City of Columbia, Missouri

Meeting Minutes

Planning and Zoning Commission

Thursday, April 18, 2019 7:00 PM	Regular Meeting	Council Chambers Columbia City Hall 701 E. Broadway

I. CALL TO ORDER

MS. LOE: I would like to call the April 18, 2019 Planning and Zoning Commission meeting to order.

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

MS. BURNS: Yes. We have seven; we have a quorum.

MS. LOE: Thank you, Ms. Burns.

Present: 7 - Tootie Burns, Dan Harder, Sara Loe, Anthony Stanton, Rusty Strodtman, Brian Toohey and Michael MacMann

Excused: 2 - Joy Rushing and Lee Russell

II. INTRODUCTIONS

III. APPROVAL OF AGENDA

MS. LOE: Mr. Zenner, were there any modifications to the agenda?

MR. ZENNER: No, there have not been, ma'am.

MS. LOE: Thank you, Mr. Zenner. Can I get a motion to approve the agenda?

MR. STANTON: I move to approve the agenda.

MR. MACMANN: Second.

MS. LOE: Second by Mr. MacMann. Can I get thumbs up on approval?

(Unanimous vote for approval.)

MS. LOE: Unanimous. Thank you.

Agenda approved.

IV. APPROVAL OF MINUTES

April 4, 2019 Regular Meeting

MS. LOE: Everyone should have received a copy of the April 4, 2019 meeting minutes. Were there any additions or changes to the minutes? Mr. Stanton.

MR. STANTON: I move to approve the minutes.

MS. LOE: Thank you, Mr. Stanton.

MR. STRODTMAN: Second.

MS. LOE: Second by Mr. Strodtman. Can I get a thumbs up approval of the minutes?

(Unanimous vote for approval.)

MS. LOE: Thank you.

Minutes approved.

V. WITHDRAWN ITEMS

Case # 31-2019

A request by the City of Columbia to amend Chapter 29, Sections 29-1.11 [Definitions] and 29-3.3 [Use-Specific Standards] of the City Code relating to the revision of the definitions for “hotel” and “bed and breakfast”, creation of a definitions for “short-term rental” and “transient guest”, and creation of new use-specific standards governing the establishment and operation of a short-term rental inside the City’s corporate limits. **(This item was introdcued at the December 20, 2018 meeting, continued to the March 7, 2019 meeting, and continued again to the April 18, 2019 meeting. The applicant is requesting widthdrawal of this application with the intent to re-advertise and resubmit at a later date).**

MS. LOE: Our first item of business is a withdrawn item, Case 31-2019.

MS. LOE: Mr. Zenner, are there any comments on this item?

MR. ZENNER: No, other than as you see here on your screens we have gone through a tremendous amount of time as it relates to this particular topic beginning all the way back in late November of 2018. Planning Commission's last work session on this item on March 21 identified a desire to do additional work as it related to the proposed revisions or the proposed regulatory standards. And as a result of that conclusion on the 21st and in accordance generally with our provisions that we apply to other requests that are seeking to be delayed greater than two months from the date of its original introduction, the city is requesting that this item be withdrawn from public hearing consideration at this point from the Planning Commission's agenda in order to allow us to reset with a revised draft ordinance and then begin the public engagement process over and fresh at that point. As we are aware with our current workload that we are engaged in right now, this item was not going to be reappearing on the Commission's agenda until the earliest at the either end of May or possibly the beginning of June. And as a result of that, we do not want to just continue it indefinitely and continue the hearing out and out and out. We are well aware of the public's comments. We have received additional public comments as a result of preparing this agenda and requesting this withdrawal. Those comments will be provided to the Commission when we re-engage with discussion. Our Listserv that we have developed as a result of our prior meetings will continue to be

used as a means of notifying those that are interested in this topic, as well as we will update the website that is part of the community development's page on the city's website as new information becomes available so people have access to that. At this point, we believe that it is in the public's best interest to withdraw the item, reintroduce when we are ready to have a discussion on a more solid ordinance that the commissioners are in greater congruence with versus where we're at at this point. So we recommend that the Commission accept the withdrawal and allow us to move forward with future revisions.

MS. LOE: So it's not being withdrawn due to lack of interest but merely the fact we have too many interesting topics on our work session agenda this year?

MR. ZENNER: I wouldn't say -- I'd say we have a lot of work session topics. I think it has more to do with the fact that we are now two months out from the original advertising of holding a public hearing. As we continue to further and further delay an actual final public hearing, we do a disservice to those that are actually wanting to be involved and engaged in this because it becomes further and further from the forefront of their opportunity to interact with. We continue to not be able to get to it due to our workload. I feel it is more appropriate to withdraw the project, re-engage the Commission and the staff and then basically re-engage the public when we're ready to do so. At this point we're just not there.

MS. LOE: Do you need any action from the Commission to withdraw this?

MR. ZENNER: No. Now, this was a continued to public hearing date. We are requesting that it be withdrawn. There may be members here in the audience that may want to make comment. That is at the discretion of the Commission given that we are requesting the item to be withdrawn. Given the fact that this was a continued to date, you may want to ask if there is anybody in the public that would like to just make any summary comment. We are not taking any official in depth public comment because we have not produced anything in the way of a draft which one could comment on.

MS. LOE: Is anybody in the audience here today to give comment on the short-term rental amendment? I see none.

MR. ZENNER: Then I don't believe there's any further action necessary by the Commission. As a withdrawal, we are just informing you that the item is no longer going to be showing on your agenda.

MS. LOE: Thank you. In that case, we will move on to subdivisions and design adjustments. Mr. MacMann.

MR. MACMANN: Just real briefly. Mr. Zenner, do you have an approximate month of return for this project?

MR. ZENNER: At this juncture, I would suggest to you that it will probably be the -- I'm thinking it's going to be the second meeting in the month of June.

MR. MACMANN: I want to get kind of a feel for us and for the people.

MR. ZENNER: The reason I say the second meeting, not the first, is --

MR. MACMANN: We have a lot of stuff.

MR. ZENNER: We want to re-engage another item. We'll probably alternate meetings then if we have to.

MR. MACMANN: Thank you. Thank you, Madam Chair.

MS. LOE: Okay. Moving on to subdivisions and design adjustments.

VI. SUBDIVISIONS AND DESIGN ADJUSTMENTS

Case # 79-2019

A request by Crockett Engineering (agent) on behalf of T-Vine Enterprises, Inc. (owner) for a two-lot final subdivision plat to be known as "Tuscany Estates" and a design adjustment requesting relief from the requirement to build a sidewalk alongside Oakland Gravel Road per Section 29-5.1(d) and Appendix A of the UDC. The 22.02 acre property is zoned R-1 (single family dwelling) and FP-O (flood plain overlay) and is located east of N. Teresa Drive, north of the Bear Creek and south of Oakland Gravel Road. **(This item was tabled at the April 4, 2019 meeting).**

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

MS. BACON: Yes, Madam Chair.

MR. TOOHEY: Madam Chair, I need to recuse myself.

MS. LOE: Thank you, Mr. Toohey.

MS. BACON: Yes, Madam Chair.

Staff report was given by Rachel Bacon of the Planning and Development Department.

MS. BACON: The applicant is here should you have any questions. I also would like to note that on the dais we provided some correspondence from Margaret Booker from the public that was provided this afternoon to the staff. I wanted to make sure that that was included in the record and I think Mrs. Booker might also want to speak on this matter tonight as well.

MR. ZENNER: If I may point out to you, due to the design adjustment, which is a public hearing, you will need to open the floor for public comments as it relates to that matter and we would ask then that two votes be taken, one on the public hearing matter of the design adjustment and then one on the final plat.

MS. LOE: Thank you, Ms. Bacon. Are there any questions for staff? Mr.

MacMann.

MR. MACMANN: Thank you, Madam Chair. Ms. Bacon, could you return to the oblique photograph that showed the park and the fairgrounds?

MS. BACON: Uh-huh.

MR. MACMANN: Thank you. How far south is Atkins Park approximately?

MS. BACON: So this right here is 1,200 feet. So if that provides some perspective.

MR. MACMANN: I've got that. Okay. That's what I wanted to know. Thank you very much. MS. LOE: Any additional questions for staff? Ms. Bacon, I had one question. Did you say that the county has now adopted sidewalk requirements so we're not seeing sidewalks in the subdivision directly west because it's older but the new one north of that does have sidewalks per current county standards?

MR. ZENNER: Actually the newer development to the north of Oakland Gravel is actually under an annexation agreement with the City of Columbia, but the county does have now in their development standards sidewalk requirements for urban development any lot that I believe is under 10,000 square feet must have 10,000 square feet or half an acre has to have sidewalks associated with it, subdivision developments of that nature. The Gregory Heights development, of course, predated that.

MS. LOE: Thank you. Mr. Strodtman.

MR. STRODTMAN: With that in mind, Mr. Zenner, why would the county not require the sidewalks to be along Oakland Gravel?

MR. ZENNER: At the time that Gregory Heights was built, I'm not quite sure what the road design standards were for the county. We have in our regulatory structure, as well as I believe the county does now, a complete street profile. So new road construction within the county of a major street would require sidewalks to be incorporated or multi modal facilities at a minimum. This portion of Oakland Gravel where the gear -- the crank is, where the gear crank is in Oakland Gravel's alignment has been around for obviously quite some time. So this road network predates most likely updated county regulatory standards. And since the properties that surround Oakland Gravel in this area, we haven't done a jurisdictional transfer the implementation of sidewalks with future redevelopment in the city. This is the way that we get them. We get them through our platting of properties that are inside the city's corporate limits. What's to the north may or may not have to give additional road right-of-way. We may or may not get county required improvements just based on the differences in the way that the two jurisdictions operate for subdivision development.

MR. STRODTMAN: Thank you.

MS. LOE: Any additional questions for staff? I see none. Therefore, we will open up the floor to public comment. As previously, if you're representing a group you have six minutes to comment. Otherwise, we will allow you three minutes per comment. Please give us your name and address for the public record.

PUBLIC HEARING OPENED

MR. CROCKETT: Madam Chair, Members of the Commission, Tim Crockett, Crockett Engineering, 1000 West Nifong. First off, I'd like to start off by saying again this is roughly 20 acres in size, 22 acres piece of property. We do want to subdivide it in two 10-acre tracts, large acreage tracts in this area. Given the floodplain and the surrounding area, we believe that large acres and large acreage tracts in this area are appropriate. If you go north on Oakland Gravel Road, you'll see some tracts that are in similar size that are kind of in conjunction with this piece as well. I would like to correct one thing that Mr. Zenner indicated is the county sidewalk regulations while they do require internal sidewalks they don't require external sidewalks along major streets. And so while Gregory Heights is an older subdivision that didn't require any sidewalks at all, the other development out there wouldn't have required, if it was new today, wouldn't require sidewalks along Oakland Gravel either. So anytime we have a county development, whether it's 10,000 square feet, half acre or larger, you do not have to do external sidewalks along major roadways that are external to the development. So I think that's rather important. I think, you know, I've been up here many times and we've often used the term sidewalk to nowhere. Really this is a sidewalk that is nowhere. There is no sidewalks adjacent to or around this development along Oakland Gravel Road. The nearest sidewalk on Oakland Gravel Road is much further south. It's 1.8 miles south. You have to go down Oakland Gravel Road past the fairgrounds over Highway 63 and it's on the south side of 63. So there's a substantial distance of area there that has no sidewalk before you get to any sidewalk. Of course, when we talk about the Bear Creek Trail and how the residential area could filter down to the Bear Creek Trail and have access to that trail network and then come further south. Well, I think there's a few things to keep in mind on that. In the next three to five year plan, Parks and Rec intends to get the trail within two and a half miles of this site. That's still a long way away. In the six to ten year plan, they hope to get it to the fairgrounds. If they get it to the fairgrounds, the south side of the fairgrounds, Mr. MacMann, to answer your question, the south side of the fairgrounds to Oakland Gravel and adjacent to this site is still one and a quarter miles. So that's still a substantial distance. So by that time and I think there's other alternative methods that could be achieved to get pedestrian traffic from these neighborhoods down south. At some point we're going to have the extension of Waco

Road. We know it's going to be extended. My client actually owns property over on that side that plans to extend Waco Road in the future not all the way to 63 but a portion there past Alpha Hart Lewis School. So there's going to be some extension of Waco Road. That will certainly have sidewalks associated with it. The residential developments that go with it will have sidewalks with it. But that will extend over to Oakland Gravel on the west side. So I think that there's some alternative locations there. And then, again, Parks and Recreation doesn't have any plans on the books at this point to extend north of the fairgrounds, the trail. So we don't know if and when that will ever take place. As development probably takes place further going north, if it takes place in the county in 10-acre tracts or 5-acre tracts, of course, we're not going to have sidewalks. It's going to be developed more along the lines of county regulation. Of course, there's going to be very little if any desire or need to extend that trail network. So again, we feel that this is a justified request for the sidewalk variance. I've been before this Commission many times on sidewalk variances. I feel that this one is very much justified given the current location, given the type of development that we're proposing, the limitation of two tracts of land, and we'd really strongly encourage support with that design variance. Again, I'm here to answer any questions that you may have regarding the plat or design variance. I'm happy to answer any questions on either of those.

MS. LOE: Thank you, Mr. Crockett. Are there any questions for this speaker? I see none. Thank you.

MS. BOOKER: My name is Debra Booker. I live at 6395 North Oakland Gravel Road, but I own from 6101 to 6395. So I own everything on the north side of Oakland Gravel Road. I've been in that area since 1966. And there was lots of travel on Oakland Gravel Road past me all the way until Alfalfa was put through and that is not a gravel road. When I moved to Oakland it was a dirt road. Then it was blacktop which fell apart. It's now chip and seal. From Gregory Heights east and around the S curve and north until it connects to Alfalfa again, which is what connects Oakland Gravel, the traffic has stopped about 85 percent because they go around the shorter better road, better base. They also do not ever have to face the very real flooding that happens in that corner in that S curve. You can see on the map right across from this property a very wooded area. That is one part of Bear Creek's tributary. Across the road and it's right next to the road, is the big part. I've had it flood up three wires on a six-wire fence that is this high above the road bed. So I understand about this kind of thing because I've had to clean that fence off. I have no problem in this life with saying I think putting a sidewalk here is foolishness on a chip and seal road that the city I don't think wants to take care of. There is no outside -- there is no other sidewalk on it. And without having anything -- without

any connection to Waco and Prathersville Road, I don't see any point in this frankly, but that's my problem. You all have this in front of you. I can read it to you. I would be happier to give any kind of answers that I could if you have questions.

MS. LOE: Thank you, Ms. Booker. Are there any questions for this speaker? I see none. Thank you.

MS. BOOKER: Thank you.

MS. LOE: Are there any additional speakers on this case? Seeing none, I'm going to close the public hearing.

PUBLIC HEARING CLOSED

MS. LOE: Commission discussion. Mr. MacMann.

MR. MACMANN: Going back again, Ms. Bacon, could you return to that photo for me, please, and this is not my standard position what I'm about to say. Looking at where the park is, looking at where the school is, looking at northern and northeastern Columbia's heavily developed areas, maybe not five years, ten years, fifteen this is a developed part of Columbia. And I think this is the time to start with sidewalks. I mean, really when Waco goes through, and it will eventually, you're at less than maybe a quarter mile from one end of that property. Alpha Hart is maybe three-quarters of a mile as it exists right now. The park is a half mile. It looks from a city planner viewpoint, it looks like it's prepped to go and we are constantly asked to not build sidewalks or to give variances. And I think in this case it's problematic to waive the sidewalk.

MS. LOE: Other comments? Ms. Bacon, I have another question for you. We recently looked at a proposed development for the site at the end of north Oakland Gravel Road west of that intersection of north Oakland Gravel and east Alfalfa.

MS. BACON: I'm going to defer to Mr. Zenner on that one, if that's okay.

MR. ZENNER: That is correct, ma'am.

MS. LOE: Can you remind me if that development included sidewalks along north Oakland and east Alfalfa?

MR. ZENNER: Yes, it did. However, that project was withdrawn from city council consideration and therefore it is not in play. It is actually at this point, as I understand it, being prepared to be presented to the county planning commission for county zoning. And as Mr. Crockett just informed you, exterior roadways would not have sidewalks placed upon them. The interior design of the development as I understand it would require interior sidewalks only.

MS. LOE: Yes, the property to the east side of Alfalfa does appear to have been provided with sidewalks. Is that because the homes there face Alfalfa?

MR. ZENNER: No. I can't -- I don't know for a fact. However, the property that

is north of Oakland Gravel is a more contemporary county subdivision that was built through an annexation connection agreement at a time I believe where the county had their sidewalk standards in place. Why Alfalfa has it, because that was an existing exterior street, without knowing the history and what conditions the county may have placed on it I can't really give you a definitive answer.

MS. BACON: There's no sidewalk on Alfalfa.

MS. LOE: There is along the east side north of Oakland Gravel Road.

MR. ZENNER: At the time that we were looking at the project as it came in, which was referred to as Oakland Crossings, we had discussed with the applicant and their design professionals of utilizing the sidewalk that was on the east of Alfalfa and only then requiring south of Oakland Gravel Road to the intersection of Oakland Gravel and Prathersville extended to have sidewalks and it was at that time as part of the discussion of the plan review that the applicant indicated no, we just want to keep the sidewalk you'll require us to build along Oakland Gravel and Alfalfa on our side. Given the fact that there would have had to have been some type of pedestrian crossing over Alfalfa, they didn't want to go there. So the only thing I can tell you is, and for the life of me I can't remember the name of the development immediately to the north, that is a more contemporary development that was built well after the Gregory Heights development, the Willow Brook project Ms. Bacon indicated, that's Willow Brook to the north.

MS. LOE: Thank you, Mr. Zenner.

MS. BOOKER: 40 years after.

MS. LOE: Just for the record the comment from the audience was 40 years after. Any additional comments from the Commission? Seeing none, I want to remind everyone that Mr. Zenner has instructed us to do two votes on this, the first one for the design adjustment and the second one for the final plat. I'd also like to remind the Commission that for design adjustments we like to make the motion in the affirmative. And if we don't agree, you vote no obviously. Mr. MacMann.

MR. MACMANN: If there is no more Council discussion, or Commission discussion, I'm going to make a motion to approve the design adjustment. I will be voting no. Staff can maybe help me a little with the wording of this. Do I truncate to the end?

MR. ZENNER: It would just be that you'd be recommending approval of the design adjustment, the Section 29-5.1(d).

MR. MACMANN: I move that we approve the design adjustment to Case 79-2019, the design adjustment being Section 29-5.1(d) which requires a sidewalk.

MS. BURNS: Second.

MS. LOE: Second by Ms. Burns. We have a motion on the floor. Any

discussion? Seeing none. Ms. Burns, may we have roll call, please?

MS. BURNS: Yes.

MS. BURNS: Thank you. So for the final plat, Mr. Zenner, just for clarification.

MR. ZENNER: As Ms. Bacon pointed out, you can recommend approval of the final plat. It is technically compliant less minor technical corrections. A recommendation of approval would obligate the applicant at the time of building permitting to show installation of the sidewalk unless otherwise waived by city council through either an overriding of your recommendation to deny the requested design adjustment or through a payment in lieu of as an available option.

MS. LOE: So what the statement that's identified in the recommendation, the second recommendation?

MR. ZENNER: The alternative.

MS. LOE: Thank you. Mr. Stanton.

MR. STANTON: I would like to make a motion then --

MS. LOE: Thank you.

MR. STANTON: -- as relates to Case 79-2019. I move the approval of Tuscany Estates final plat subject to minor technical corrections.

MR. MACMANN: Second.

MS. LOE: With the understanding that a sidewalk --

MR. ZENNER: No, you do not need --

MS. BACON: That's redundant.

MR. ZENNER: That's redundant. That was for their edification.

MS. LOE: Thank you. And a second was from?

MR. STANTON: Mr. MacMann.

MR. MACMANN: Thank you.

MS. LOE: We have a motion on the floor. Any discussion? Seeing none. May we have roll call, please?

MS. BURNS: Yes.

MS. LOE: Thank you . 6.

MS. BURNS: 6-0 motion carries.

MS. LOE: Recommendations will be forwarded to city council.

Move to approve Case 79-2019, Tuscany Estates final plat, subject to minor technical corrections.

Yes: 6 - Burns, Harder, Loe, Stanton, Strodtman and MacMann

Excused: 2 - Rushing and Russell

Recused: 1 - Toohey

VII. PUBLIC HEARINGS

Case # 81-2019

A request by A Civil Group (agent) on behalf of Cherry Hill Dental Associates, LLC (owner) for a major amendment to the "Gadbois Professional Offices PD Plan". The applicant is requesting revisions to the permitted signage on the PD plan and the uses within the Statement of Intent. Specifically, the applicant is wishes to permit a restaurant within the building that serves alcohol by the beverage, and they wish to permit additional wall signage for this tenant.

MS. LOE: Moving on to public hearings. Our first public hearing is Case 81-2019.

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

Staff report was given by Rusty Palmer of the Planning and Development Department.

MR. PALMER: Given that this is an overall reduction in site signage, staff finds the alternative signage appropriate. As I said, they are proposing all permitted uses within the M-N district as an alternative to the existing Statement of Intent. So given the similarity of those uses in the existing Statement of Intent and the restrictions on bars and nightclubs, staff views the Statement of Intent revision as reasonable also. So our recommendation would be to approve the PD plan and the Statement of Intent amendments. I'd be happy to answer any questions.

MS. LOE: Thank you. Are there any questions for staff? I see none. Thank you, Mr. Palmer. Given that, we will open up the floor for public comment.

PUBLIC HEARING OPENED

MS. LOE: You can give us your name and address for the public record.

MR. MURPHY: Madam Chair, Commissioners, my name is Kevin Murphy with A Civil Group, offices at 3401 Broadway Business Park Court. I think the request is -- just to simplify it, we're just asking for some leeway in placing the signages to hopefully appease a good tenant in the building. It would be to allow them a wall sign would allow would create a reduction in the overall area that we're already approved to have. If not, then we would just go with what we've been previously approved with. As far as the changing the Statement of Intent, again staff agrees with it. Any alcohol sales would be within and contained within the restaurant. There would be no packaged liquor to go or anything like that. Much like as an Addison's or Pasta Factory or something of that nature. If you have any questions for me, I'd be happy to answer them.

MS. LOE: Any questions for Mr. Murphy? I see none. Thank you. Mr.

Stanton.

MR. STANTON: I'd like to make a motion, ma'am.

MS. LOE: No questions. Any other comments from the public? Seeing none, we will close the public comment period.

PUBLIC HEARING CLOSED

MS. LOE: Commission discussion? Mr. Stanton.

MR. STANTON: As relates to Case 81-2019, I move to approve the PD Plan and the modifications to the Statement of Intent amendments.

MR. MACMANN: Second.

MS. LOE: Second from Mr. MacMann. We have a motion on the floor. Any discussion on that motion? I see none. May we have roll call, please, Ms. Burns?

MS. BURNS: Yes.

MS. LOE: Thank you , Ms. Burns. Recommendation for approval will be forwarded to city council. Our second public hearing for the evening is Case 88-2019.

As relates to Case 81-2019, move to approve the PD Plan and modifications to the Statement of Intent amendments.

Yes: 7 - Burns, Harder, Loe, Stanton, Strodtman, Toohey and MacMann

Excused: 2 - Rushing and Russell

Case # 88-2019

A request by Crockett Engineering Consultants (agent), on behalf of Partnership for Kelly Farms of Columbia, LP (owner), for a major amendment to the existing PD development plan known as *Kelly Farms* to increase monument signage height and area from the permitted 4-foot height and 16 square-foot area per sign, and to revise driveway locations for the multi-family lot. The 43-acre property is located on the east side of Cinnamon Hill Lane, approximately 1,100 feet north of Stadium Boulevard.

MS. LOE: Thank you, Ms. Burns. Recommendation for approval will be forwarded to city council. Our second public hearing for the evening is Case 88-2019.

MS. LOE: May we have a staff report, please? Staff report was given by Pat Zenner of the Planning and Development Department.

MR. ZENNER: We believe that the signage is appropriate. We believe that the amendment is consistent with good signage practices, reduces signage but still affords the applicant to stay under the cap of what would be allowed if it was just RMF zoning. It's for that reason we are recommending approval of the plan amendment as it relates to signage specifically and then as the secondarily component of the amendment the relocation of the driveways on the adopted site plan to match with the physical

construction in the field. If you have any questions, I'd be more than happy to answer them.

MS. LOE: Thank you, Mr. Zenner. Are there any questions for staff? Mr. MacMann.

MR. MACMANN: Thank you, Madam Chair. Mr. Zenner, as we all recall our neighbors here to the north and the neighbors here to the west were seriously involved and seriously concerned when this project went in. I'm glad that the Kellys and them could reach some kind of accommodation. They had no response to any of this?

MR. ZENNER: Given the notes, and I will point out I am pinch hitting for Mr. Smith this evening, based on what is stated in the report, they did have three attendees at that public information meeting and the comments and concerns that were expressed were size and design of the signs. Initially I think there was some other variations at the initial iteration of what was submitted to us and I believe through the review process, and if Mr. Crockett is still here he can address that as well, we were able to I believe work with the applicant to get the signs.

MR. MACMANN: I truly believe if they had an issue they would be here.

MR. ZENNER: I guarantee you. Actually I'm very proud of my staff that they were able to resolve that if they have.

MR. MACMANN: I just want to know given the level of their involvement last time. Thank you very much. Thank you, Madam Chair.

MS. LOE: Thank you, Mr. MacMann. Any additional questions for staff? Seeing none. We will move to public comment.

PUBLIC HEARING OPENED

MS. LOE: Please give your name and address for the record.

MR. CROCKETT: Madam Chairman, members of the Commission, Tim Crockett, Crockett Engineering, 1000 West Nifong. As Mr. Zenner stated, we are asking for a very slight increase in the total sign area. While we can ask for a much larger increase, we're not. If you've been by any of the Kelly developments, you'll notice that the signs at those developments are very size appropriate, very attractive, and that's what we're looking for here. We don't want to get just the maximum sign area that we possibly can. We want to make sure that it's appropriate for the development itself. That's what we're asking for. Mr. MacMann, to answer your question, with me tonight is Pat Kelly and Ben Kelly, the developers of the property. Before this project came through, they actually went and met with the neighbors in one of the homes of the neighbors out there. Talked to them about what the changes were, what the proposal was. I think three or four of them did show up at the public information meeting and they did give us support for our

changes. Yes, we have reached out to them outside of the city process and went to them and met with them individually in their homes and said hey, is this going to be an issue, what's your concerns, what's your thoughts on this, and they had no problems with the signage revisions that we're asking for. Yes, it was a process with the neighbors before. We wanted to make sure that we included them in this process as well which the Kellys certainly did. Again, I believe that the proposal before you tonight is appropriate and ask for your support and happy to answer any questions that you may have.

MS. LOE: Thank you, Mr. Crockett. Are there any questions for this speaker? Mr. MacMann.

MR. MACMANN: Just a real quick comment, Madam Chair. I'd like to thank the Kellys and Mr. Crockett for going that extra mile. It makes a big difference. We had a lot of concern last time. I'm glad it was addressed.

MR. CROCKETT: Absolutely. They took care of this and left me out of it. Hey, you can give them credit, not myself.

MR. MACMANN: Credit those developers and agents who go that extra mile.

MR. CROCKETT: Absolutely. We build a relationship with those neighbors. We take great pride in the fact they actually have called the police on a few instances on some activity taking place on our site that they want us to be aware of. We're very appreciative of that. It goes both ways.

MR. MACMANN: Thank you, sir.

MS. LOE: Thank you, Mr. MacMann. Any additional questions for Mr. Crockett? I see none. Thank you. Any additional comments from the public? Seeing none. I'm going to close public comment.

PUBLIC HEARING CLOSED

MS. LOE: Commission discussion? Mr. Stanton.

MR. STANTON: I'd like to make a motion if there's not any questions or comments or concerns. As relates to Case 88-2019, I move to approve the PD plan amendment.

MR. STRODTMAN: Second.

MS. LOE: Second from Mr. Strodtman. We have a motion on the floor. Any discussion on this motion? Seeing none. Ms. Burns, may we have roll call, please?

MS. BURNS: Yes.

As relates to Case 88-2019, move to approve the PD plan amendment.

Yes: 7 - Burns, Harder, Loe, Stanton, Strodtman, Toohey and MacMann

Excused: 2 - Rushing and Russell

Case # 92-2019

A request by A Civil Group (agent) on behalf of BCJ Investments, LLC (owner) to permanently zone 0.24 acres of property to City M-N (Mixed Use-Neighborhood) from County C-G (General Commercial) upon annexation. The subject site is located on the north side of St. Charles Road, approximately 400 feet west of Grace Lane, and is commonly addressed as 5305 E. St. Charles Road.

MS. LOE: Thank you. Recommendation for approval will be forwarded to city council. Moving on to our last agenda item for the evening or last case for the evening, Case 92-2019. MS. LOE: May we have a staff report, please?

Staff report was given by Pat Zenner of the Planning and Development Department.

MR. ZENNER: So with that in mind, we believe that the requested M-N zoning on the property is appropriate. It does accommodate the existing use that is within the building. MOF, as we point out in the staff report, is an alternative if you are uncomfortable with the M-N. However, as we are recommending the M-N zoning to us does meet the criteria that we believe is appropriate to be utilized and therefore we find that the M-N is proper. The applicant's agent is here if there are questions, and I am more than happy to answer any if you have them.

MS. LOE: Thank you, Mr. Zenner. Are there any questions for staff? I see none. We will open up the floor for public comment.

PUBLIC HEARING OPENED

MR. MURPHY: Good evening again, Commissioners. Kevin Murphy with A Civil Group offices at 3401 Broadway Business Park Court. I'd like to say we respectfully disagree with staff on the zoning on this. It's currently full blown commercial in the county. As you may have heard from one of the previous cases we had further to the west and south of here there are major arterial or arterial roads, collector roads and Stadium extension and expressway would meet at this extension and it would not be a linear development. It is a nodal development and we feel M-C is more appropriate, but the issue at the moment is that our client has a failing sewer system and he needs to connect to the city sewer and we didn't want to take the chance of fighting for M-C, which we feel is appropriate, and decided to go with M-N which staff would support. Other than that, it's pretty straight forward. If you have any questions, I'd be happy to answer them.

MS. LOE: Are there any questions for this speaker? Mr. Strodtman.

MR. STRODTMAN: I'm assuming the M-N zoning will accommodate your client's use?

MR. MURPHY: Yes, the current use what they have right now.

MR. STRODTMAN: Thank you.

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

PUBLIC HEARING CLOSED

MS. LOE: Commission discussion? Mr. Stanton.

MR. STANTON: As relates to Case 92-2019, I move approval for M-N permanent zoning.

MR. MACMANN: Second.

MS. LOE: Second from Mr. MacMann. We have a motion on the floor. Any discussion on that motion? I see none. Ms. Burns, may we have roll call, please?

MS. BURNS: Yes.

MS. LOE: Recommendation for approval will be forwarded to city council. That concludes our cases for the evening.

As relates to Case 92-2019, I move approval for M-N permanent zoning.

Yes: 7 - Burns, Harder, Loe, Stanton, Strodtman, Toohey and MacMann

Excused: 2 - Rushing and Russell

VIII. PUBLIC COMMENTS

MS. LOE: Moving on to public comments. Are there any comments from the public? Seeing none.

IX. STAFF COMMENTS

MS. LOE: We'll move on to staff comments.

MR. ZENNER: Well, here's where we get to talk about do we want to have a meeting in a week or do we not. We are tentatively scheduled and it is teed up on the calendar, the city calendar, for a supplemental work session of the Planning and Zoning Commission on the 25th at 6:00 p.m. in conference room 1-C. Based on the work session discussion this evening and comments that have been made, staff has received direction for making and investigating some additional topics in which we could come back and bring to you as it relates to hours of operation for liquor establishments and things of that nature if that is state or locally defined. We can bring back to you the topic as it relates to the M-N zoning district and potentially having further discussion as it relates to that and its locations that may be available in the future. That stems from a discussion of potential future conditional use standards that may be developed. Or we can suspend any additional supplemental meetings and staff can clean up the draft that has been presented now on the 11th and under tonight's work session agenda and prepare for advertising a May 9 public hearing. The option is left to the Commission.

These supplemental work sessions were prepared or were identified as a necessity to ensure that we had enough time to talk and as we have discussed within the work sessions while we can't discuss a tremendous amount within the work sessions there may be little that will be changed as a part of the final draft that would be presented for public hearing. It is of the Commission's belief that any additional discussion short of a public hearing that will then allow you to state on the record your thoughts as it relates to particular provisions within the proposed draft that staff has prepared may not yield any additional results. We're more than welcome to not having the April 25 meeting nor having the May 2 meeting which has been tentatively also reserved. I need to know what your opinion is as a commission. Do you want to have additional discussion? That additional discussion again may be on topics that we will come back to after the May 9 public hearing once council has received the document that they then can take their action on which the commission's recommendation again is a requirement before council can take action or we wait to make any additional discussion on this topic until after council is finished with the regulatory standards that have been presented to you over the last two work sessions and we just come back to you with whatever the end result is and then try to address the comments that were made at the April 11 meeting which we talked about adding conditional use standards in under certain circumstances. I am open to whatever the commission would like us to do. I need to know however because we do have to produce an agenda for this. And if I can produce that agenda tomorrow, I'll be more than happy to. If I don't need to, it frees up my workday for something else.

MS. LOE: Can I simply ask for a show of hands if any of the commissioners would like additional work session discussion time or does it need to be more formal?

MR. ZENNER: I think I'd like probably a formal thumbs up vote as it relates to that. I don't know if that needs to be a motion. That may be about as formal as I want to get.

MS. LOE: Ms. Burns has a question.

MS. BURNS: Would the other commissioners be willing to pick one of the two dates either the 25th or May 2, and I would say May 2 because that would give staff time to come up with additional information for us to consider. I think I need -- I would prefer to have more time.

MR. ZENNER: What particular information are you wanting?

MS. BURNS: You were going to clean up the draft I think and take comments into consideration.

MR. ZENNER: Very little cleanup to the draft will need to be made.

MS. BURNS: And so what about incorporating comments that are received

during the work sessions?

MR. ZENNER: Comments that will be received during the work session are actually going to be reflected in the correspondence to council and that will be as a result of your public hearing on May 9.

MS. BURNS: Okay. All right.

MS. LOE: Mr. MacMann.

MR. MACMANN: I will certainly go with whatever you guys want to do, but I think it would behoove us given our workload to get ahead on the CUP conditional uses and the M-N, at least to lay some ground work. If you guys don't want to do that, that's fine.

MS. LOE: I'm sorry. Get ahead on?

MR. MACMANN: Conditional uses. If we could have discussion on conditional uses, have discussion whether M-N will work or nay. I think that would be great. If you guys don't want to do it now, that's fine too. We might have to rehash it anyway after the 9th. So I'm of a mind with Commissioner Burns to go with one date and discuss it. But if you guys don't want to, you want to wait and do it later, that's fine.

MR. STANTON: I have a question for staff. In lieu of this evening's meeting, do you feel like you captured enough of our comments through your draft that you presented today?

MR. ZENNER: I mean, I think what I can -- what we have received up to this point, and for those that may be watching in TV land or what will be captured in the minutes, we understand from the Commission's discussions from the 11th and from this evening's meeting there is concern and there is disagreement as it relates to the staff's proposal of a distance and separation standard of 1,000 feet from the restricted facility types and that it is possible that you would like consideration of something less, as well as there are some security related or esthetic issues that came up this evening, some clarifications in how we have particular standards drafted that deal with esthetic design requirements. The time restriction is another issue for dispensary facilities within our MDT zoning district. There was discussion as it related as well to the requirement of a second story in the MDT zoning district. While we have captured that and the minutes from the April 11 meeting are nine pages single spaced, we have not produced those as would have been produced for the 25th's meeting for adoption. We have a record of what the Commission has stated. Up to this point my belief is based on our conversation that we've had those are public hearing comments. The draft as we have stated within work session is the draft that will be proposed minor these very limited changes of some clarity. Substantive changes to the ordinance at this point will not be incorporated. They

will be added as a part of your public hearing testimony and offered to council for their consideration as amendments at their public hearing. So I am of the opinion that any additional meetings short of what Mr. MacMann is suggesting that we get ahead of the conditional use process as we discussed on the 11th due to the time constraints we are under we cannot do an adequate job in order to develop those can potentially wait. However, as Mr. MacMann said, I am at the Commission's bequest. If you would like to begin that discussion, it is a related topic, but you must understand that that will not be incorporated in a draft that is presented for a public hearing. We are not at a point that we can adequately vet that and I believe as we discussed this evening if the Commission is working on proposing an amendment our much more deliberate process of how we go through conversing and coming to a consensus is what will generally apply. Right now we're being asked to take action on an ordinance due to a compressed time schedule. If we have additional meetings, I don't think that we will yield anything additional out of it. We will have more public comment that you will have to put onto the record again. So with that, I would probably suggest there is not a need to hold the April 25 or the May 2 meeting. We can prepare to advertise for May 9 -- May 2 meeting for a May 9 public hearing. We will advertise for the May 9 public hearing now or prepare for that.

MS. LOE: I concur with Mr. Zenner in that I believe we have discussed conditional use just on the topics that Mr. MacMann raised and at this point I would prefer to wait and see how it passes city council before attempting to develop those points further.

MR. MACMANN: If I may. I don't mean to interrupt you. A thought we expressed a willingness to even schedule two additional meetings. We may need another meeting in the future once council gets through, a standalone.

MS. LOE: We've stated several times that this is something in process and this is the first iteration, yes. But I think we're providing comment on this draft that will be taken into consideration by council. We'll see what comes through council and then we can move forward. Additional comments? Thumbs up vote on whether or not we need supplemental hearing -- sorry, looking at my notes -- supplemental work session discussions.

MR. STRODTMAN: You mean making a motion?

MR. STANTON: Why don't you make a motion.

MR. STRODTMAN: I would make a recommendation that we do not hold any additional work sessions until after we hear back from city council.

MR. STANTON: Second.

MS. LOE: Second by Mr. Stanton. Discussion? Seeing none, thumbs up vote.

Unanimous.

(Unanimous vote.)

MR. ZENNER: Thank you very much. So we do not have a meeting on April 25. You will have your next meeting, however, will be May 9. And on the May 9 agenda we will have the public hearing for medical marijuana regulations. That will be advertised 15 days in advance of this public hearing and we will have available to the public the draft. It will be probably placed out on our website a little bit earlier than we would normally publish our agenda because we will have the material ready to produce. You have a couple of other cases however. We have a preliminary plat. This is for Arbor Pointe subdivision. This is just to the actually east of what we approved for the Tuscany project today. This is just north of Alpha Hart Lewis School. We also have a rezoning request and the name James Harris may sound familiar to some of you. This is down off of St. Charles Road towards Keene. Mr. Harris just recently annexed in a piece of property. It was zoned A. He has acquired some additional property to the front of his 10-acre tract that was formerly in the county zoned P-D, part of the former planned district P planned unit development, and he is requesting to have that zoned A to incorporate into his larger tract of land as well. Then, of course, we have the public hearing for medical marijuana. Just so you're familiar with where the locations are, this is the Arbor Pointe project. The Tuscany project is just off the map. It's right over here. And then, of course, the two parcels for Mr. Harris with the roadway frontage out on St. Charles Road and these two parcels that are highlighted in the teal would be combined with his 10-acre parcel through a separate platting action to allow him to have just one continuous parcel of property and address a couple of utility issues that have arisen due to the utility lines being off site or having to cross over existing property lines. Those are the items that we will have on the May 9 agenda. At this point we are going to be preparing for our presentations by our allied departments of Public Works, Parks and Recreation and Utilities for the May 9 work session to go over the CIP, the draft 2020 CIP, and you received in your work session materials the link to the draft CIP. If you would review that, come prepared with questions. What we have experienced over the last several years when we've had our speakers come in, the front speaker gets a lot of time and by the time we get to the end we're rushing to get through. I am going to try to give them a little bit better guidance to keep those presentations down to probably the high points of the projects that are maybe within the one to two year that we intend on having built and possibly be very selective in the three to five and the six to ten year window so we're not having a full litany of projects. Parks and Rec always has a lot to share, and then we have a lot of other really cool projects in our other departments that we just don't get to hear about. Again, as we've

done in the past, the whole reason for our review of the CIP is to provide council a perspective based on what you all see coming through on the development side. Are we missing things, are projects potentially out of sequence. I realize it seems like an exercise in futility everytime we ask you to do this. You are obligated to do so under the charter, but it is also I think something if we are consistent in providing the perspective everytime we do this at some point I optimistically hope that it will have an influence that maybe we need to rearrange a project because you guys are seeing something or you're sensing something is being missed as we're building the environment out. That's my soap box speech for you all. All I have to say is thank you for being here this evening, thank you for the discussion we had in work session and we will look forward to seeing you then on May 9.

MS. LOE: Thank you for the soap box discussion, Mr. Zenner.

X. COMMISSIONER COMMENTS

MS. LOE: Mr. MacMann.

MR. MACMANN: Have we migrated to --

MS. LOE: We are to Commissioner comments.

MR. MACMANN: With that, I have a brief thank you to the press. I appreciate your all's focus on these issues of late and have a motion.

MS. LOE: Please.

XI. NEXT MEETING DATE - May 9, 2019 @ 7 pm (tentative)

XII. ADJOURNMENT

MR. MACMANN: I move that we adjourn.

MR. STANTON: Second.

MS. LOE: Second by Mr. Stanton. We are adjourned.

(The meeting adjourned at 8:28 p.m.)

(Off the record.)

Move to adjourn.