

**EXCERPTS**  
**PLANNING AND ZONING COMMISSION MEETING**  
**COLUMBIA CITY HALL COUNCIL CHAMBER**  
**701 EAST BROADWAY, COLUMBIA, MO**  
**January 19, 2023**

**Case Number 23-2023**

**A request by A Civil Group (agent) on behalf of DREW Properties, LLC (owner), to rezone two tracts of land under common ownership; however, identified by individual parcels numbers. The first tract is the northern half of parcel 12-701-00-01-240.00 01 and seeks rezoning from M-C (Mixed-use Corridor) to IG (Industrial). The second tract is identified as parcel 12-701-00-00-002.0001 and seeks rezoning from PD (Planned Development) to M-C. The subject sites are located northwest of the intersection of E. Brown School Road and N. Roger Wilson Memorial Drive. (This request was previously tabled at the December 22, 2022, public hearing.)**

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

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

1. Tract 1 approval of the M-C rezoning request;
2. Tract 2 approval of the IG rezoning request.

Alternatively, if the Commission believes the potential loss of commercial property, unimproved street, and speculative nature of the request outweigh the supporting criteria, then a denial of the Tract 2 IG rezoning would be recommended.

MS. GEUEA JONES: Thank you very much. Before we go to questions for staff, a bit of administrative update. We have lost Commissioner MacMann for the rest of the night. He had a family emergency and has had to step out. We do still have a quorum, though, so the meeting will continue. I just wanted to let everyone know you did nothing to upset him. He got -- he got a text and had to leave because of an emergency. With that, before we go to questions for staff, did any member of the Commission have outside communication with any parties to this case or members of the public? If so, we would ask for you to disclose it now so that we can all benefit from the same information. Seeing none. Any questions for staff? Seeing none.

**PUBLIC HEARING OPENED**

MS. GEUEA JONES: If there are any members of the public to speak on this case, please come forward now. It's a race.

MR. GEBHARDT: Good evening. My name is Jay Gebhardt. I'm a civil engineer and land surveyor with A Civil Group, 3401 Broadway Business Park Court, Suite 105. And Kevin is handing out a

diagram that was created by my client. He gives a little bit of information at the back, and then I would like to read this into the record, if I could. So I'm also here with Bob Walters, who is a member of DREW Properties, and he'll be speaking after I'm done. I have worked with Bob and DREW Properties since 1992 and did the rezoning for them on this tract in 1995 when the farm was purchased. This property has been C-3 and now M-C and has been for sale for 28 years. It has been zoned for the highest commercial uses before Bob developed any homes sites in Arcadia or Auburn Hills. We do have neighbors here to speak against the rezoning, and I would certainly let them speak for themselves. However, many of the attendees of our neighborhood meeting were not aware of the existing commercial zoning and thought it was all part of the soccer club's land. So they have been living across from an open space that has been planned and zoned for commercial, but many of them were unaware of that. As the staff has said, there is a demand for industrial ground, for what I call contractor buildings such as the new Chapman Heating building just completed on Route B. It took those owners several years to find a suitable site in Columbia because there is a shortage of available industrial property for sale to accommodate these smaller and less intense uses that require industrial zoning. We would like to provide a place on the north end of this property for such a use, and the size and depth of the potential lots for this property limit uses of the property and prevent many of the traditional uses one thinks of when industrial zoning is mentioned. Staff has indicated the mechanical contractors buildings is a conditional use in the current M-C zoning. The conditional-use process is a significant deterrent to prospective buyers. The several real estate agents over the years who have listed the property tell us that the potential buyers just don't want to look at the property that requires additional unknowns that come with a conditional use. Staff has indicated this is a speculative request, and it is, but that is because this is a bit of a circular problem that we could -- like -- we would like to break. We need the zoning to attract the buyers, and you need the buyers to obtain the zoning. So we want to break that circle and establish a small portion on DREW Properties property for these uses. Roger I. Wilson is an unimproved street and any development, regardless of the zoning, is subject to the City's rules for when a traffic study is required. If a use goes in that causes a traffic impact, it will have to mitigate those impacts with improvements to the infrastructure and should, in my opinion, not influence your decisions for the land use. Another reason staff has suggested for you to consider denial is the loss of commercial property. I don't think that after trying to sell this five acres of M-C land for the last 25 years, that it will be missed. The land around Moser's Grocery Store has over 19 acres of commercial property that could accommodate commercial uses. The soccer club's property is zoned M-N for commercial uses, and then there is the remainder of the DREW properties. And I -- I want to emphasize that a significant part of their property here is not being requested to be zoned. It's already M-C and there was some confusion, I think, on we were asking for commercial uses here, but we already have M-C zoning on the bulk of this property. We hope with you -- you'll agree with your professional staff's conclusions that the supporting criteria outweigh the denial criteria, and that other impacts due to the rezoning would be mitigated by existing protections within the UDC. With that, I would answer any questions that you have.

MS. GEUEA JONES: Are there any questions for this speaker? Commissioner Burns?

MS. BURNS: How many meetings, Mr. Gebhardt, did you have with interested neighbors?

MR. GEBHARDT: I kind of dropped the ball on this one, Tootie. I only had one meeting and it was a week ago. And part of that is just my schedule, but then also around Christmas, it's always hard to schedule these things. So that's why we tabled to December 22nd. I mean, I didn't want to come here three days before Christmas and not have talk to anyone, so -- but then we waited, and it was last Thursday at Sky Zone where we had the meeting.

MS. BURNS: Thank you.

MS. GEUEA JONES: Anyone else? Commissioner Placier?

MS. PLACIER: Yes. It seems that everything is going to depend on the buyer or the -- the use to which this land will be devoted and how much traffic that will generate on this narrow, unimproved road with which I am very familiar because I drive to the jail pretty often because of some volunteer work I do. But -- and people also walk down that road from the jail when they're released. So -- and which is pretty risky as it is. But it's kind of a pig in a poke because we have been -- what has been mentioned is mechanical or construction contractor, but IG covers a lot more than that. So there's no guarantee of what could go in. I understand the issue of needing to find a buyer.

MR. GEBHARDT: Right.

MS. PLACIER: But we have no reassurances on that point.

MR. GEBHARDT: Right. And I think Bob will speak a little bit to that matter. You guys don't know Bob, but he's developed a lot of property and he's -- I'm proud to say that he's one of the best residential and commercial developers I've ever work, and he will have some -- a lot of say in what -- in what goes here and then what it will look like when it's done. So there's a modicum of trust that we're asking for on that because of his reputation. As far as the road is concerned, you know, the bulk of these three corners of this intersection are zoned M-C, and we have had C-stores looking at this and, you know, take a C-store for example, would pick a corner that they go on, whichever one it is, it's going to generate a traffic study, and that traffic study is not going to be just for that site. It's going to be everything that DREW Properties owns. So there will be trip generations generated for the entire property, and all that will be looked at. And I can't imagine that it won't trigger in a center turn lane down Roger I Wilson, which would mean a lane widening, curb and gutter, and sidewalks on the property. So it's hard to envision now because it's been vacant for so long, but I -- I can't imagine any commercial use it's going to go -- now, the industrial uses that we have probably aren't going to trigger because they don't have a lot of traffic. You know, if you have an HVAC guy that's here, his guys come in the morning, and they go out to work jobs, and then they come back, and it's not a lot of traffic that they generate during the a.m. and p.m. peak hours. So that's how I feel about it. I -- I know that if commercial use, it creates more than 100 trips in the a.m. or p.m. is going to trigger a traffic study not just for this -- where they're proposing, but for the entire property. And so I -- I feel like that's a pretty safe assumption that there will be improvements to Roger I. Wilson at some -- at some point.

MS. PLACIER: What kind of freight deliveries do those kinds of -- generate periodically?

MR. GEBHARDT: So like -- I just did Chapman Heating and Air Conditioning over on Route B. They do not have a truck dock. All the deliveries come in on a flat truck -- a straight truck, so it's not a -- so it's possible to have that without having semis and that. And there -- there is concern from the neighbors about that, and I'll let them speak about that.

MS. GEUEA JONES: Anyone else? I have a question. The little hook bit that was supposed to be part of the planned district and wasn't but is still zoned such. From the staff report, but I would just like to confirm with you, as well, as the owner, that is currently not a usable piece of land; is that correct? That acreage you --

MR. GEBHARDT: The shape of it is really detrimental, plus the way it would have to be graded, there just wouldn't be much. And I -- I believe -- I mean, if I was involved in -- in the design of whatever goes on that corner, I would use that piece for a detention and storm-water quality because it's the low part of the property and it would lend itself -- and that's probably the highest and best use for that.

MS. GEUEA JONES: But even that, though, can't happen unless it's combined with the lot next to it really?

MR. GEBHARDT: Well, really, that's -- that's --

MS. GEUEA JONES: And I guess you could have a stand-alone PD Plan for it, but --

MR. GEBHARDT: We could -- we could plat that as part of the corner lot, and then we would have a lot with split zoning, part -- part PD and part M-C, and I'll let staff, you know, recommend what -- if that's -- if that would mean PD on the whole thing or just PD on the part, you know, that -- of that lot. It's -- it's -- it kind of becomes a sticky wicket, I think. But also, just for clarity, you know, I was involved in the design of the Brown School Road. And the reason that -- that north line is a curve or that irregular piece, that's where Brown School Road was originally designed. And then when we got to actually working with MODOT to figure out what they wanted, they wanted it to swing south like it is, which, at the time, the soccer club had already purchased based on the original layout. And so when they moved the road, it created this remnant piece that we are -- it was always zoned planned -- or C-P back in the day, and now we're just trying to make it the same as the corner.

MS. GEUEA JONES: And before I let you go, you do a lot of development around town. The word "industrial" is scary, and I get that. But for anyone who looks at our permitted use table, a lot of the stuff that is permitted in that is not what I would think of as industrial. It's not manufacturing, it's not smoke stack development. Is that -- is that experience, that that's more what comes into those zones?

MR. GEBHARDT: Yeah. It's -- it's small business owners that have a need for a shop area and an office area and, typically, there's no storage outside allowed, so there's -- it's a garage door and an office space. Sometimes there's a retail space. We're doing three of these buildings down south of town. You may have seen it off of Providence just south of the Jimmy John's there, and they have a variety of different people going in there. They have a t-shirt guy that makes t-shirts, and that one is in the county, and it's zoned light industrial, and so that was an allowed use for that. And so he, you know, was pretty

excited. He had a place south of town that he could, you know, put his business in. So I think there's a need for that, and being close to the interstate and that, I think there's, you know, plumbers, electricians, all that kind of stuff, that is some place for them to go. So really, we're just trying to break this, you know, Bob's not getting any younger, and it's been 28 years since we zoned it, so trying to figure out how to get some activity up there.

MS. GEUEA JONES: Thank you. Anyone else? Commissioner Carroll?

MS. CARROLL: I wonder about the size of the property and what types of heavier industrial could possibly go there anyway?

MR. GEBHARDT: Exactly. Heavy industrial would require a conditional-use permit, as Brad said in the staff. The depth of the lot is only approximately 300 feet, so it's not going to allow for a really large building. I would think an 8,000 to 10,000 square foot building would be probably the largest you would see on maybe two lots in this five acres, so a two-and-a-half acre lot with a 10,000, maybe 12,000 square feet, but it would probably be less than that. And then the uses that go in that, right now, I've got a guy looking for -- he has a motorcycle repair place, and he's looking for, you know, a new place to expand his business, so --

MS. GEUEA JONES: Anyone else? Thank you very much.

MR. GEBHARDT: Thank you.

MS. GEUEA JONES: Next speaker on this case, please come forward. State your name and address for the record.

MR. WALTERS: My name is Bob Walters with an address at 2704 Vale Drive. I'm one of the owners of -- partners in DREW Properties, LLC. And to address a couple of questions or topics that have come up already with Jay with some questions from the -- from the Commission, its motive, I guess, in why we're doing this. And also about the -- I guess, the deal with industrial zoning versus a CUP plan. And you have to -- we're talking this step because of the total lack of interest doing commercial. And after speaking with commercial real estate people, they indicated there was this need or potential appeal for having these sort of contractor warehouses. And we've approached this with just this small five acres, and we've reduced the price significantly just to get some traction here, and it's not our intent to -- I think, also, from regarding what, you know, the scarier parts of industrial zoning is we have a lot more land to sell, and if we permitted an ugly use, an owner's use, whatever, for property, it would harm us, it would not help us. It would make developing the rest of this property even more difficult than it has been with it being vacant. It would be worse than being vacant, if we put something crap on there that would deter people from wanting to invest there. So it's in our self-interest to, while we're taking a step towards modifying the commercial towards an industrial type of use, it's not the intent to do it more substantial than the five acres we have there. A lot of times, my observation -- I've been a realtor myself for 30 years, though not a commercial realtor. My observation is sometimes people don't want to be the first party on a tract of land. They look at a property as being jinxed. They're looking at a property, for some reason, someone is not going there, and I'm not going to go there. And in talking with the commercial

realtor who I -- realtors who I relied a lot on their advice is that if you're showing a customer who wants this type of use and they're looking at multiple tracts in town, and they may like this tract, and then the realtor says, however, this is a conditional use, so there's no guarantee by right that they're going to get the sort of zoning they need for this contractor warehouse, so they're probably going to say, well, let's move on. And so that's the reason. It's unfortunate that the only uses we want are just like this contractor warehouse. We kind of ala-carte picked it out of all the industrial zoning, but we just can't do that. You have to apply for all industrial zoning, so it's kind of at a disadvantage. But anyway, the take-away is, those -- or what's the right word for -- the intense usage, loud, noisy uses, the trashier uses, whatever the right word is, is -- we certainly don't want that to -- that to happen. And we'll have a right by contract to also decide what the buildings look like in terms of the exterior finish, which is beyond what the City -- the City regulations can do. And also I think these types of buildings are somewhat compatible from a size and scale with what a strip mall would be. I imagine -- I hope -- I have imagined for 25 years that there could be a strip mall there with various businesses like you see on Rangeline or other parts of town. And so a strip mall type building next to a contractor type building would not be significantly different in terms of its overall appeal. Obviously, when you look at enclosure, you can see that it's one more retail oriented and one is not, but anyway, so that's a take away from that, so -- anyway, I'm -- I'm happy to address -- answer other questions maybe to context or motive, whatever, regarding what -- what we're trying to do here.

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

MR. WALTERS: Thank you.

MS. GEUEA JONES: Would the next member of the public who wants to speak on this case please come forward. Come on.

MR. DALTON: Good evening. My name is Richard Dalton, and I'm at 2205 Faulkner Court, which is one of the residents in Arcadia, in fact, just due south of this development. And I just want to express our concerns and object to the rezoning because of the potential for noise, the potential for light pollution. Probably most importantly the high traffic that -- that any development is going to cause. And the area particularly off of Nathaniel, which even now is difficult to -- to get onto Brown School Road sometimes. So those really are the objections. I know that I did attend the meeting last week. There were a lot of questions, seemed as though there were a lot of concerns about the property. I don't know how many other folks are here from that meeting, but I definitely, from my perspective, want to object to this.

MS. GEUEA JONES: Thank you. Are there any questions? Commissioner Carroll, and then Commissioner Stanton.

MS. CARROLL: Can I ask -- and you may have said this. Are you opposed to the industrial zoning or the M-C zoning, or both?

MR. DALTON: Well, it's -- it's already developed M-C --

MS. CARROLL: Most of it, yeah.

MR. DALTON: -- so any further rezoning in -- in my opinion, is going to add the potential for it to be developed. It sat vacant for many, many years. So we've been there for five years and feel like further rezoning would again add to the potential for it to be utilized and create the issues that I talked about.

MS. CARROLL: So you don't want it to be utilized; am I understanding that right?

MR. DALTON: Preferably, yeah. That would -- that would be the best scenario, but it is already zoned M-C.

MS. CARROLL: I have a follow-up, but I think that Commissioner Stanton may be going along the same line, so I will pass to him.

MS. GEUEA JONES: Commissioner Stanton?

MR. STANTON: On this land, I'm hypothetical. Hypothetically, you own this land, you've been sitting on it for 20-some odd years, paying taxes on it, getting old, might need to do something with it. What do you do? What is your -- my famous saying, how do we make this a win-win, you know? How do we make this a win-win and with everybody here.

MR. DALTON: To me, the -- the potential win-win -- not to interrupt -- sorry -- would be to develop the northernmost section and leave the southernmost -- that hook alone, donate it to the soccer fields. I think that's the biggest concern of most of the residents, or at least that's what I heard at the meeting last Thursday was the immediacy of that -- that area to the -- to the neighborhood.

MR. STANTON: Thank you.

MS. GEUEA JONES: Commissioner Wilson?

MS. WILSON: Is there some fear because you listed -- you thought there would be -- there potentially could be a noise issue or light issue, so is there fear that there would be activities going on at night time?

MR. DALTON: Well, the potential would be there for -- for light pollution. You know, they'll have to have 24-hour lights, in my opinion, whatever is there for security reasons. So that -- that light pollution, I -- any -- any of those three issues will degrade the -- the value of property, certainly in close proximity to -- to this area.

MS. WILSON: Thank you.

MR. DALTON: Thank you.

MS. GEUEA JONES: Anyone else? I have a -- a question. If you knew, like, instead of -- let's live in a happy world -- instead of asking for straight zoning, they said this is going to be a planned district. It's going to be a neighborhood grocery store and, you know, a farmer's market stall, and whatever. Like, this is going to be something that your neighborhood can use and will make your lives better, would that be something you would find desirable, or would you still be saying I'd rather have an empty field?

MR. DALTON: I would definitely say I'd rather have an empty field, and -- and it was mentioned that, you know, a lot of residents in the north are looking for development and restaurants and other

stores. We're absolutely fine with where we shop now, so adding something just to the north of this I think will detract from the neighborhood.

MS. GEUEA JONES: Okay. Thank you. Seeing no other questions, thank you very much for coming forward tonight. The next person to speak on this case, please come forward? And just a reminder, name and address for the record, please?

MS. SOEHNGEN: My name is Kristen Soehngen, and my address is 2107 Dickinson Court. So my house basically is -- my backyard, my deck looks directly at the northernmost tract that they're talking about developing as industrial. So my main concern is that changing it from mixed commercial to industrial has the potential to decrease my property value. And I think that there's a lot of traffic on that road already. There's a lot of noise from the traffic. There are heavy trucks that go down that road, and that industrial development of whatever type is likely to increase the truck traffic even if it's just an electrician's truck or some small businessman's truck, I think that's going to add to the noise and traffic. They've mentioned that Brown School road is major corridor road, but it does narrow kind of below -- if you ever go the whole length of it, it's -- it's wider at the end toward Rangeline, and then it eventually narrows. And so it is narrower in that section than it is at the end toward Rangeline. And then looking at the plan for the development of the soccer fields, with the eventual parking lot that is supposed to go onto Brown School Road, that's going to increase a lot of traffic, too. So I just think traffic is going to be much worse if you -- when they eventually develop the soccer fields to empty onto the road, and when they empty whatever industrial development onto the road. I realize there are plans for landscaping and that sort of thing, but the other concern I have is that we don't know what was -- what could be built there, that there are multiple options for things that could be built there. A medical marijuana infused processing plant could be put there. That's one of the permitted uses, and I have read the appendix that it's supposed to not make odors and other things, but, you know, that is a permitted use, and I don't think that's something that the neighbors in that area would want. I don't know that the soccer field people are aware that that's a potential use. The other point that I would like to make is that I was told at the informational meeting that the land for the soccer fields was donated to them, and they have the majority ownership of the land affected by this, so I was originally going to try to petition so that at least we would have to have a super majority for this to pass, but since they own the majority of the land and they're supporting it, our chances of getting enough support for a petition are limited, and it seems unfair that they didn't actually invest money into that land, and they have the majority say in what happens to the development of land adjacent. That's about it.

MS. GEUEA JONES: Thank you. Commissioner Stanton?

MR. STANTON: I'm going to pose to you, ma'am, the same question the gentleman before you. Your land, how do we make this work -- how do we make this work? How do we make this a win-win for both parties? It's a lot of land to sit on for 20-some years and you can't do anything with it.

MS. SOEHNGEN: Yeah. I understand that, and, you know, I understand that it's potential lost income. I just think that, you know, developing it in an assured fashion that we know is going to be in



fitting with a neighborhood area and of actual benefit to the people in the area would be the way to go. So I would -- I would propose a planned development versus just open industrial zoning. I guess I also have some doubt in my mind as to the actual need for more industrial land at that end of town. I mean, I can't say. I'm not a realtor person, but I know there's land that is not developed along Rangeline and just north of Brown School, and just -- I know there's some land for sale just south of the intersection of Brown School and 63. So, I mean, I guess I'd like to see, is that really a true need for the community, or is that just somebody saying that because they want to sell their land.

MS. GEUEA JONES: Commissioner Burns?

MS. BURNS: Yes. In -- in -- and thank you, Kristen. I don't know if you can answer this question or not. I just relooked at the letter from -- on behalf of the soccer club. It's from a Chris Newman, who is a realtor with Weichert Realty. He indicates we wanted you to know the Columbia Soccer Club supports this rezone request, but I don't think this is coming from the soccer club, I think this is coming from someone -- Brad? Thank you.

MR. KELLEY: Yeah. Thank you. I had that same question when I first saw it, so I asked the applicant to provide some kind of link to this person to the soccer club. They provided me the minutes to the Board of Directors for the soccer club, and Chris Newman was listed as a member on that. And that's the information I have. The applicant may be able to provide more.

MS. BURNS: Okay. Sorry. I think we're starting down the road to answer that. Thank you.

MS. SOEHNGEN: Yeah. I don't know.

MS. GEUEA JONES: Any other -- Commissioner Carroll?

MS. CARROLL: You said that your backyard was facing the industrial portion? I wasn't clear.

MS. SOEHNGEN: Yeah. So --

MS. CARROLL: Are you able to point that out?

MS. SOEHNGEN: Yeah. I could definitely point that out. So, you know, if you point your cursor three houses to the left -- or, I'm sorry -- your left, my right, so I don't know whatever -- that direction. There you go. Or one house over more. One more. That's my house. And from my deck, it's a big open field. You know, it's not like -- you know, it looks like it's way far away, but it's just a big open field. There's nothing there, you know. So I stand on my deck, I see -- I mean, basically, I see the line of trees that goes down the road toward the jail across the field. So, I mean, basically, we're talking about building something in front of that, and so I care what it is.

MS. CARROLL: Yeah. My understanding was that is intended to be M-C -- stay as M-C as it's currently zoned, and the industrial portion is the northernmost portion.

MS. SOEHNGEN: It is the northernmost portion. But what I'm saying is, you can see completely across the field. There's nothing in the way of seeing across the field. It's just a big grassy field, so, yeah. The -- the portion across the way is just plainly visible. That's basically what I'm saying. I mean, I can see the foxes running across the field.

MS. CARROLL: Yeah. So you're concerned that you'll see the industrial at the northernmost --

MS. SOEHNGEN: Whatever it is. If it's an industrial complex, it's what I'm going to see when I stand on my deck. And I understand the need to develop, but I'm just saying I'd rather know what it's going to be and not have the possibility of any of these options.

MS. GEUEA JONES: Anyone else, questions for this speaker? My question would be the same as to the previous person, as well. You are looking at the M-C portion. That will be developed differently. If that portion is developed as a neighborhood market area, then, like, that will be between you and the industrial, and that could very well be uses that you use every day.

MS. SOEHNGEN: So that little -- the little extra portion, that's what you're talking about?

MS. GEUEA JONES: No. No. I'm talking about --

MS. SOEHNGEN: No. Okay. The M-C.

MS. GEUEA JONES: -- everything that's in the field.

MS. SOEHNGEN: Right. Yeah. It's just that nothing has been there for 28 years. How long is that going to be -- and how long is it going to be open, and there's just going to be an industrial thing across the field?

MS. GEUEA JONES: Sure. So, again, you -- you would say planned development. So you're not opposed to it being developed, you just want to know what's going in?

MS. SOEHNGEN: Right.

MS. GEUEA JONES: Okay. Thank you very much.

MS. SOEHNGEN: Uh-huh.

MS. GEUEA JONES: Seeing no one else, thank you very much for your time. Anyone else to speak on this case? Don't be shy.

MR. MURPHY: Good evening. Kevin Murphy with A Civil Group, offices at 3401 Broadway Business Park Court. I just wanted to touch on some of the issues that were brought up. Yes. There's a large portion of M-C that's going to buffer this IG north of Brown School Road. There is M-C south and directly adjacent to these properties that will be developed with lights and -- and M-C could have 24-hour operation, whereas IG, typically, industrial uses are daytime uses and -- and whatnot. There's some IZ -- IG at the southeast corner of Oakland Gravel, Brown School, and whatnot that, yes, it is for sale, but it does have a small contractor in there, I believe, a critter control type place that is utilizing that. It's a very small parcel and -- but it is being utilized for that. The IG property, it has the highest level of screening, so we will have a level three screening, a ten-foot screen buffered area with landscaping, and an eight-foot-tall fence on three sides, next to the driveway to the soccer park, all along the soccer park, and all along M-C zoning to the south, so that will be there, as well. To Ms. Placier's concerns about the road, again, improvements, depending on the impact, will happen. Any development on here regardless will have sidewalks put along there. The sooner sidewalks go in there, I think -- I think the better myself. As far as the marijuana uses or whatnot, I think -- I'm pretty sure all those licenses are given out, and so that's not something that's going to happen anytime soon unless the State ups those up. But Brown School Road is a major arterial. It's expected to expand someday to four-plus lanes and whatnot, so any

concerns of traffic along there, again, there's room for that improvement to happen in time. Property values, there's an IG zoning, a jail, a couple of juvenile facilities just immediately to the north of this. These properties were zoned M-C and IG when these people bought their houses, when this was developed, and any -- any appraiser would take that into value -- or into effect. And so this isn't necessarily going to affect those property values at all. As far as the noise, lights, traffic, again, we're next to Highway 63. We have a soccer field across the way that's got 60, 70 foot tall lights where any lights on our property would be limited to 24 foot in height, inward and downward directed. And I believe a lot of traffic that they see now is traffic -- industrial traffic, possibly, coming from Highway 63 going to Brown Station to Rangeline because that's the quickest route. We've heard some complaints that it would be vice versa, trucks coming up Rangeline and coming east, but with today's GPS and the fuel prices and just trying to be efficient, the efficient -- most efficient way to get to this property, if there were any truck traffic associated with it, would be from Highway 63 directly to the site and back to Highway 63. And I think that covers about everything I wanted to say.

MS. GEUEA JONES: Thank you, Mr. Murphy.

MR. MURPHY: Thank you.

MS. GEUEA JONES: Any questions for this speaker? Seeing none. Thank you. Any other one -- anyone else to speak. I was going to say, I thought we saw someone trying to get up behind you, Mr. Murphy.

MS. HEINEN: My name is Donna Heinen, and I'm a neighbor to Kristen at -- I'm at 2109 Dickinson Court.

MS. GEUEA JONES: Pull your mike down to -- yeah. Pull your mike down. Thank you.

MS HEINEN: Donna Heinen. I'm at 2109 Dickinson Court. I'm a neighbor to Kristen. And I just want to share the same concerns that she shared. I am concerned about, even though I know it's been addressed, that Brown School is going to widen maybe at some point. It's already -- the traffic is already pretty loud in that area. And -- and it has been such a beautiful area, being able to look out on that soccer field. And I do have one question and one concern. What if, if this zoned industrial and you have that soccer field, if they decide they want to sell, will that industrial zoning then become a large industrial zone then for larger industries to come in?

MS. GEUEA JONES: They would have to come in as the new owners and request some kind of zoning. It would not automatically become industrial. And currently it's planned district for the entire soccer park.

MR. KELLEY: Correct.

MS. GEUEA JONES: So if they wanted to build something there at all, they'd have to come and see us.

MS. HEINEN: Okay. I just didn't know if that would make it easier for them to then say, hey, we want this to be a large industrial area because it would be easy since it's just a wide-open soccer field. So that's just something that popped into my mind as I was sitting her listening, or when I heard a realtor

actually sent the letter in supporting this from the soccer field, that -- that concerned me, so -- I -- and maybe -- maybe my concerns are unfounded, but I just don't want to think of that turning into a large industrial area.

MS. GEUEA JONES: That's a pretty massive piece of property. I doubt that there's an easy way to answer that, but I can tell you this. It would be a very long process if anyone wanted to make that something other than a soccer field.

MS. HEINEN: Okay.

MS. GEUEA JONES: Sorry. Go ahead. Commissioner Placier? Or if you're done with your statement, we'll start asking you questions now.

MS. HEINEN: Sure. Sure.

MS. GEUEA HONE: Commissioner Placier?

MS. PLACIER: Yeah. I had a couple of questions. Are you at all convinced by the buffering that's going to be on three sides of the proposed IG is both landscape and eight-foot fending, that would shield the view of whatever goes there?

MS. HEINEN: That does make me feel better. I will say I attended the meeting last week, and I - if something does happen there, then that does make me feel better that there would be trees, hopefully, surrounding the area so that we wouldn't -- is that what you're alluding to? So that would help if that goes in. If something is going to go in there, I hope that we see a lot of trees and that we still see a lot of nature because that's one of the things I appreciate about the area, that we have a lot of trees, and it's a beautiful view, and I just don't want to destroy that.

MS. PLACIER: Well, just to follow up to that. Were you aware when you moved in there, which might not have been all that long ago, that that whole area across the road was zoned commercial and had been for many years?

MS. HEINEN: Yeah. I didn't know -- now, actually, I have -- I live in the area that that large lot behind us is commercial, and I knew that, and that's been a concern to me for a long time. But the tract that you're pointing at, well, the cursor was pointing at that's across from what Kristen can see from her deck --

MS. PLACIER: Right.

MS. HEINEN: -- I thought that was all soccer field. I didn't think that there would ever be anything that would obstruct that view. I had no idea what they were talking about when MoDOT apparently came in and did this weird thing with the Brown School Road, that there would be a little piece of that property there that could potentially be zoned differently.

MS. PLACIER: Well, it has been for many years. That's the thing. And we have been -- we have had this situation before that people come in and say I love that field across from me.

MS. HEINEN: Yeah.

MS. PLACIER: And for decades, I did not know that it was zoned commercial --

MS. HEINEN: Yeah. Yeah. And I've lived there 20 years. Yeah.

MS. PLACIER: which does allow -- which does allow the owner then to -- I mean, you could have a convenience mart, you could have lots of things there. So this is a possibility, and I'm not saying it's a great possibility, I'm just saying that has been the reality of this situation for your neighborhood.

MS. HEINEN: Yeah. Yeah.

MS. GEUEA JONES: Anyone else, questions for this speaker? Commissioner Carroll?

MS. CARROLL: I'm going to have a clarification question, just that I want to be clear on this with staff. This was zoned -- so the portion that's already zoned M-C, this was zoned M-C prior to when Brown School Road changed, how they wanted to move. That -- that portion would have been zoned M-C regardlessly. Correct?

MR. KELLEY: Yes. That was 1995, it was zoned C-3. The transition to that today is M-C.

MS. GEUEA JONES: Thank you. Thank you very much for your time. Anyone else to speak on this case, please come forward.

MR. OLMSTEAD: Hi. I'm Kyle Olmstead; I live in the Auburn Hills neighborhood at 5104 Hatteras Drive. I just have some concerns with the lack of clarity around the industrial movement. The rest of it totally fine, but developing commercial would love to live near more commercial places, but the light industrial park does make me concerned, and I have no additional information that's -- rather than what's already been said, so happy to answer any questions.

MS. GEUEA JONES: Thanks. Any questions for Mr. Olmstead? Commissioner Wilson?

MS. WILSON: If you can, can you articulate what your concern is with the light industrial?

MR. OLMSTEAD: Well, the change in traffic patterns would be one concern. The hypothetical for some increased environmental stress depending on what is developed there. One concern I would have is we have been conversing around the best case scenario for a light industrial development, but the neighbors and the neighborhoods around it will have to deal with a possible worst case scenario, and that is where my concern around the -- the speculative nature of it. And I know there would be something that would be discussed further, and I hope there would be an opportunity to have a neighborhood meeting maybe in Auburn Hills or at least I could reach out for further clarity. But one quick mention was, you know, there needs to be trust, and I recognize, of course, that's part of the process. But once the trust is done and you walk away from it, there will be the neighborhood and the neighbors around it that deal with whatever those consequences are of an unenforceable promise. And so it just makes me nervous, but I say that also again to repeat as someone who is fully on board with commercial development and things like that, it's the light industrial that makes me -- that gives me pause.

MS. GEUEA JONES: Any other questions? Thank you very much for being here tonight. Anyone else to speak?

MR. ILSLEY: I am Matt Ilsley; I live at 2108 Dickinson Court. I am a neighbor to Donna and to Kristen, as well. I would like to support everything that was said by my neighbors. The biggest thing that gives me pause is the uncertainty of what would go into the industrial zoning. I know we've heard that it'll be a contractor-type building. My son is a contractor. He has leased buildings like that. I understand

there is a need for that, but there is no guarantee that that is what will be there. It is too broad. I'm 62 years old. I've had a lot of promises made over my life, and I would be rich if I got a dollar for every one that was broken. So that is my primary concern, as well as the traffic issue, particularly that four-way stop there. The Brown School-Oakland Gravel, that is problematic most of the time especially during busy times, morning and night. We have issues with people speeding through there, people not stopping at stop signs, and adding additional traffic, truck traffic, even if it is contractors, people coming in and out of a road that is now the least used of the four is just only going to add to the troubles that we have as a neighborhood getting into and out of our neighborhood.

MS. GEUEA JONES: Thank you very much. Any questions for this speaker? Commissioner Carroll?

MS. CARROLL: Yeah. You said you supported the comments of your neighbors. We've heard some different comments tonight, so I -- I just want to clarify.

MR. ILSLEY: Okay.

MS. CARROLL: I understand your comments about being uncomfortable with industrial. Were you -- were you comfortable or uncomfortable with commercial -- with that M-C --

MR. ILSLEY: It depends on what goes in.

MS. CARROLL: Okay.

MR. ILSLEY: For example, I've heard some people say that a convenience store could go in. I would be opposed to that because where my property is located, I would be subjected to the 24/7 traffic and light pollution of a business of that nature. Yes, I was aware that that property was commercial, and I took a chance when we bought our property. And there would be appropriate uses, in my opinion, for that property near a neighborhood. But something that generates a lot of traffic, a lot of light would not be beneficial even if it is something that is deemed as, oh, it's a benefit to you because it's a place for you to go shopping. I can find a lot of places to go shop that I don't have to do it in my backyard.

MS. CARROLL: Do you feel that the light controls and buffering required by the UDC will provide any protection for you?

MR. ILSLEY: Are you referring to the current zoning or if something were to be built near to my property.

MS. CARROLL: I'm talking about the current M-C zoning.

MR. ILSLEY: The current M-C zoning. It probably would not. That has been a concern of mine as development has occurred. The neighborhood has grown around those properties. Personally, I think those properties would be better used as either residential or park land or something like that. That would be more of a benefit to the neighborhoods than commercial property would be.

MS. CARROLL: Okay. Thank you.

MS. GEUEA JONES: Any other questions for this speaker? Thank you very much for being here tonight.

MR. ILSLEY: Thank you.

MS. GEUEA JONES: Anyone else to speak on this case?

MS. TONYAN: Good evening. My name is Emily Tonyan; I live at 4602 Bolton Court, so it's a little bit further into the neighborhood here. And I'll actually -- it's a little off the topic, not off topic, but a little different from what everybody else has been expressing concerns on. So tract 1, the weird shaped track that's across from Nathaniel Drive, my concern is hearing from -- it's -- it's to be developed to M-C, which it's not really usable for anything other than, as I think it was mentioned, water runoff. It's hard to tell, but you can basically kind of figure it out when there's tree lines, so there's -- it's a natural runoff there anyway. My concern is if that gets developed -- if commercial development happens, it -- it happens, but if the parking lots and any sort of drainage, it does -- the grading on that already goes down, there's natural prairie there already, and on top of not ever being mowed by whoever owns it now, I believe that holds enough water to prevent it from flooding into the neighborhood because that tree line, it crosses Brown School, and there's a natural flowing creek there. That creek goes into my backyard, and I've already had rising water previously from natural rainfall just this last year. I've only lived in the neighborhood a couple of years, but I -- I don't know the exact specific number of houses that would affect, and you can even see the pond there on the other side where the soccer fields are. Again, that's just a low-lying area overall, so you remove any sort of field grass that is already there, my concern is the actual environment impact of that draining into our neighborhood and going all the way -- that creek goes into actual Lane Middle School area, too. So that would be more of a concern to me. I mean, I understand if it's already zoned M-C, development is possible, but that's just something that hasn't been discussed yet. And then I can answer questions on other feelings for the development, but that's something I don't think was really mentioned at all through any of the development meetings or just it seems like a simple solution to turn that into a drainage when that's my concern of what would actually that would mean for the neighborhood.

MS. GEUEA JONES: Thank you. And thank you for bringing up new points. I appreciate that. Anyone with questions for this speaker? Thank you very much. Thank you for your time. Any other questions -- or any other speakers on this case?

MS. BENNETT DAVIS: Good evening. I'm Rita Bennett Davis; I live at 4505 Hockaday Place. So I am very much more central in the neighborhood of Arcadia, but I just wanted to share. We -- we've been a 20-year resident in that neighborhood, and it is a -- there's large families there, small children, teenagers in the area. We walk that neighborhood a lot. In fact, every day out in the summer, I'm walking that neighborhood. And, in fact, along Brown School Road, I use that as my path. And one of the things it's -- it hasn't been brought forward, but I think a concern of mine and probably my husband's, as well, is that there was, at one time, a lot of criminal activity that kind of bled into the neighborhood. Since that has some -- somewhat resolved, which I think we've all been very happy with. But I think not knowing what could potentially go into that area would be a concern for all of the neighbors because, depending on the type of people that you may bring into that area could potentially draw crime back through the neighborhood. And so with it being a family neighborhood and with having teenagers and small children

and lots of play area, it would be a concern of mine -- the unknown.

MS. GEUEA JONES: Thank you very much. Any questions for this speaker? Commissioner Placier?

MS. PLACIER: Yes. What's your worst-case scenario? I'm -- I'm trying to imagine a crime magnet if this does become a contracting and construction facility. Just tell me why that might be a crime magnet, or were you thinking of some of the other possible uses?

MS. BENNETT DAVIS: Well, I think dependent upon what goes in there. So I know that there was a discussion about marijuana. So I don't know if all the licenses are used up. I don't have that knowledge base, so I apologize. But having a dispensary, if that's even able to go into that area, or a convenience store, that -- that can draw certain crowds that, in and out, I feel like could potentially bring crowds that would bring criminal activity, as well.

MS. PLACIER: Now, this evening, we're just considering that IG area, the red area there to the north on the map. So we don't know what might happen with the rest of the M-C, but I was just trying to picture what kind of land use in that area could potentially attract crime, so --

MS. GEUEA JONES: Commissioner Carroll?

MS. CARROLL: I'm wondering, we've touched on the potential for marijuana -- medical marijuana or recreational marijuana facility in that location. And I'm wondering, we have dealt with ordinances surrounding that recently, and we have talked a bit about the number of licenses that are out. I'm wondering if staff would like to comment on that at all, or if --

MS. GEUEA JONES: Are you asking staff to comment on whether there are any new --

MS. CARROLL: I am asking staff to comment on whether there are any new licenses or potential for any licenses in the area.

MR. ZENNER: There -- so the way that the City's regulation is structured on marijuana dispensaries, all of those licenses have been issued within the City's corporate limits. There are no additional available dispensary licenses for either medical -- and with the new passage of recreational marijuana, there are no additional licensures being offered at this point, only conversions of existing licensed facilities. As it relates to our manufacturing facilities, in other -- other related medical marijuana, the licensure restrictions that apply to dispensaries do not necessarily apply to those, but it is also my understanding that all of those licenses, at least within this congressional district have been issued and there are no others that are in the pipeline at this point. And I think it's been pointed out, this particular site, given its characteristics of being as small as it is in comparison to our other facility sites that we have, really is not conducive to this type of development. We have a facility that actually is in the industrial park up off of Paris Road, Route B, by the Ewing Industrial, that is a building that is the only mixed marijuana -- medical marijuana facility. It is a -- it's a dispensary, a production facility, as well as infused product manufacturing. It is in an industrial zoning district. It is the only one that is within the City of Columbia. The other manufacturing facilities are located along the industrial corridor of Route B, and they are in buildings that are substantially too large to be placed on this property based on the way that



that product is manufactured. At this point, it is unlikely that this would be -- it is incapable of being licensed for additional medical marijuana. That is not to say -- medical or recreational. That's not to say that if licensure limits are expanded, that it could not be. It is not in proximity to a protected use of a church -- a school, or a church, as I am aware of, and I would have to do analysis. So that use is really off the table as something that I think that the public needs to be concerned about. The dispensary would be a permissible use within the M-C zoning district today, so that has been there since 1995. Our regulations recognize medical marijuana after the first passage of the amendments to the State statute. So this site would have been an available target for that, as well.

MS. CARROLL: So I'm wondering if you would feel any more comfortable with the knowledge that there are not likely to be any remaining licenses in this congressional district for another medical marijuana -- comprehensive marijuana site at that location, and that the existing zoning wouldn't have changed anything in that respect for you?

MS. BENNETT DAVIS: I do appreciate that knowledge. And, yes. And I think a dispensary or a plant in that area is just an example of what I fear because we really have absolutely no knowledge of what we're putting so near a family neighborhood that to draw people who may tend to -- I don't know -- engage in criminal activity is what I just worry about passing through that neighborhood because so many people travel through the -- from, like, Brown School Road. I mean, we have travelers who come off of 63 and then travel west on Brown School Road but bringing some of the people from -- enter to the Brown School Road and out towards that 63, out towards where the jail is. That's what I worry more about is the type of people that we might be bringing into that area or through that area with having small children and having families.

MS. GEUEA JONES: Thank you. Anyone else with questions for this speaker? Seeing none. Thank you.

MS. BENNETT DAVIS: Thank you.

MS. GEUEA JONES: Anyone else to speak on this case? Going once, going twice. Thank you all for being here tonight.

#### **PUBLIC HEARING CLOSED**

MS. GEUEA JONES: Commissioner comment on this case. Who would like to start? Commissioner Burns?

MS. BURNS: Thank you. I'm glad for all the information and the people that have taken the time to come out and speak tonight. I do hear what the neighbors have to say. They will be impacted with an upzoning of this property, and that -- that impact could be unknown. I think that changes the rules on existing property owners to upzone the property when they bought their properties with an existing zoning and with existing criteria for what the PD Plan or the M-C, the upzoning to the M-C or the IG changes that. I also want to be honest about the zoning map. If this does go through and City Council passes it, the map will reflect these upzones, and our body does look at surrounding areas, so you will have an IG parcel or an M-C parcel where there was a PD. And I know that -- I take that into consideration what

surrounding zonings are if additional properties in this area would be brought forward to be rezoned. So that might be borrowing trouble, but it's a consideration that you all should be aware of, that if something is upzoned, then it -- it reflects that, and that we take that into consideration when we make recommendations to City Council. Again, I -- I have to listen to what the neighbors are here tonight to say and the concerns about impacting their properties.

MS. GEUEA JONES: Thank you. Anyone else, Commissioner comments? Go ahead, Commissioner Carroll.

MS. CARROLL: Yeah. So I do view two different zoning requests here. We have an M-C request for the bit on the south that needs zoning to add to the existing one, and we have the request for industrial on the farthest north. I do view those two very differently. I understand your reservations -- the neighbors' reservations related to the industrial zoning that is an upzoning. It is part of what makes -- part of what makes this a difficult case for me is the speculative nature. And I understand, Mr. Gephardt, your situation where you can't attract a client without the zoning, and you can't get the zoning without the client, but I still don't want to get the cart before the horse because it does change things, as Tootie said. And I agree we do -- we do consider surrounding zoning. I want to address the soccer fields that exist, if they, for some reason, decided to sell that property, it is a long process given that they're PD zoned, and everyone would be notified, and that would be a very large property. I think that -- that would take a lot of consideration and that wouldn't be taken lightly just because it may be next to an industrial zone. But, to me, the M-C zoning, since it is a very small property to be attached to existing M-C zoning doesn't change a whole lot of the -- the types of developments that could go next to you. The types of developments that could go next to you with this zoning, to me, are the same as the types of developments that could go next to you if they include M-C zoning on that small parcel next to them, so that is not a stretch for me at this point.

MS. GEUEA JONES: Thank you. Anyone else? I have some thoughts. No one here has mentioned the fact that the industrial zoning we're considering is actually going in next to a prison, not a residential area. And I can under -- I can understand why it might be difficult to sell this property to someone who is looking at more retail uses as opposed to mechanic shop or, you know, some of those things. I also am keenly aware that because of the size and because of the use specific standards that we have in our Code, the difference between M-C and IG for this particular plot of land, they're really not that different. Generally, what we're looking at is potentially light industrial, which go into an M-C zone. You would need a CUP for it, but it could go into a M-C zone. And we're not looking at heavy industrial. And for those of you who don't study our Codes, the light industrial has to happen indoors. We're not looking at an outdoor smelter or something like that. And as much as I respect what the neighbors are saying, what is going to be close to them is what is going to be close to them now. The part that is changing is six acres away, and I don't have the measurement, but it's -- it's a good distance. And right now it seems close, because there's nothing there, but when you've got a development between you and that next thing, I -- I don't know. I mean, it's -- it's interesting. We've had, when we had the discussion

about artisan industry, a lot of that discussion was about there's not enough IG properties in our City, so folks who are doing smaller, light industrial wanted the ability to do it in other commercial zones. I mean, I -- I don't know. I'm -- I'm quite torn, but it is interesting to me that everyone is concerned about the industrial zoning that is going in adjacent to a corrections facility, not their property, and yet none of them seem to have a problem with that facility being in their line of sight. So I -- again, I'm very torn. I want to see in-fill development. This is in-fill development. It is on a major corridor. It is essentially adjacent to a highway. I don't know. Much like Commissioner Carroll, I am not at all concerned about the little hook bit. That is basically doing some cleanup so that someone can go in and actually make a proper retention pond there because until you change that zoning, you can't do anything with that little hook. So that's kind of where -- where my head is. Any other thoughts from Commissioners? Commissioner Stanton?

MR. STANTON: I wrestle with it. I listened to the neighbors. I put the other hat on. I'm trying to -- trying to balance it out, but we -- the owner of the property has pretty much done what he's -- everything he's got to do to make this work for him. I remember when this wasn't fully developed on the other side of this property. I was young, but we're hollering the same thing. I -- this was pastureland, and this was, you know, don't want all this development. Probably, basically, where you guys' houses are, they -- I remember the scoff of them, oh, we don't want this out here. This is God's country on the edge of the -- of the City limits, and -- it was the same argument. And so I'm, like -- I couldn't find a win-win, and I -- and I definitely wouldn't be -- I wouldn't like being in a position of having land for 28 years, you're trying to move it, and you can't. You're paying taxes on it. You have vast acreage. I mean, you know -- you know, the soccer -- the soccer fields are there, but that's not generating money -- a lot of money. Yeah. I kind of understand maybe if it was up and off the curve, it wouldn't be right in your face across the street, but you've got a prison right up the -- prison right up the street. It's hard for me not to support this because what else can you do, and I don't hear anything else, I mean to help this owner make himself whole. I mean, he's stuck. And, you know, yeah, we all want pastures and foxes and rolling hills and deer. It was good turkey out there, I know. And so, I remember when I was young, I remember this spot. It was good turkey out there before those houses that you guys probably live in right now. They were hollering about that. So it's hard for me not to support this and -- and give the -- give the owner a shot.

MS. GEUEA JONES: Anyone else? Commissioner Placier?

MS. PLACIER: I think that a lot of this -- Mr. Gebhardt has made the argument that leading an M-C and using a CUP was not desirable for people, that they -- that whoever was going to be light industrial or a contractor or whoever -- whatever buyer might be attracted to this needed a firm zoning decision, and IG seemed like the logical one. But on the other hand, that has raised a lot of concerns with people despite the attempt to buffer the neighborhood. I don't know what else we can ask for in terms of reassurances about the uses other -- or the potential buyer other than the size of the lot would not allow a lot of possible IGs. So, yeah. I'm a little bit torn, but I'm also moved by Commissioner Stanton's argument that there's a need to move on part of this property and then maybe the rest will follow, but I don't think it's going to make the neighbors all that happy to see this entire boot eventually developed, but

it has been zoned in accordance with that for many, many years.

MS. GEUEA JONES: Thank you. Any other Commissioners? I would have the staff go back to the weighing factors in both approval and denial, and these are specific to the IG. Again, the zoning right now is all M-C except for the little bit that's PD. Any other comments from Commissioners?

MS. CARROLL: Can I make one more comment?

MS. GEUEA JONES: I'll give you a second bite.

MS. CARROLL: I will be very quick with my second bite.

MS. GEUEA JONES: Commissioner Carroll, go ahead.

MS. CARROLL: The comment that I forgot to make at my initial pass is about the existing zoning. And -- and just to clarify for the neighborhood, our zoning doesn't allow us to require this to stay as a field, and I know you may really enjoy the amenities that having that natural land across from you provides. But even if we didn't pass this, the majority of that property is already zoned M-C, and all of the things that we're discussing tonight apart from the industrial can already go next to you as is. So this vote doesn't change much of what I believe you are facing.

MS. GEUEA JONES: Commissioner Kimbell?

MS. KIMBELL: I would say it is -- it is very hard because you have a -- he had a right to sell the property and it is -- facts are facts. It is commercial. It is M-C. The flip side of that is being a homeowner, and being a homeowner is a very personal thing. And so I do appreciate everyone that came up and spoke tonight. I understand that. At the same time, a fact is a fact. So with that being said, being on here just for the little bit that I have, I've learned it is about the zoning. It's nothing personal, it is business. And that still makes it just as hard because I'm not the one living where you're living, and whatever is going to happen there is going to affect you. It will. The other side is we have low inventory, so if you want to sell a house, you may not have that much trouble doing it, providing that you want to do that. With that being said and the facts is I will probably end up supporting what's going to be -- what's been here tonight, but I appreciate those that did show up and share what you needed to share. Thank you.

MS. GEUEA JONES: Thank you, Commissioner. Commissioner Wilson, you're the only one. Do you have anything?

MS. WILSON: No.

MS. GEUEA JONES: Okay. In that case, Commissioner Stanton?

MR. STANTON: I just want to share -- this -- so I -- everybody knows that I share the same feeling. I live right in town, and before that big old garage was built. Right? I had a million-dollar shot of Jesse, Tiger, all of that, our skyline in town. I had that million-dollar shot from my house. And there's a garage there now, a big garage. I think the biggest one in the City. I get it. So don't think -- I get it, and it was zoned property. You had, you know, the same scenario that I have here, and I lost out to the bigger picture. And these -- these zoning classifications are for the bigger picture, and I lost my million-dollar shot. And, you know, I don't think that the garage will help my property value either, but I live with it and it was a good place to look at fireworks until they shut it down and I can't even go to the top of that and

watch the fireworks across town when the shut the top of it off. So now I'm just stuck with a big garage. I can't even use the top four floors anymore. So I get it. I get it. And -- so we can hopefully -- you know, the owner is here. He hears you. Maybe work it out.

MS. GEUEA JONES: Thank you, Commissioner Stanton. Is there any other comment from Commissioners? If not, I will take a motion. Commissioner Burns?

MS. BURNS: Do you need two motions?

MS. GEUEA JONES: I do, actually. Can you go back to that slide? Thank you. I am looking for a motion on Tract 1 only. Commissioner Burns?

MS. BURNS: In the case of 23-2023, 2205 East Brown School Road, zoning map amendment, I move to recommend approval of Tract 1, approval of M-C zoning.

MR. STANTON: Second.

MS. GEUEA JONES: Moved by Commissioner Burns, seconded by Commissioner Stanton. Any discussion on the motion relating to Tract 1 only? This is the little hook bit going from PD to M-C. Seeing none. Commissioner Carroll, may we have a roll call.

**Roll Call Vote (Voting "yes" is to recommend approval.) Voting yes: Mr. Stanton, Ms. Carroll, Ms. Geuea Jones, Ms. Placier, Ms. Kimbell, Ms. Wilson. Voting No: Ms. Burns, Motion carries 6-1.**

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

MS. GEUEA JONES: Thank you. That -- I guess I'll wait and say that. Is there a motion on Tract 2? I will take any kind of a motion on Tract 2. Commissioner Burns?

MS. BURNS: I will make a motion. In Case Number 23-2023, 2205 East Brown Station School - Brown School Road, zoning map amendment, I move to approve the IG rezoning in Tract 2.

MS. GEUEA JONES: Is there a second on the motion relating to IG zoning in Tract 2?

MS. PLACIER: Second.]

MS. GEUEA JONES: Second. Moved by Commissioner Burns, seconded by Commissioner Placier. Any discussion on the motion relating to IG zoning in Tract 2? Seeing none. Commissioner Carroll, may we have a roll call.

**Roll Call Vote (Voting "yes" is to recommend approval.) Voting No: Mr. Stanton, Ms. Burns, Ms. Carroll, Ms. Geuea Jones, Ms. Placier, Ms. Kimbell, Ms. Wilson. Motion denied 7-0.**

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

MS. GEUEA JONES: Thank you. Those recommendations will be sent to City Council. For the information of the public, what that means is the entire hash marked that you see in front of you will remain M-C zoning. This will go to City Council. It will probably be on the consent agenda; is that right? Or, no, because it was a denial, so that --

MR. ZENNER: Yeah. Yeah. One of the motions is a denial, so it will likely end up on old business procedurally.

MS. GEUEA JONES: Right. Right. Which means there will be the same notification procedures of the hearing in front of -- no, there won't be?

MR. ZENNER: No, we're not.

MS. GEUEA JONES: All right. I'm going to shut up now and let staff tell you what happens from here. Staff, would you please inform the members of the public what the next steps are because I am botching it tonight.

MR. ZENNER: That is all right, Madam Chair. So for the purposes of Council action, the Planning Commission makes a recommendation to our City Council which ultimately will hold two -- will hold two readings on this particular item. The first reading is a reading in the record, and that is referred to as our first read. The second reading, because this item will be under old business, will allow for public input to be heard on the case, and that second reading will be the first Monday in March, which is March 6th, 7:00 p.m. That'll be in this chamber. Any individual that is here this evening that would like to speak publicly before the Council, all of the minutes this evening are verbatim. They will be forwarded to the Commission, so -- or to the Council for their review. But if you would like to speak again, you are more welcome to when that item is called. And, again, it is going to be open for public comment on the March 6th agenda. The first reading, which would be February 20th, is only an introduction and a reading of title.

MS. GEUEA JONES: Thank you very much, Mr. Zenner. I appreciate it. All right. With that, we will move on to our last case of the evening.