PALMER: The one -- is that Burley? So -- well, let me get to the map. So basically, this parcel here that's kind of an L-shaped parcel is the Richland Estates tract next to Old Hawthorne North. And I hope you guys can see my cursor up there. But the section from Richland to the southeast corner -- or southwest corner -- excuse me -- of that parcel is established on a prelim plat, I believe. They haven't final platted yet. So that leaves a gap on this parcel to the north, which I believe is under one ownership, and then there's the gap south of there. I don't believe anything south of the subject site has been established at this point, so --

MS. LOE: Thank you.

MS. GEUEA JONES: So assuming they want to build out this property before they do the one directly to the north or directly to the south, how do people get out of the neighborhood?

MR. PALMER: So basically, the roads you see here will be one point of access at the Turner Farm Road entrance from Olivet. It would go over to a segment of Burley that would extend across the site north to south and stub at each property line. And then there would be a secondary connection on the west side of Burley into Old Hawthorne. And I don't think I have a map that shows that real clear, but it's basically right here, Shallow Ridge Drive or Road. So there's, I believe, one or two lots on either side of that now in Old Hawthorne, and preliminary plans showed Burley slightly shifted over so that there would be room for a lot on the western side, so there will be lots backing up on lots with an east-west connection between. So that would meet the second access point required for fire access -- fire code compliance.

MS. GEUEA JONES: Yeah. Mr. Zenner, I think you're probably the one to better address this. Given the petition, does that change whether or not this would go on consent calendar?

MR. ZENNER: Well, the petition has been verified, so it's going to require a super majority vote regardless. And it -- depending on the practice that the Commission has followed in the past, if you want it directed to old business, that would allow for additional public comment to be made at that level, but they're -- they're going to be required on the permanent zoning side to do the super majority vote because it has been a verified petition. So I would assume that the property owners that are in opposition to this would request, as well, to have it removed off of the consent agenda, but as we have discussed in the past, you have the ability to do that as well through just a motion.

MS. GEUEA JONES: And there is no way we can split this case. Correct? We couldn't say we'll approve your request on the R-1 lots, but not the R-2 lots?

MR. ZENNER: I mean, the applicant has the ability to consent to a down -- consent to a downzoning of the R-2 if they so chose for all R-1 on the total acreage. You could make a motion -- a split motion, yes. I think you can do that. I mean, this is -- while the case is being requested to be zoned R-1 and R-2. You could split your vote accordingly, and that would be reflected in the minutes and presented to Council that way.  
as well.

MS. GEUEA JONES: Thank you. I think that's all of my questions for staff. Anybody else? Last call. Seeing none. Okay. We'll go to public comment.

#### **PUBLIC HEARING OPENED**

MS. GEUEA JONES? Please come forward. Again, just a reminder for everyone, name and address, speak directly into the microphone, as we have audience online, and six minutes for applicants and groups, three minutes for individuals. Thank you.

MR. GEBHARDT: Good evening. My name is Jay Gebhardt. I'm a civil engineer and land surveyor with A Civil Group, tonight representing Marilyn Brown, who has lived on this property since 1975. She currently doesn't live there, but she still goes to the farm and works on it. This is a little bit better blow-up of that. It shows that Shallow Ridge Drive stub from Old Hawthorne, and Turner Farm Road, and then just the nature of the large lots that abut us. It's really important for me to drive home

tonight that there are no current plans to do development on this. This is an opportunity for you guys to be proactive and create a zoning that future commissions and Council can work on when a true development plan comes forward. So this is truly an opportunity to plan and there is no -- there is no interest on the Brown side to develop this property. What they would like to do is have a say in how it is developed, and provide a plan for any future type development. You know, I sit through these meetings almost every two weeks and I listen to you guys. And, you know, we talk a lot about diversity of housing. And to me, it -- we're not talking about a planned district, we're talking about R-2, because in R-2, I can do 5,000 square foot lots. I can do single-family attached, and I have the opportunity to ask for conditional use for a cottage. So that diversity is very similar to what happened in Old Hawthorne under a planned district, but here is an opportunity in the UDC to use those standards that you guys have created and allow this property to be developed in a way that isn't just a monotonous R-1 development. You know, the East Area Plan here shows this -- I actually have a little bit better blow-up. It kind of shows how the agricultural part, this is the right-hand corner. But clearly, I mean, a lot of you were -- or some of you were on the Commission when the East Area Plan was crafted, and a lot of work and effort went into that. And we are in compliance with that, as staff said. I want to talk about the roads a little bit, because when this -- the Browns first approached me about this, the first thing I really paid attention to was the road network. There's a lot of major roads on this 60 acres. There's a major collector on the west side. There's a minor arterial on the east side, and a neighborhood collector along the south side. And I would like to point out that Olivet, even though it is a two-lane road and not adequate for a development to occur now, it is the same classification as Route WW. So there are plans for Olivet, I believe, to go across I-70 and tie in to the north side. So that -- that is a -- going to be a major arterial. And I felt like with that road network, there is an opportunity to provide a plan that allows for some -- a more diverse type of housing rather than just single-family. And this is the diagram that we have. The blue is the R-2, the yellow is the R-1. We're buffering Old Hawthorne with the R-1. We're putting the R-2 out toward the major arterial or minor arterial. The black line on the south is the neighborhood collector street. The north-south part is the major collector that's called Burley Drive to the north of us. And then that other connection over to Old Hawthorne is the extension of Shallow Ridge to connect -- provide a connection to the existing neighborhood. So with -- I think that's it, but I really wanted to, you know, say that this -- this is a family that has lived on this property. They care about the area. They have deep roots in this area, and they -- they are doing the unusual step of trying to annex and plan this property for that when their mother is no longer with them, they'll have a plan for how this property can be proposed to be developed. And we -- you know, we're not bringing in a preliminary plat. We're not doing it, but a traffic study is going to be an integral part of any preliminary plat that comes forward to you. And if it were to come forward today, there would be a lot of major issues that would have to be addressed and -- but we're not. We're just bringing -- we're trying to plan the zoning. And as you guys remember when the Copperstone zoning that we did a couple of months ago, I mean, that was zoned in 1992 commercial. And I can tell you if it was trying to be commercial today, it would have never happened, but that Commission and Council had foresight to try to

create a zoning and do some plans. And I've done this long enough to know that a lot of times they'll say, well, it's a great plan, Jay, but it's the wrong time or it's the wrong area, but I disagree with that in the sense that this is truly planning, trying to do something. We're not asking for multi-family, we're not asking for commercial, we're not asking for a lot. We're asking for the ability to have a smaller single -- more affordable single-family homes on the eastern portion of the property. And with that, I would be glad to answer any questions that you have.

MS. GEUEA JONES: Any questions for this speaker? Would you go back to the which half is which?

MR. GEBHARDT: Oh.

MS. GEUEA JONES: Yeah.

MR. GEBHARDT: The blue is R-2, against Olivet, and the yellow is the R-1.

MS. GEUEA JONES: Thank you. My brain was trying to wrap around that. I appreciate that graphic. Any questions? Commissioner Carroll?

MS. CARROLL: And could I ask what you mean by smaller, more affordable?

MR. GEBHARDT: You know, it doesn't have to be that. It will really depend on the developer that purchases this and what they propose. It could be very much like what's in Old Hawthorne now where you have villas, or they call them villas, but they're single family attached. It could be smaller single family. It could be a cottage. But that will really kind of be determined on what kind of infrastructure exists at that time to -- to do that, and what could be supported, and what the developer at that time is willing to spend to provide those off-site improvements.

MS. CARROLL: Can I ask why the R-2 goes further out, closer to Olivet?

MR. GEBHARDT: Why -- say that again, Valerie. I'm not sure that I'm understanding your question.

MS. CARROLL: Well, I'm just curious why the more dense zoning is closer to the part that touches the ag boundary.

MR. GEBHARDT: Because of the major -- well, my thoughts were that that's a minor arterial street, and that's where the density needs to be closer to that street. I wasn't looking at the East Area Plan, saying, well, I'm on the edge, I need to do larger lots there, because I thought buffering Old Hawthorne was more important with the R-1, and then transitioning to something just a little bit more dense as we got to Olivet, and that -- that was -- that was my reasoning. I mean, basically, Olivet is going to be a -- a wide, you know, four-lane road at some time in the future. And when that happens, it -- having single family along it could be problematic.

MS. GEUEA JONES: Anyone else have questions? I have one, and I'm going to try to keep my tangent brief, but I want to go down a little one. You mentioned long-range planning.

MR. GEBHARDT: Say that again.

MS. GEUEA JONES: You mentioned long-range planning.

MR. GEBHARDT: Yes.

MS. GEUEA JONES: Have you been paying attention to what we're doing with R-1 lots and looking at --

MR. GEBHARDT: I am, but I don't know when that's going to occur, and -- and we wanted to move forward with this now. And so if that were an option today, I probably wouldn't be asking for the R-2, because I would have those options within the R-1, but I don't today. And -- and we don't know if the Council is going to approve that or what form gets approved. And so, you know, I'm dealing with what we have today, is basically --

MS. GEUEA JONES: Fair answer. I just wasn't sure if -- assuming those changes went through, if you thought, and it sounds like you do think, that then R-1 would fit the vast majority of needs that you were envisioning here.

MR. GEBHARDT: These -- I -- you know, if someone were to come into my office and say I want you do -- buy this and put a preliminary plat on it, I would be encouraging people to do single family or single family attached. I wouldn't try, you know, big -- I think the fear is this is going to be a big duplex development that's all investor owned and rented, and I don't -- I don't visualize that at all. But, you know, if you want to go to the worst-case scenario, that's -- that's probably it. I can't keep you from going there.

MS. GEUEA JONES: Thank you. Any final questions? Seeing none. Thank you very much. Are there any other members of the public here to speak on this case?

MR. STEPANOVIC: Hi. Steven Stepanovic; I live at 7275 Turner Farm Road, directly east of this property. You guys touched on some very important points. I especially liked that you brought up the changes coming to R-1. I think that's critical here. This represents the farthest east -- some of the farthest east property that will be brought into the City to date, and it's right on the extent of a sensitive area. I don't see any reason to bring density this far east, this close to sensitive areas. It completely changes the character of the neighborhood, and you can see that we have a lot of concerned citizens here worried about that. Please note our formal petition accepts the R-1. We're fine with growth. We understand it's going to happen. People are going to come east. We accept that. But bringing density this close, this far out, does not make sense in my personal opinion, and I also don't know that it achieves the desire of density. No bus service out here. There's no trails. I, myself, use the trails all the time. I have to drive my bike in town to use them. So I'm not sure how individuals who might be best served by higher density housing would find it useful to be so far east. Additionally, three major developments were brought into the City recently: Old Hawthorne North, Richland Estates, and maybe The Brooks to the north. None of those have R-2 zoning. This would be an R-2 zoning in a sea of R-1 zoning. If the goal is to bring a diversity of zoning, it probably should have been brought in to some of those larger developments that are on larger traffic nodes, such as Richland. Here we have R-2 between Olivet and Turner Farm, which are not developed right now. The far west collector, Burlington, or I forget the name of it, isn't even developed. If this was developed today, Turner Farm would be a mess, and so would the east side of Old Hawthorne. So, really, my main concern is to maintain the character of this neighborhood. It's a sea of R-1. And it's a sensitive agricultural area that I believe we should protect. So

thank you very much.

MS. GEUEA JONES: Thank you. Are there any questions for this speaker? No. Thank you very much.

MR. STEPANOVIC: Thanks.

MS. GEUEA JONES: Anyone else from the public, please come forward.

MR. WEBER: I'm Bill Weber; I live on 7275 East Turner Farm Road. We're just down off of -- on Turner Farm Road just off Olivet, a couple hundred yards. But I have several things that are a problem for me. I may have missed something because I can't hear a cannon go off anymore, so if I'm repeating something, well, forgive me. But the things that I can see that are wrong with this, the biggest thing, or one of the biggest things, first of all, it sounded like I understood you didn't have, the initial entrance would just be Turner Farm Road and Olivet. Well, that's a dangerous intersection right now with very little traffic because you come up a hill and turn a corner, if you're at -- sitting at the stop sign at Turner Farm Road to get on Olivet, you have to watch for traffic coming up. And you multiply that traffic by several hundred, and it's going to be dangerous. And we already have a very dangerous intersection at Olivet and WW. There's accidents out there regularly. And again, you have Olivet just below the -- the hill coming down WW, and people come down that hill 60, 70 miles an hour at times, and if you're coming across that, you better get across in a hurry or you're liable to get hit, which happens very regularly. So the increase in traffic is a big thing. And to be -- you know, I think this is completely out of -- out of whack. It's getting the horse before the cart because if you don't have easements for another road through there, you haven't got diddly squat. And how many times have we seen -- have we seen a development start out and it's going to have roads here and roads there, and they don't get developed because they didn't get the easements. So before you could ever consider changing this zoning on this, you need to have the easements so that you can see that it can be done. Otherwise, it's -- you're going to make a real mess, and, you know, that -- the change in the neighborhood that Steven was talking about, that's -- that's a big deal because, you know, we live there. We like the rural atmosphere. That's a big thing to us. It may not mean much to a lot of other people, but the people that live there, it does. And water, I've got a note here that said that the City staff had not identified any issues with capacity to serve the proposed development with the necessary utilities. Already we don't have water pressure out there. Water pressure, it's pretty good right now, we're in the wintertime, but you take when spring hits and summer hits, my daughter lives just a couple of miles down on the same water system, and they can't flush the stool and take a shower at the same time. I mean, that's -- that's a problem already. And the water system, I understand, was designed to put -- you know, for it to develop ten-acre lots. And Mrs. Brown could have six ten-acre lots on that piece of property, and it wouldn't change the community at all. To say that if you put a couple hundred people there, it isn't going to change the community, that's a joke. That's not right at all. Traffic is going to increase, water -- oh, and crime. We've got a -- oh, a camera that goes off and on that, you get the crime reports that are going off within a couple of miles of us. We used to -- that thing never said anything. Now, there's hardly a week goes by that we don't hear about crimes, primarily a little bit to the

north and west of us. But I think if you put a couple hundred very small houses here, very crowded housing, that's going to change, and I don't like that at all, and I don't think we should have to -- have to put up with it.

MS. GEUEA JONES: Thank you, sir. Thank you.

MR. WEBER: You know, it's already set up for six ten-acre lots. They could do that and you wouldn't even have to be bothered with it, because that's what Boone County has in the rural areas is ten-acre lots. They can do that.

MS. GEUEA JONES: Thank you, sir. Your time is up but thank you very much.

MR. WEBER: All right.

MS. GEUEA JONES: Any questions for this speaker? Seeing none. Thank you for being here. Next?

MR. MAYFIELD: Tony Mayfield; I'm at 6901 East Summers Lane. Our property has probably -- shares about 1,500 feet of alignment there right in the middle of the development, kind of sitting between the R-1 and the R-2. My comment would be really along the lines of Steven's, is realizing that the city of Columbia is coming east, and realizing that there is growth. And -- but I would -- I'd just ask, we moved from Thornbrook to come out into Boone County. And the one thing that I would ask is, you know, the Columbia Imagined, I think you have to imagine infrastructure, water, utilities. You have to imagine the proper throughways, the easements, the ingress and egress. And that has to be done really before, as my gentleman colleague just spoke before, is there has to be an established infrastructure to kind of provide appropriate city planning for these types of neighborhoods before the actual density comes in. So I'm opposed personally to the R-2, you can imagine. We do realize that there are a lot of, you know, it's a great area to live in, so -- so really the R-1 provides some good housing opportunities, but the R-2 would bring higher density and, again, with a road system that currently would not be able to -- to accommodate it -- (inaudible). Appreciate it. Any questions?

MS. GEUEA JONES: Thank you. Any questions for this speaker? Seeing none. Thank you very much for being here.

MR. MAYFIELD: Thank you.

MS. GEUEA JONES: Next? And if you want to go next, feel free to move forward. We don't really do the line-up thing, although we can, but don't -- don't be shy, promise. Hi, please go ahead.

MR. KILEY: My name is Richard Kiley. My wife, Rebecca, and I are at 1120 South Olivet. It is kind of the northeast corner of what the proposal is here. So I'll move through this quickly. First, I'm pro-growth for the city of Columbia. I think growth is key to the future and success of Columbia and Boone County, and we welcome more families in our neighborhood. However, we must make sure the decisions we make today, if the City of Columbia planned progress and do so in a realistic and common sense manner. We won't be able to correct the decision once the dessert -- once the dirt begins to move. So I'm suggesting we use caution and prudence. With that, annexation is fine from my perspective. R-1 rezoning is fine, but I don't really see the necessity for R-2 rezoning at this point. It just doesn't make

sense for what is out there today. So please don't assume there is no neighborhood on South Olivet today. I'm going way out on a limb here, but I'm guessing most of you have lived today in a much more suburban or urban environment in the city of Columbia. There is so much diversity in Columbia neighborhoods today. That adds to the beauty of the city. That diversity includes urban, suburban, and rural neighborhoods. On South Olivet today, R-2 is not appropriate. If you look at the map, we are closer to the rural Callaway County line than we are to downtown Columbia. We are a long way from downtown Columbia. We are farms and single-family homes, and fescue horse and cattle pastures for miles. Will that change? Perhaps. But there's no hurry to demand R-2 rezoning today. It's premature. One size doesn't necessarily fit all in this case. The staff has been very courteous during the petition and question process, and I thank them very much. But when I read the report, it seems to focus on infrastructure. That's only a part of the issue here. Have any of you taken a drive down South Olivet recently? It's single-family homes at five to ten acre lots and corn and soybean fields and fescue pastures and lots of wildlife. There was a bald eagle in our yard earlier this week. In fact, the subject property this last few years has been home to a small herd of cows and calves. It's a beautiful area. I don't really understand the speculation required for R-2 rezoning at this point in time and ask you to defer that question until later. Assured by the owner there is no developer currently involved with the property, nor is it even for sale that they have shared. We have idea whether a specific planned development will look like at this point, and that begs the question what's the hurry to move to R-2 right now. If the property is sold to a developer, wouldn't it be prudent to understand how they plan to develop the property. Columbia Imagined, as adopted by the City Council, has a stated goal listed under the land use and growth management objective. It states goal one, the personality and character of neighborhoods is preserved. We have a neighborhood in place today. R-2 will change that neighborhood significantly and it will be irreversible. There are many seniors living in the vicinity, as well, many directly adjacent to the subject property. They will have to suffer without recourse. Further, the stated goal of the land use and growth management category by the City of Columbia is to promote and protect existing neighborhoods. Again, speculative R-2 zoning will not maintain the character of the neighborhood. Approximately ten to twelve years ago --

MS. GEUEA JONES: Sorry. Sorry sir.

MR. KILEY: Can I have a summary paragraph then?

MS. GEUEA JONES: Please.

MR. KILEY: Okay. I'm sorry for the length. The owners have stated in a recent public meeting and various communications that they have no current plans to develop or sell the property. We would know much more accurately in one or three years what South Olivet neighborhood will look like. If it doesn't develop, R-2 is clearly out of place. If it does develop, R-2 is a reasonable option at that time. Developers with specific plans could come forward before this Commission. They do it all the time, and you can make a decision on R-2 at that time. So we respectfully request that you -- if you cease the need to annex and go with R-1, but deny R-2 at this time. Thank you.

MS. GEUEA JONES: Thank you very much. Are there any questions for this speaker? Seeing



none. I do want to clarify. We don't make annexation decisions. That's only City Council, so any vote we take tonight is purely on zoning, not annexation.

MR. KILEY: I referred generically to the City of Columbia as annexation. My apologies.

MS. GEUEA JONES: And it wasn't directed at you. I normally remember to say that at the beginning. I forgot, so I just wanted to be clear. But thank you very much for being here tonight.

MR. KILEY: Thank you.

MS. GEUEA JONES: Anyone else to speak?

MS. SMITH: Good evening. I'm Donna Riley Smith.

MS. GEUEA JONES: Would you pull the mic down towards you. I'm sorry. Thank you.

MS. SMITH: I'm Donna Riley Smith, and I live at 1134 Shore Acres Loop currently. I'm writing in regard to City of Columbia Case Number 54-2024. Due to circumstances beyond my control, I was unable to sign the petition against the proposed zoning for the acreage at 1301 South Olivet Road. I own property within 185 feet adjacent to the south of the proposed site. I oppose rezoning Tract 1, 30 acres as R-2, as a means to preserve and protect this vital rural segment of Columbia, Missouri. I would like you to take the opportunity to reflect on a land use and growth management goal that discourages sprawl and encourages density in the city core. The limited infrastructure in the Olivet area is and has been appealing for past and current property owners. After all, Turner Farm Road remains a dirt road maintained with a road grader and gravel. A Boone County Commissioner recently stated that even the paved roads in this area are glorified cow paths. Rural settings are attractive to many sittings -- to many citizens, but becoming less available in our diverse community of Columbia, Missouri. The Civil Group requesting this zoning mentions the desire for a development similar to neighboring Old Hawthorne. I remind you that Old Hawthorne was a planned community with hundreds of acres. We are talking about 67.59 acres in an area that is already home to a multitude of diverse families. I realize that growth is inevitable even in rural areas, and I am saddened to think that nine acres purchased several years ago to someday have a house in a rural idyllic setting may not come to fruition. When making your decision, please think about the families that currently reside in this area. They purchased their property when the 67.59 acres, the area in concern, was zoned Boone County agriculture. I doubt any of them even considered the possibility that in their lifetime there may be 120 new neighbors within 67.59 acres. They didn't think about wanting or needing a bus route or a bike lane to go to town. H-A-R-D [sic], Harg, is written on the water tower near the corner of WW and Olivet. If you live here, you know that Harg was once a vibrant rural community on the outskirts of Columbia. Harg is a reminder of our real roots in this area. The original Olivet Church is 150 years old, and still stands. Even though much has changed, much has been preserved. We are still on the outskirts, still rural, and would like to maintain that status.

MS. GEUEA JONES: Thank you very much, ma'am. Any questions for this speaker? Seeing none. Thank you. Next? Anyone else to speak? Going once, going twice. Okay. With that, we will close the public hearing.

**PUBLIC HEARING CLOSED**

MS. GEUEA JONES: Any Commissioner comments on this case? Commissioner Wilson?

MS. WILSON: I have a question that is probably for Planner Zenner, which is with the proposal that we have, that's a straight up or down vote for both. Right?

MR. ZENNER: As Chairman Geuea Jones had asked, you have the option to make comment. You could split the vote if you would like, given that the conversation that you have had this evening, that message would be presented to City Council. The applicant has the opportunity to request consideration of an amended application to downzone all of the property or zone all of the property to R-1, meaning that the R-2 would be downzoned. If they choose not to do that, the recommendation on these two distinct pieces of this property can be separated in your motion.

MS. WILSON: I guess my next question would be if we wanted to split, we would have to create an amendment to do that?

MS. GEUEA JONES: I don't know that we would have to reduce it to writing at this stage. We could just -- so the way that would normally work is someone would make a motion to divide the question. And that division would be based on the tract zoned R-1 and tract zoned R-2. And then we would take separate votes on each half of the question. Any other Commissioner comment? Commissioner Stanton?

MR. STANTON: Hearing all the testimony, I definitely understand where the neighbors are coming from, and I'm sure they have strong feelings about landowners' rights. And to my knowledge, the family that is proposing these changes is or was a member of this very community, and they're exercising their landowner rights. Nothing in -- the way I look at it is, okay, R-2, yes, allows more density, but does not prevent you from having R-1 homes. It's a tactical -- tactical way to divide your property. There's a lot of R-2 in town that has single-family homes. It doesn't mean if it's R-2 that it has to be multi-family. The market may dictate that those R-2 lots be used for R-1 homes. I do understand the infrastructure issue, and I definitely understand why R-1 is abutted to Old Hawthorne, because if he had put R-2 by Old Hawthorne, this whole place would be full, and we would have to go outside. So I understand why he put R-1 right next to Old Hawthorne. So it's -- it's about property rights, their neighbors' right to realize their land to the best of their ability, and I would assume through the strong conviction of that and property rights in this area, if someone were to try to tell anybody else in this neighborhood to -- what they could or couldn't do with their property, I think we have an equally vibrant discussion. So I'm kind of weighing both, that person's right to do what he wants with that land, and all they're doing is really just thinking ahead of time. There is no plat, there is no -- I mean, you know, they're thinking for the future and their family's future. And if you -- if anybody else in this area were to say, hey, I want to keep mine rural or, you know, A-1 or R-1, and someone said, no, you couldn't do that, they would be equally upset. So I'm kind of really trying to weigh, you know, what I've heard here and what really is the major driver of where the protest with this really is. I get it. You might be scared there might be a bunch of apartments out there. I get it. I don't think that would happen. I don't think the infrastructure -- I just don't think it would happen. I don't think you guys would let it happen, because it would still have to -- it would still have to

come before us for plats. It would still have to come before us for the infrastructure, traffic studies, all of that, and you, ladies and gentlemen, would be right back in here kicking up dust again, which is why we have this process. But I'm really weighing the fact, what if someone told you what you could or couldn't do with your legacy property and how you would think about handing that over to your family in the future. If someone was trying to dictate what you would do, how would that discussion go? And that's kind of where I'm -- I'm hung up on.

MS. GEUEA JONES: Any other Commissioner comments? Commissioner Carroll and then Commissioner MacMann.

MS. CARROLL: Yeah. This application is pushing on some of -- I don't know -- the core values that I have that are contradictory in some cases on analyzing these kinds of rezoning. I don't favor the slow outgrowth of R-1. I don't favor increasing the amount of R-1 district through annexation. I don't believe that that supports conservation well, for example. I think that including a diversity in housing types through R-2 might do better at that, in fact. I don't tend to think that R-2 only belongs in the core of the city. I think people need diverse housing types from all kinds of backgrounds for all kinds of reasons, and it uses the land in a way that is more purposeful and takes up less away from our delicate areas. That said, I worry about the infrastructure on this piece of property in general, the future of the roads, specifically. I think this is problematic and, to me, this would not be a great example of something to be annexed. That's where I think we're getting the cart ahead of the horse. I don't think the problem is the zoning, I think the problem is the annexation. We don't vote on the annexation. That's what you have to take up with City Council. That's my two cents on this case.

MS. GEUEA JONES: Commissioner MacMann?

MR. MACMANN: Thank you, Madam Chair. I am more than willing to move to divide the question to provide clarity for us and clarity for the Council moving forward, just to see exactly where everyone is at and why they're there. That said, a little story time. I grew up in West County, St. Louis, then in West County, St. Charles. And when I was there and I was a kid, it was an endless sea of R-1. And I've been on this Commission now for almost eight years, and I've seen R-1, R-1, R-1, R-1. And often what we have to do, is we have to go back and fix it. We can have every philosophical views on that. Diversity of housing and diversity of citizens is extremely important. I think you could -- or folks here approach Council about the annexation issue. One of the things they -- they gain by annexation is City utilities, and that will hopefully set, fingers crossed, address the infrastructure issues, and you do have an area plan in place, also. That said, I've rambled enough. I will be more than willing to make that motion to divide if we're done -- when we're done having this conversation.

MS. GEUEA JONES: Commissioner Placier, did you have a comment?

MS. PLACIER: Yeah. I think this map says it all. I'm sure that the people on Olivet, looking at the situation without that proposed annexation, thought there was a big area of buffer between themselves and what is in -- looks amazingly dense Old Hawthorne. When I first joined the Commission, we had an Old Hawthorne proposal in almost every meeting. I thought when will we be done with Old

Hawthorne. Old Hawthorne has grown and grown and grown. Old Hawthorne could, I suppose, have expanded into this area. But I can see why, over the years, you thought, well, there's all this space between us and Old Hawthorne, that's as far as it's going to go. That's as far as Columbia is going to go. And yet we have this East Area Plan. Now, the East Area Plan does not mandate annexation of areas outside the city boundaries. I just heard Joe Biden there. So, you know, and besides which, we don't control annexation. We only look at the proper use of land once annexed into the city, and we often get proposals like this that it assumes annexation will be approved and so they bring it to us as kind of a fast track. So it could all go through in one City Council meeting. They'll take care of the annexation first, and then look at the zoning and look at our decision on the zoning piece of it. We have had nothing to do with the annexation. My -- I guess I would be, if I lived on Olivet, I would be just as happy to leave the boundary of Columbia at Old Hawthorne and say that was enough of that, going out that way, but -- until we have a better plan for that area. So I do understand how you must have been feeling about that. There's a stark contrast between Old Hawthorne and the areas to the east of it. And we have a tough -- tough decision to make.

MS. GEUEA JONES: Commissioner Loe?

MS. LOE: I believe there's a difference between requesting a change of zoning and developing your property within the existing zoning that you have. So if the owner of this property wished to develop their property at ten acres a lot as is allowed by the A-1 zoning, we wouldn't be here tonight. I also believe in character of a neighborhood. I think this Commission believes in character. It's something we talk about a lot. As someone who owns rural property, I understand that it's difficult to define and defend conservation areas, so I'm very sensitive to that. I also think that the character along Richland and Fulton Gravel is different than Olivet. We've already seen this type of development along those roads, so, to me, this is a significant change to that area south of Richland. We've talked about infrastructure with an emphasis on roads, but some speakers have brought up the lack of public transportation, the lack of trails. I also was thinking I don't know if parks are planned in this area. I don't know -- I haven't seen real commercial grocery store growth in this area. If we put -- if we agree to this, are we saying why not go to Millersburg for that growth, because property is cheaper than there, and maybe their taxes are less. So, to me, this does feel both speculative and very premature. I understand development on the perimeter of the city will leapfrog, but I feel like there's a lot of potential property that we're bypassing that I want to see more of that infrastructure development following before we push this out more. I think we're -- we're starting to strain our ability, so I will not support this, either R-1 or R-2.

MS. GEUEA JONES: I think -- I think that it is important to look at not just the immediate surrounding areas, but the trends moving that way, as well as the trends in development generally. And I think a lot of the trends in development generally are toward a major intersection, you have more dense housing, and the same developer has developed an entire neighborhood plan where housing gets less dense as you move towards the interior of that neighborhood, which is probably what is being envisioned here. I think that vision is ten, fifteen years down the road, probably. I understand folks are -- are setting

themselves up for the future, and wanting to get better utilities, which makes sense, and all of these things. Had it not been -- and I understand procedurally the formal petition does not affect the way our vote works -- we get a lot of neighborhood comments on a lot of different cases. Rarely does anyone take the step to actually gather the signatures and get the formal petition. To me, that means there is a deeper level of opposition, specifically to the R-2. And there's a saying in your -- in your law school classes when you start talking about constitutional rights which is one person's rights end where the other person's rights begin. And there is often an attempt or a responsibility on the part of government actors to balance the rights of everyone. And I -- I think in this case, that balance would be R-1 zoning, especially since we're not looking at this -- this is a plan for the future. This isn't a plan for we're going to break ground next week, we've already got people coming in, we've already got materials bought, we've already got, you know, plans drawn up. We're not at that point. And so I think the balancing of rights in this case is leading me towards saying R-1 is probably correct. It's probably looking further down the road than the next five years, but it's probably where this whole area is going to eventually end up with a neighborhood node down at the end, just given the way that Columbia tends to look and grow in our more suburban neighborhoods. R-2, I think I would probably be okay with were it not for the neighborhood opposition. But their property rights have to be taken into account, as well. And if the use and enjoyment of their property is going to be negatively impacted to the extent that they are willing to go the extra step, to make this a formal protest, then I can't ignore that, and have to take that into account when making my decision. So I -- I think these are two distinct problems, and I would like to see a division of the question, but I yield to my fellow Commissioners in how they want to deal with that. Commissioner Placier?

MS. PLACIER: Yeah. I just had a question. Since we are -- we have nothing to do with the annexation part.

MS. GEUEA JONES: Correct.

MS. PLACIER: The annexation part could go forward to City -- it can't go forward to City Council?

MS. GEUEA JONES: I -- I don't think so. I think we have to decided what the zoning would be --

MS. PLACIER: Oh.

MS. GEUEA JONES: -- before they could vote on annexation.

MS. PLACIER: So it has to be linked to zoning. Sorry.

MS. GEUEA JONES: Yes.

MS. CARROLL: We can unlink it on the agenda.

MS. GEUEA JONES: Well, we can unlink it on the agenda, but they can't take an annexation vote until we determine zoning.

MS. PLACIER: Okay. Got you.

MS. GEUEA JONES: Correct? I'm getting nods. Okay. Commissioner Stanton?

MR. STANTON: I think this conversation has been great. I'm ready to make a motion and put it on the table as it. We voted and our votes will dictate how our conversation has went. It goes in front of

City Council. They have another -- they have another venue to discuss it. I don't know how it's going to break, but, of course, there's -- there's division here. I don't think we need to parse it unless someone, like, gives me a symbol that they want to do that. I don't see it. Okay. So I want to vote it as is, up or down, and we just take the vote and let our votes kind of dictate it.

MS. GEUEA JONES: You're free to make a motion.

MR. STANTON: Okay. As it relates to 1301 South Olivet Road, permanent zoning, Case 54-2024, I move to approve the recommended permanent zoning as follows: R-1 for 37.59 acres for Tract 2; R-2 for 30.00 acres, for Tract 1.

MS. LOE: Second.

MS. GEUEA JONES: The motion to approve the case as stated has been made by Commissioner Stanton and seconded by Commissioner Loe. Is there any discussion on the motion? Commissioner Wilson?

MS. WILSON: Yes. I would like to amend to split the question.

MS. GEUEA JONES: You move to divide the question?

MS. WILSON: Yes.

MS. GEUEA JONES: Commissioner Wilson had moved to divide the question. Is there a second on that motion? Commissioner MacMann?

MR. MACMANN: I second.

MS. GEUEA JONES: Commissioner MacMann has seconded Commissioner Wilson's motion to divide the previous question. Is there any discussion on Commissioner Wilson's motion? Commissioner Stanton?

MR. STANTON: Yes. Isn't my motion on the table?

MS. GEUEA JONES: The motion --

MR. STANTON: How can you -- is that an amendment or don't you vote what I have already got on the table?

MS. GEUEA JONES: A motion to divide the question must be made after the initial question has been offered -- has been moved unless someone wants to correct my remembrance of procedure. I believe that's correct, though. Yes. I'm getting nods.

MR. ZENNER: I think you are correct. You need to have a motion on the -- you have to have a vote on the division of the question.

MS. GEUEA JONES: Correct. So we are now on the division of a question before we vote on your motion, which is the underlying motion that was divided. So we are on Commissioner Wilson's motion to divide the question. Is there any discussion on that motion? Commissioner MacMann?

MR. MACMANN: For clarity, is our next vote to just divide or to divide it into what and what?

MS. GEUEA JONES: The -- oh. That is a good point. The way I understood Commissioner Wilson's motion was to divide the question between the two tracts, Tract 2, which would be R-1, 37.59 acres, and Tract 1, which would be R-2, 30 acres. You did not make that easy.

MS. WILSON: That is correct.

MR. MACMANN: All right. That's my understanding of what I seconded. Also, what's the procedure for voting on that

MS. GEUEA JONES: So we will take a vote on whether or not to divide the question. If that vote is successful, we will then take a vote on Part 1, which will be Tract 2, the R-1 tract. And then regardless of the outcome of that vote, we will then take another vote on Tract 1, which is the R-2 tract. If Commissioner Wilson's motion fails, we will then go back to the motion which is the case as presented by staff. Is everyone clear? I know this is --

MS. CARROLL: We will go back to the motion that Commissioner Stanton made?

MS. GEUEA JONES: Correct.

MS. CARROLL: To be clear.

MR. STANTON: It sounds like some lawyer Jedi mind tricks going on up here.

MR. MACMANN: I'm ready to vote.

MR. STANTON: Okay. Let's go.

MS. GEUEA JONES: Okay. So one more time, just so we all know before we go to roll call. This -- this vote is clearly just on whether or not we will divide the question. Commissioner Carroll, when you're ready.

MS. CARROLL: Okay.

**Roll Call Vote (Voting "yes" is to recommend approval.) Voting Yes: Mr. MacMann, Ms. Carroll, Ms. Geuea Jones, Ms. Wilson. Voting No: Ms. Loe, Mr. Stanton, Ms. Placier. Motion carries 4-3.**

MS. CARROLL: We have four yes and three no. The motion to divide the question is approved.

MS. GEUEA JONES: Thank you. So we will now take a vote on Part 1, which is the R-1, Tract Number 2, of 37.59 acres. Is there any question about what we're about to vote on? Commissioner MacMann?

MR. MACMANN: The question will be asked shall Tract 2 be R-1, something along those lines?

MS. GEUEA JONES: Something along those lines. The motion as originally made by Commissioner Stanton is the way the verbiage will appear. We are merely drawing the line between the two parts.

MR. MACMANN: I'm ready.

MS. GEUEA JONES: Okay. Commissioner Carroll. In your notes, I would just say Tract Number 2. Yeah. Whenever you're ready.

MS. CARROLL: Okay.

**Roll Call Vote (Voting "yes" is to recommend approval.) Voting Yes: Mr. Stanton, Mr. MacMann, Ms. Geuea Jones, Ms. Wilson. Voting No: Ms. Loe, Ms. Carroll, Ms. Placier. Motion carries 4-3.**

MS. CARROLL: We have four yes votes, and three no votes.

MS. GEUEA JONES: Part 1 has been recommended for approval. We will now move to Part 2, which is Tract Number 1, the R-2 zoning of 30 acres. Are there any questions about what we are about to vote on? Seeing none. Commissioner Carroll?

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

**Voting No: Ms. Loe, Mr. Stanton, Ms. Carroll, Ms. Geuea Jones, Ms. Placier, Ms. Wilson. Motion fails 6-1.**

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

MS. GEUEA JONES: Thank you. Those recommendations will be moved to City Council.

MR. ZENNER: The item automatically will be placed on Old Business.

MS. GEUEA JONES: Thank you. Any other business on this case?

MR. STANTON: Yes.

MS. GEUEA JONES: Commissioner Stanton?

MR. STANTON: Okay. So this automatically will go to consent where it will be debated or not?

MS. GEUEA JONES: It will not be on consent --

MR. STANTON: Okay.

MS. GEUEA JONES: -- it will go on old business.

MR. STANTON: Okay. I just wanted to make this statement. The applicant wanted this, we didn't -- he didn't have time to talk to these -- to the person he's representing. We made this decision for him when he came, and I looked at him, and I didn't see any wiggle. He wasn't willing to move on his position. We have made a decision for him that he hadn't had time to talk to his constituents about. He was ready to live or die by what we -- what he's came here to present. I just feel like we -- I don't know -- forced his hand. I mean, live or die by what he came up to apply for the whole thing. I feel like I've stated my -- everybody needs to take law classes, so I can do the same thing. That was pretty cool. I liked it, it was pretty cool, but I just feel like we just -- we should have just voted up or down. This is my decision.

MS. GEUEA JONES: Commissioner Loe?

MS. LOE: Previously, we have discussed changes to proposals with the applicant, and I was bothered that we did not do that with this one.

MR. STANTON: Well, I looked at --

MS. LOE: It's part of the reason I did not support the split vote.

MS. GEUEA JONES: I would say that the difference here is we aren't the final decision-makers. And I think that when we send stuff to City Council, it's important that we are clear, but by all means, noted. Any other comments on this case before we move on?

MS. CARROLL: (Inaudible.)

MS. GEUEA JONES: We don't have to. It's automatic. Okay. Seeing none. I believe we are ready to move on.