City of Columbia, Missouri

Meeting Minutes

Planning and Zoning Commission

Thursday, September 10, 2020 7:00 PM	Regular Meeting	Council Chambers Columbia City Hall 701 E. Broadway

I. CALL TO ORDER

MS. LOE: I would like to the September 10, 2020 Planning and Zoning Commission to order.

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

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

MS. LOE: Thank you.

Present: 9 - Tootie Burns, Sara Loe, Joy Rushing, Lee Russell, Anthony Stanton, Brian Toohey, Michael MacMann, Valerie Carroll and Sharon Geuea Jones

II. INTRODUCTIONS

III. APPROVAL OF AGENDA

MS. LOE: Mr. Zenner, are there any adjustments or additions to the agenda?

MR. ZENNER: No, there are not, ma'am.

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

MR. MACMANN: So moved.

MS. RUSSELL: Second.

MS. LOE: Second by Ms. Russell. I'll take a thumbs up approval on the agenda.

(Unanimous vote for approval.)

MS. LOE: It looks unanimous. Thank you.

Approved Agenda.

IV. APPROVAL OF MINUTES

August 20, 2020 Regular Meeting

MS. LOE: Everyone should have gotten a copy of the August 20th, 2020 regular meeting minutes. Were there any adjustments, changes, edits to those?

MS. RUSSELL: Move to approve.

MR. STANTON: Second.

MS. LOE: Second by Mr. Stanton. I'll take a thumbs up approval on those.

(Eight votes for approval; one abstention.)

MS. LOE: It looks like eight for approval. I'm going to abstain. I missed that meeting.

Approved Minutes.

V. SUBDIVISION AND PUBLIC HEARING

Case # 151-2020

A request by Cochran Engineering (agent) on behalf of Midwest Petroleum Company (owner) for approval of a two-lot final plat on property zoned M-DT (Mixed Use-Downtown), constituting a replat to be known as *MPC Station #94*. This request also includes three associated design adjustments from the UDC which are: (1) Section 29-5.1(c)(4) and Appendix A.3 (Street Widths) to allow right of way dedication less than the required 53', (2) Section 29-5.1(f)(3) to allow a new lot line through a structure, and (3) Appendix A.6(b) (Intersections) to waive the required lot corner radius at the site's Cherry Street and Providence Road corner. The 0.77-acre property is currently improved with a ZX Gas Station and is located at the northeast corner of Providence Road and Locust Street, and includes the addresses 104 and 126 S. Providence Road.

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

Staff report was given by Mr. Clint Smith of the Planning and Development Department. The following staff recommendations are provided:

1. Denial of the design adjustment to Section 29-5.l(c)(4) and Appendix A.3 (Street Widths) to reduce the right of way dedication of Providence Road;

2. Approval of the design adjustment from Section 29-5.1(f)(3) (Lot Lines over Structures) relating to the platting of a property line through an existing parking lot;

3. Approval of the design adjustment from Appendix A.6(b) (Intersections) relating to lot corner truncation at the northwest corner of the property;

4. Denial of the proposed final plat given it is not in compliance with the provisions of the UDC. Alternatively, if the Commission supports the requested design adjustments, the plat could be recommended for approval, subject to making technical corrections.

MS. LOE: Thank you, Mr. Smith. Before we move on to questions for staff, I would like to ask any Commissioner who has had any ex parte related to this case prior to this meeting to please disclose that now so all Commissioners have the same information to consider on behalf of the case in front of us. Ms. Burns?

MS. BURNS: Yes. I just want to disclose that I serve on the Park Committee that is for the past years has been working on a sculpture that is to be placed on the corner of Providence and Broadway, as well as discussions about the Flat Branch Park expansion.

MS. LOE: Thank you. Anyone else? Seeing none. Are there any questions for staff?

Ms. Russell?

MS. RUSSELL: Are you -- I'm assuming you're going to want four separate motions on this?

MR. SMITH: I would recommend at the least to vote on the right-of-way design adjustment separate. And since you're at it, it might be best to vote separately on each design adjustment and then ultimately vote on the plat itself.

MS. RUSSELL: Okay.

MS. LOE: Mr. MacMann?

MR. MACMANN: Thank you, Madam Chair. Planner Smith, and maybe Mr. Zenner might recall this. If I recall correctly, in regards to this specific property, we, as a body, changed the UDC; don't you guys recall that, where we didn't allow them -- it wasn't required for gas stations to front? You remember that? You guys remember that? Okay. I was just -- I was just trying to clear my memory on that. The second question is a general question, now that you've brought it up. I've noticed that as things are redeveloped downtown, a lot of people don't like corner truncations and are asking for waivers. It's kind of like sidewalks on the Business Loop. They want sidewalks but nobody wants a sidewalk, and we want truncations, but no one wants a truncation. I'm just bringing that up to saying because it's an issue here, I have a problem with this particular truncation being eliminated because I'm aware of the City plans and I'm aware of what the folks at the Parks are doing. I just think we need to be kind of cognizant that everyone wants to have exceptions to our rules. That's all for now. Thank you, Planner Smith.

MS. LOE: Mr. Stanton?

MR. STANTON: I have a technical question. Okay. So even if we approve some of these adjustments -- design adjustments, it's still not going to be in compliance.

MR. SMITH: Correct.

MS. RUSHING: Approve all of them.

MR. STANTON: We would have to improve all of them or fail the final plat?

MR. SMITH: Yes. That's a great observation and I might have clarified that. All three of these design adjustments affect the layout of the plat.

MR. STANTON: Right.

MR. SMITH: So if any of them fail, if you --

MR. STANTON: The plat fails.

MR. SMITH: One option is then you would probably need to fail the plat. There is an alternative where you would recommend approval with conditions that certain design adjustments be -- be addressed, so that would be the other method of -- of approaching it.

MR. STANTON: Okay.

MR. SMITH: You could say we recommend denial of, you know, for instance, the corner truncation, but we recommend approval on the condition that they change the plat to make it compliant with them.

MR. STANTON: Okay. Okay. I was going to say because it's still not going to be compliant. Okay.

MS. LOE: Ms. Geuea Jones?

MS. GEUEA JONES: The truncation can only ever be used for street construction. Correct? It -- it would not affect the City's Park Plan to remove that right-of-way?

MR. SMITH: No. I don't see an avenue where that -- that would be needed, because usually that's where you're going to round the sidewalk off or curve on pavement. So this -- this is just going to transition directly into probably the park redevelopment, so I don't think an extra corner would be --

MS. GEUEA JONES: Yeah. I -- I just didn't know if they were going to eventually put a sidewalk or access or something there that they would want that.

MR. SMITH: Not that's going to be used in that truncated part. It would still be within the standard right-of-way area, I think.

MS. GEUEA JONES: Okay.

MS. LOE: Mr. Smith, I believe the report identified that reductions in right-of-ways have been requested previously. I think we've had some come through since 2013. Can you remind me if any reductions have been approved along Providence in this area?

MR. SMITH: Yes. I can tell you we've had -- off the top of my head, and I hesitated to go off the top of my head because I don't want to miss any or mislead. But I know we recently had the one for the CHA property to the north. They requested a certain amount and I think they were granted some relief, but not full relief. And to the west of this site, I think there was a plat, but it's been several years ago, and they were granted relief from right-of-way, but that was prior to a change of policy where City and Public Works staff is not recommending approval of design adjustments for right-of-way. And at that point, we were recommending it, you know, depending on if they were MoDOT projects, but at that point, we were directed that if the MRP states that that is a minimum right-of-way, we need to be securing that right-of-way unless there is some clear reason that we wouldn't. So we've been left in that position where we did not get the right-of-way that was required to be dedicated and, in the future, a project did come along and it put us in a position that we did not necessarily want to be in.

MR. ZENNER: That is actually -- the parcel he's referring to is the Lucky's site. It was directly to the southwest. That is the remaining remnant of what is currently to be

developed with the Raising Cane's property. The third one that I can think of off the top of my head is further to the south on Providence, and that is where the fraternity house is being reconstructed. If I recall correctly that particular request was denied by the Planning Commission, and then ultimately, if I recall correctly, approved by Council. Due to other issues that were unknown to us at the time, applicant expressed late knowledge of the necessity of having to have the dedication. So, you know, this is an issue that's been evolving for quite some time as it relates to our corridors. Unfortunately, we are the conveyors of information and the desires of our Public Works staff at this point. I would suggest that in certain instances, we may all realize from a practical perspective there are limitations to the expansion of corridors given the existing developed corridor, however, in instances where you are platting, which is a request of accommodation, it is not a given. This is the process that we must go through until we develop a better mousetrap and, unfortunately, it is placed on the doorstep of the Planning Commission to make a recommendation as to what is considered acceptable or not acceptable and Council to determine under their purview of the approval of the plat if that's the recommendation that's being moved forward, if they should accept the reduced right-of-way or not.

MS. LOE: Any additional questions for staff? Mr. MacMann?

MR. MACMANN: If I may have a second bite at the apple. Thank you. Mr. Zenner, thank you for bringing those up because that reminded me of something. Council did waive right at the corner there by the fraternity a portion of that. Going back to the Lucky's lot and the TKG property directly south of it, if you all recall, this may have been about three years ago, TKG had one of their many plans for that property, and they wanted us, kind of like now, to waive MoDOT's right-of-way. And I made the point then, and I'll probably make this point again as we go forward, that it's MoDOT's right-of-way. You know, we could release our claims to it, but that doesn't have any bearing on what MoDOT needs or does not need. So -- because I remember this very issue came up across the street.

MR. ZENNER: And the general position and the tenor that has been expressed within our organization at this point, and the reason that the recommendation comes forward is that many road rights-of-way that are MoDOT controlled today may ultimately be turned over to the City, and the City does not necessarily want to be left in a position of where a road construction or expansion project is needed to facilitate other City purposes, accommodating increased flows of traffic, be it vehicular, pedestrian, or other modes without having the opportunity to have the sufficient amount of right-of-way. And therefore, the position that has been expressed here more recently is that we obtain the

maximum amount that we can at the time of platting, which is our opportunity to take a second bite of the apple from the original platting action that created the lot in question. So it is a -- it's a challenge when you have MoDOT, which controls the roadway, controls, ultimately, the expansions upon that roadway, and they have no plans. The City may not have any plans immediately, but we don't know what the future may hold. And therefore, the direction that we've been asked to follow is to obtain the right-of-way necessary to meet the MRP plan specifications. And in the absence of anything different, that's why we are making the recommendation the way we are.

MS. LOE: Thank you. Any additional questions for staff? Seeing none, we will open the floor to public comment.

PUBLIC HEARING OPENED

MS. LOE: We do limit comment to three minutes per person. You may have six minutes if you're speaking for the group. Please give your name and address for the public record.

MS. LAMAR: Good evening. Phebe Lamar here on behalf of the applicant. My address is 111 South Ninth Street. Can I take off my mask, or do I need to wear it?

MS. LOE: You can take it off.

MS. LAMAR: It just muffles and makes it hard to communicate, so -- I'm here on behalf of the applicant. The replat that we're talking about this evening is actually a replat of what were three tracts trying to combine them into two tracts -- two lots, which will be the tracts on which the strip shopping center is located and then the strip -- and then the location of the -- of the current gas station that they're seeking to expand. The primary impetus and cause for looking at what we're doing this evening was actually because when the City decided to expand Flat Branch Park, my client lost access for one of those three tracts, and as a result, needed to figure out how to reconfigure the property so that they would have access for both -- for both lots -- what will be two lots, hopefully. As a result, when they started looking at that and trying to figure out a plan for the lot, they ended up looking at this -- at the gas station lot in particular, and just determined that it would probably make sense to expand that into more of a modern convenience store and provide additional amenities as a result of doing it. So what we're talking about specifically this evening is the plan for the southern lot, although, at the end of the day, it will replat those tracts into two lots. What you saw on the site, particularly on the location where the gas station is located, is it's very narrow, and that's part of what the -- part of what Mr. Smith was talking about, which makes the options for placement of a building on that tract pretty limited. My client is looking to upgrade and update the entire lot, both inside and out. In fact, I believe they'll be constructing an entire new building in

order to try to do this project. As a result, and in order to do what they're talking about, what you can see there is a picture of a similar building that was constructed somewhere else to what they're trying to construct. And these are some pictures of what would be inside the actual building, because they want to offer additional services, et cetera. Those will include additional -- the other thing that will -- that will occur in the process in this is we'll actually be increasing the landscaping because there's essentially none at this point. As you can see, there would be landscaping with this project, and the only way to make this project work is by getting the design adjustments that have been requested. So if we don't do -- if we don't do something with regard to the right-of-way as an adjustment, which I think is the only one that's really at issue, if we don't do something with that, then none of this project works and none of what we're trying to do will -- will be able to take place. So what we'll doing in the -- in the context of this is we'll be expanding the services that are provided inside the store. We'll be offering additional dispensed beverages. We'll actually offer a brew as you go, coffee and cappuccinos, brew on demand, being in a cup where you can actually brew your own cup of coffee in the store. We'll also be expanding the grocery and general merchandise. We'll be expanding the amount of beverages that can be sold out of the -- out of the refrigerator by three times. We'll be offering additional take-home beverages so that if you need to grab a gallon of milk, you can stop here rather than having to go across town or to wherever in order to get that, all way to the back of the -- of the grocery store across the street. We're expanding the PPE offerings. We're expanding the automotive selection. We're trying to be a service for the people who are either downtown for work or they live there, or they just come downtown. So at this -- and, finally, we'll also be expanding the to-go offerings of food that people can get, which seems to be pretty needed by a lot of people at this point in time. In looking through the information that's in the staff report and listening to the report that was given this evening, truly the only thing that appears to be at issue is whether or not we are going to be permitted to reduce the amount of right-of-way that will be granted with this plat. So in looking at this, I'd like to keep in mind that my client is granting additional right-of-way. There will be an addition of six feet to the -- to the right-of-way that's currently there. And if we don't go forward with this, none of that will be granted because my client won't be doing the project at all. The long and the short of the request is that there is no logistical or realistic in order to do this project and still make the upgrades and updates that will allow for the business if we -- if we try to expand the right-of-way by the 18 feet that were requested. The lot is too narrow and doesn't permit doing what we need to do with it if we -- if we have to grant that 18 feet. It's also important to note that part of what was discussed earlier is there have

been requests to reduce the right-of-way that's been granted, that's -- that's required under the ordinance, and those have been granted at least two or three times in the past few years. And so it's not without precedent that something like this would occur and there are other locations in which it has -- in which it has occurred. The analysis requires you to look at five -- five items. First of all, yes, we're granting additional right-of-way. If we -- if we do what's been requested, we won't be able to do any improvements including granting that additional six feet of right-of-way. It's also important to note that MoDOT recently made a substantial investment in the sidewalks in this area. And so, therefore, it's -- it's reasonable to assume that they don't have any intentions to expand that road any time in the near future. Also --

MS. LOE: Ms. Lamar, are you open to taking questions from the Commission?

MS. LAMAR: Sure. I'd be happy to.

MS. LOE: Are there any questions for this speaker? Ms. Geuea Jones?

MS. GEUEA JONES: Hi, how are you?

MS. LAMAR: Sorry. I can't see behind --

MS. GEUEA JONES: Oh, it's fine. It's fine. My -- my only question is, I'm looking at this is why are you subdividing? Why aren't you using that whole space, because it seems like that would give you some of the flexibility that you need without taking away the right-of-way.

MS. LAMAR: Because in order to do that, we would have to lose an entire building, and the reality is in order to make the -- in order to make the property cash flow, you can't lose that entire building.

MS. GEUEA JONES: I see. So you're planning to sell off the northern --

MS. LAMAR: I don't know if they're intending to sell it or just rent it out.

MS. GEUEA JONES: Okay.

MS. LAMAR: But one way or the other, in order to cash flow, and James McNutt is here. He can actually answer that.

MS. LOE: Mr. McNutt, you can't speak except at the podium. Sorry.

MS. GEUEA JONES: You'll get a chance.

MS. LOE: Actually, Ms. Lamar used the group's time, but --

MS. LAMAR: Well, they're -- they're here to answer questions.

MS. LOE: Okay.

MS. LAMAR: They're not here -- they're not here to give a presentation.

MS. LOE: Okay.

MS. LAMAR: But can I just respond briefly to the other portions of the -- of the analysis, because it's important to note that there are different ways to analyze the -- the

five -- the five things that are on that design adjustment worksheet.

MS. LOE: We all got copies of the analysis, so we saw your group's answers to that. Were there any questions about how the analysis was performed? Actually, I had one because it said that you are meeting the intentions of the plan by providing additional right-of-way.

MS. LAMAR: (Inaudible)

MS. LOE: And I agree. So would providing one additional foot of right-of-way be meeting the plan's intentions?

A. The reality is we've provided substantially more than one feet, six times that amount, and we've provided as much as we can possibly provide and still provide the services that we think are necessary for this location.

MS. LOE: Okay.

MS. LAMAR: We're not trying to cheat anybody and we're not trying to prevent the road from -- from expanding. We're not trying to keep them from having sidewalks. We're not trying to prevent anything from occurring that needs to happen. We are trying to provide for that and to operate the business that actually works in that location, so --

MS. LOE: But what do you see since not providing the full right-of-way means eliminating some of the features that would be identified in a major arterial, what do you think Providence doesn't need?

MS. LAMAR: I think that if MoDOT thought that Providence needed anything in that, that during the extensive conversations that occurred -- because they were extensive, because the original proposal had different entrance configurations, different -- different aspects that have since changed because of extensive discussions with MoDOT, if MoDOT had any concerns with the right-of-way that was being provided, because it's their right-of-way, not the City's. If MoDOT had concerns about that, they would have expressed those in the extensive discussions that have been -- that have taken place, and they've never expressed a single concern about the amount of right-of-way that's being proposed to be granted in this proposal.

MS. LOE: Mr. Stanton?

MR. STANTON: So how would you address the concerns that Mr. Zenner brought up that this may be -- custody of Providence may be given to the City, and then we'll be in pickle if we need that right-of-way like we've needed the right-of-way down the street?

MS. LAMAR: I think that should have been addressed in prior requests if that was, in fact, the case, which it wasn't, and I think that it's important to look at the history. And there's a lot of -- there's a lot of possibilities and, in reality, MoDOT has owned this road for a long, long time, and anything is possible, but probably not likely --

MR. STANTON: Have custody of it?

MS. LAMAR: -- that the City is every going to own that road.

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

MS. LAMAR: Thank you. James McNutt, who owns the property, and Joe Feldmann, who is the engineer on the project, are happy to answer any additional questions that you have.

MS. LOE: Thank you. Are there any additional speakers on this project? Were there any additional questions for the team -- the engineer, or the owner? I see --

MS. GEUEA JONES: I think I got the answer to my question. Thank you.

MS. LOE: Seeing none, we'll close public comment period.

PUBLIC HEARING CLOSED

MS. LOE: Commissioner discussion? Mr. MacMann?

MR. MACMANN: An issue that comes to mind is an issue that came before us not that long ago when we approved the Raising Cane -- I believe that's what that's called. We spoke at great length fairly -- Council didn't agree with this, but that doesn't mean the issues are not there. We all know that this is a dangerous intersection. We all know that the current pedestrian, bicycle, and automobile intersection do not function as safely and as clearly as they can. If there is any area of Providence that is prime for another turn lane, an accelerated or expanded bicycle or pedestrian safety, it's this particular intersection. And to minimize the amount of area needed to facilitate that safety I think is problematic particularly when the Raising Cane's has already been approved. I would submit that that Kroenke property will move forward more quickly now, now that it has something that's going to happen there. I think we really need to keep that in mind when we ponder that, whether we're going to surrender MoDOT's property or not, which I still have great problems with. Thank you.

MS. LOE: Ms. Geuea Jones?

MS. GEUEA JONES: Something that wasn't addressed right tonight in the staff report that causes me a lot of concern to Commissioner MacMann's point is the narrowing of the entrance that's on Locust. I use this gas station a lot. That is a very narrow entrance already. There are already near misses there all the time. I can't imagine that if they do that and now you've got, you know, another property to the north that doesn't have its own entrance off of Providence, now we're creating more congestion in an already busy intersection. I mean, I -- I know that in the next five years, it's not likely that Providence will be widened, but whatever is there, in fact, the building that's there now is going to be there for a lot longer than five years, and the right-of-way never

comes back. It just seems like we've got a chance to -- to just do it right, and we should take that seriously.

MS. LOE: Mr. Stanton?

MR. STANTON: I'm not a PE engineer, but I'm just looking at the -- at the proposed changes and I'm just perplexed that you can't work with the existing footprint. Why isn't that an option? I guess where the Nine Rounds building is -- will exist. Maybe I need one of you guys to come up here and --

MS. LOE: Do we have to open public comments again? So --

MR. STANTON: Oh, did we -- did you close them?

MS. LOE: I did.

MR. STANTON: I'm sorry. I'm sorry.

MS. LOE: No. That's all right. We're going to reopen public comment period.

PUBLIC HEARING REOPENED

MS. LOE: And if we could have your name and address for the record, please?

MR. MCNUTT: Sure. I'm James McNutt, President of Midwest Petroleum. My address is 220 Old Merimac Station Road, St. Louis, Missouri.

MR. STANTON: So existing structure, go south. What prompted you to maybe change it to an east-west configuration? I mean, the proposed --

MR. MCNUTT: It'll be -- the C-store itself, there is no -- I mean, it's already a very, very narrow footprint. I think it's only 1,200 square foot, like, the C-store itself, so there's no good way to make it a long expanded -- I mean, the property itself, there's a creek behind it.

MR. STANTON: Right.

MR. MCNUTT: So it's -- it's basically stopped on that side, too. So it's -- it's just -- there's no -- we played with the configuration probably 20 or 30 different ways, and the only way to get a, you know, modern sized C-store, which this one is, like, 3,400 square foot, was to turn it that way and then keep the property behind it, which is Nine Rounds, which we -- we wanted to keep it, to kind of answer your question, as either a leased property or we could sell off that parcel once we are able to complete our C-store and then it could be developed for something else and we've had offers by the Grind Coffee Shop to make it into a coffee -- there's a patio on the back and stuff like that, but we don't have any -- nothing has been approved or agreed to because we have to figure out what we're going to do with our property first, because, right now, there's currently not a entrance to that secondary property, because they have to come into our property and then come around.

MR. STANTON: Yeah. Right. So your proposed building will basically have its back

towards Nine Rounds, or that building. I'm sorry I have to call it that. That's how I'm referencing it.

MR. MCNUTT: Yeah. No. That -- yeah. Yeah.

MR. STANTON: But the Nine Rounds facility, so then yours will have your back towards that. Correct?

MR. MCNUTT: Correct.

MR. STANTON: And you need us to give you the entrance -- the second entrance off Providence to make Nine Rounds feasible as a building?

MR. MCNUTT: Correct. Because if not, it's basically that whole -- that whole plat currently does not have an entrance. So part of the agreement on the Flat Branch Council meeting was that they would allow us -- they would agree to putting another entrance on that property.

MR. STANTON: Well, you own that whole thing?

MR. MCNUTT: Correct.

MR. STANTON: But the entrepreneur in you is like I'm trying to have two lots so I can squeeze more money out of the back one and --

MR. MCNUTT: Well, I mean, even if we put the C-store in the back where the current existing building is, it really -- there's no gain there other than a little bit more space on the front. So -- but we still -- that lot still -- it has the same logistical issues being the narrow lot and having the creek behind it, there is no good way to -- to design it that way either. We tried splitting the canopy, we tried lots of other things, but the way the front lot is, if by giving that extra 12 foot, we would only -- we would have the same amount of dispensers, which is four, rather than getting six by having -- by only allowing to go six. So it's not just the building that's a logistical challenge, because I think we would lose about 300 square foot on the building, but we would lose two more dispensers, which it already is hard -- if you've ever been there, the fueling -- there's always cars and it's always packed and we do need two additional dispensers.

MR. STANTON: Thank you, sir.

MS. LOE: Any additional speakers? If not, we'll close public comment again.

PUBLIC HEARING CLOSED

MS. LOE: Commissioner discussion? Ms. Burns?

MS. BURNS: Again, just -- after Ms. Geuea Jones pointed out how getting into this facility where I, too, have gotten gas, I'm thinking about the 12-foot dedication of a street length -- or a street width is 15 feet, I believe, and so you're talking about almost a lane in an already very narrow situation. I guess it is a difficult lot and I feel for the applicant on that, but I feel like we're trying to squeeze a square peg into a round hole here.

MS. LOE: Mr. Stanton?

MR. STANTON: Yeah. I was trying to work a win-win. I can't see it, and I really -- I really support the City's position on getting as much right-of-way as possible when we have it because we don't know what the future is going to hold, and, yeah, we've learned our lesson down the street. And then, you know, then we're stuck.

MS. LOE: Mr. MacMann?

MR. MACMANN: If I may, on this topic, I have a motion. You wanted at least two of these, Mr. Smith; is that correct?

MS. LOE: Four.

MR. SMITH: I think you could -- you could probably vote, you know, on the two design adjustments that are fairly straightforward together, but have probably at least three votes here, but four may just be the best way.

MR. MACMANN: Would it be acceptable if I just addressed the design adjustment at this time, because that's going to be our sticking point?

MR. SMITH: Yeah. We can start there, yeah.

MR. MACMANN: All right. And, fellow Commissioners, I don't want to cut anybody off if they have anything else to say.

MR. STANTON: I do.

MR. MACMANN: Mr. Stanton, please?

MR. STANTON: If any of these don't go, this plat will have to fail, so I'm, like, let's go for the jugular off the top and just vote it up or down, let them find.

MS. LOE: I think that Mr. MacMann's point.

MR. MACMANN: Mr. Stanton, that's my point.

MR. STANTON: Okay.

MR. MACMANN: I would like to -- this will move forward to Council. They need to clearly see if we have an issue, where that issue lies without -- and I did want to add the other two design adjustments to this, because I didn't want to muddy that issue.

MR. STANTON: You're just going to go up and down on each one.

MR. MACMANN: I was just going to go to the design adjustment for the right-of-way dedication first, take that vote, stop, and see where we're at, and then proceed from there. That was my procedural flow.

MR. STANTON: Got it.

MR. MACMANN: Questions, concerns? In the matter of the design adjustment to dedicate -- I'm going to put this in a positive manner. I move that we allow the design adjustment for MPC Station #94, final plat, the only design adjustment that is being addressed is this, is the dedication of the additional right-of-way. Is there enough clarity

there for --

MS. LOE: Or do you need the reference, the 29 --

MS. RUSSELL: The case number.

MS. RUSHING: So when we vote against it, we're voting to --

MR. MACMANN: 29-5.1(c)(4).

MR. STANTON: Okay. Got it.

MS. RUSHING: Second.

MS. LOE: Second by Ms. Rushing. We have a motion on the floor to approve the design adjustment for the right-of-way. Any discussion on that motion? Mr. MacMann?

MR. MACMANN: Just for clarity sake, I will be voting no.

MS. LOE: Any additional discussion? Seeing none. Ms. Burns, may we have roll call, please.

MS. BURNS: Yes.

Roll Call Vote (Voting "yes" is to recommend approval.) Voting No: Ms. Carroll,
Ms. Loe, Mr. MacMann, Mr. Stanton, Ms. Geuea Jones, Ms. Rushing, Ms. Russell, Mr. Toohey,
Ms. Burns. Motion fails 9-0.

MS. BURNS: Nine to zero, motion fails.

MS. LOE: Which motion would you like next?

MR. ZENNER: You will need to take --

MS. RUSHING: We just denied the adjustment.

MR. ZENNER: You will -- you will need to take each of the motions. You can consolidate the next two design adjustments to a single motion, if you would like.

MS. LOE: Okay.

MR. ZENNER: To Mr. MacMann's point, Council needs to clearly understand where your issue was with the request. And therefore, if you make a motion in the affirmative to approve the next two design adjustments, that is an indication to Council that you have no issue with those. And then as you make your motion on the final plat for what would likely be denial, you would be expressing the denial due to the fact that it does not comply with the UDC.

MS. LOE: Mr. MacMann?

MR. MACMANN: I have a motion. In the matter of Case 151-2020, design adjustments 2 and 3, number 1, whereby 29-5.1(f)(3), building a lot line over a structure, approve, and in number 3, in the matter of the design adjustment to Appendix A.6(b) (Intersections), I move to approve the corner truncation to allow for the deletion of the

corner truncation of the northwest corner.

MS. RUSHING: Second.

MS. LOE: Second by Ms. Rushing. We have a motion on the floor. Any discussion on that motion? Seeing none. Ms. Burns, may we have roll call, please.

MS. BURNS: Yes.

Roll Call Vote (Voting "yes" is to recommend approval.) Voting Yes: Ms. Carroll, Ms. Loe, Mr. MacMann, Mr. Stanton, Ms. Rushing, Ms. Russell, Mr. Toohey. Voting No: Ms. Geuea Jones, Ms. Burns. Motion carries 7-2.

MS. BURNS: Seven to two, motion carries.

MS. LOE: Mr. MacMann?

MR. MACMANN: If I may, I have a motion. In the matter of the final replat -- I'm going to put this in the positive. In the matter of the final replat of Case 151-2020, MPC Station #94, I move to approve.

MS. RUSHING: Second.

MS. LOE: Second by Ms. Rushing. We have a motion on the floor to approve the final plat in Case 151-2020. Any discussion on that motion? I see none. Ms. Burns, may we have roll call, please.

MS. BURNS: Yes.

Roll Call Vote (Voting "yes" is to recommend approval.) Voting No: Ms. Carroll,

Ms. Loe, Mr. MacMann, Mr. Stanton, Ms. Geuea Jones, Ms. Rushing, Ms. Russell, Mr. Toohey,

Ms. Burns. Motion fails 9-0.

MS. BURNS: Nine to zero, motion is denied.

MS. LOE: Thank you, Ms. Burns. That concludes 151-2020.

Motion #1 - Move to approve the design adjustment to Section 29-5.1(c)(4)relating to the dedication of the additional right-of-way on Providence Road. Voting Yes: None Voting No: Ms. Carroll, Ms. Loe, Mr. MacMann, Mr. Stanton, Ms. Geuea Jones, Ms. Rushing, Ms. Russell, Mr. Toohey, Ms. Burns. Motion Fails 0-9.

Motion #2 - Move to approve design adjustments 2 and 3, Section 29-5.1(f)(3), building a lot line over a structure and Appendix A.6(b)(Intersections), to waive the lot corner truncation of the northwest corner of the plat. Voting Yes:Ms. Carroll, Ms. Loe, Mr. MacMann, Mr. Stanton, Ms. Rushing, Ms. Russell, Mr. Toohey. Voting No: Ms. Geuea Jones, Ms. Burns. Motion Passes 7-2

Motion 3: Move to approve the final replat of Case 151-2020, MPC Station #94. Voting Yes: None Voting No:Ms. Carroll, Ms. Loe, Mr. MacMann, Mr. Stanton, Ms. Geuea Jones, Ms. Rushing, Ms. Russell, Mr. Toohey, Ms. Burns. Motion Fails 0-9

No: 9 - Burns, Loe, Rushing, Russell, Stanton, Toohey, MacMann, Carroll and Geuea Jones

VI. PUBLIC HEARINGS

Case # 164-2020

A request by the City of Columbia (Contract Purchaser) to rezone the northern half (approximately 2.5 acres) of Lot 53 of the Deerfield Ridge Plat 2 from district PD (Planned Development) to district R-1 (One-Family Dwelling). The subject property is concurrently proposed to be replatted into two lots and will be known as Lot 53B of Deerfield Ridge Plat 2-A subject to Council approval on September 21, 2020. The requested rezoning is sought to facilitate the construction of a new fire station.

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

Staff report was given by Ms. Rachel Bacon of the Planning and Development Department. Staff recommends approval of the requested rezoning of the northern approximate 2.5 acres of Lot 53 of Deerfield Ridge, Plat 2 from PD to R-1.

MS. LOE: Thank you, Ms. Bacon. Before we move to Commissioner questions, I would like to ask any Commissioner who has had any ex parte prior to this case to share that with us now so all Commissioners have the same information to consider on behalf of the case in front of us. Seeing none. Are there any questions for staff? Good job, Ms. Bacon. With no questions for staff, we will open the floor to public comment.

PUBLIC HEARING OPENED

MS. LOE: Seeing no public comment, we will come back to the Commissioners for discussion.

PUBLIC HEARING CLOSED

MS. LOE: Ms. Russell? Sorry.

MS. RUSSELL: How about a motion?

MS. LOE: I think we're ready for a motion.

MS. GEUEA JONES: No. That's good. Yeah.

MS. LOE: Ms. Carroll?

MS. CARROLL: Can I do some discussion prior to our motion?

MS. LOE: You can, or after the motion is on the floor.

MS. CARROLL: I don't have discussion on the motion.

MS. LOE: On the motion. All right.

MS. CARROLL: All right. My comments are as follows. I am not a fan of the continued annexation to the southwest. I think it's clear that we do have some strain on our services. I hope that that can be addressed by the West Area Plan that is underway. However, I'm -- if there is a need for a fire station to serve the existing annexed -- not annexed, but the current things within the urban service area and to the southwest of our

existing urban service area, I don't plan on getting in the way of that request. That is all.

MS. LOE: Additional comments? Ms. Geuea Jones?

MS. GEUEA JONES: I -- four years ago, now -- wow, time flies -- moved out of this area just a little bit further down off of Route K from there, and I will say there is a major delay if you need services and you're out there. There was four years ago. I assume it's gotten worse because there's been more development, so I -- I understand and agree annexation needs to be thought through, but I -- I do think there's a real problem.

MS. CARROLL: Exactly.

MS. LOE: Further comments? Mr. MacMann? No? Ms. Russell?

MS. RUSSELL: Okay. In the case of 164-2020, I move to approve the requested rezoning of the northern approximate 2.5 acres of Lot 53 of Deerfield Ridge from Plat 2 from PD to R-1.

MR. MACMANN: Second.

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

MS. BURNS: Yes.

Roll Call Vote (Voting "yes" is to recommend approval.) Voting Yes: Ms. Carroll, Ms. Loe, Mr. MacMann, Mr. Stanton, Ms. Geuea Jones, Ms. Rushing, Ms. Russell, Mr. Toohey, Ms. Burns. Motion carries 9-0.

MS. BURNS: Nine to zero, motion carries.

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

Move to approve the requested rezoning of the northern approximate 2.5 acres of Lot 53 of Deerfield Ridge from Plat 2 from PD to R-1.

Yes: 9 - Burns, Loe, Rushing, Russell, Stanton, Toohey, MacMann, Carroll and Geuea Jones

VII. PUBLIC COMMENTS

MS. LOE: This brings us to Public Comments, of which there are none left.

VIII. STAFF COMMENTS

MS. LOE: And we're keeping them brief.

MR. ZENNER: Yes, I know. We're five minutes into a game. Your next meeting is on the 24th --

MS. RUSSELL: Thirty minutes.

MR. ZENNER: Sorry. Thirty. You'll make it home for half-time.

MR. ZENNER: So your next meeting is on the 24th of September. We will have our standard work session at 5:30. We will be continuing the discussion that we were having this evening on text changes to the Unified Development Code, subdivision related, still,

hopefully, the simpler ones. And then you will have your regular meeting at 7:00 p.m. here in the Council Chambers. On that agenda, we've got three additional items, and those are another conditional use permit for an ADU. This is in our favorite neck of the woods, Glenwood. We have a rezoning request for in2Action. This is up off of Eastwood Drive on the north side of Interstate 70, R-2 to R-MF to support in2Action's current services that they offer to the community on a larger tract of land. And then a revision to a planned district plan in The Colonies off of Forum Drive. Just to familiarize yourself with the general locations, there are our three sites, as we have them proposed at this point. The Glenwood project, and then our in2Action rezoning request there on the north side of Interstate 70, as well, the revision to the PD plan for The Colonies. In addition, many of you have seen, and this is more of PSA for the public, but Boards and Commissions were provided earlier this week and hopefully the majority of them have been notified by their staff liaisons of the release of the survey and interim status report for Columbia Imagined. Our general survey is out. Our five specific surveys dealing with the five general categories of the comprehensive plan are out, and we have information on our City website gocolumbiamo -- or I'm sorry -- planning@gocolumbiamo.com <mailto:planning@gocolumbiamo.com> and you can get information there in relationship to how to take the surveys online. We do have several drop boxes throughout the City of Columbia if you are not tech savvy or would just prefer to take it on a hard copy. The City Hall lobby, we have our drop box and available printed copies, the public library, the ARC, The Armory, and the Health Department are the locations to where our drop boxes and the surveys are. We ask any interested individual within the community to take the survey early if they can and have the results in our possession by the beginning of October, though we will be receiving comments through roughly the middle of October, so we can start to compile data for the Commission in the future. Our Boards and Commissions have been given a little bit greater task. We've asked them to look at the priority areas and provide us analysis. We appreciate the participation that the Commission had provided us in being able to get to this point. This is a regulatory requirement of the adopted comprehensive plan that we provide Council a five-year update. It is going to help inform where we have actually had successes, where we have opportunities for achieving certain goals and objectives in the plan that yet have been achieved, as well as allowing us an opportunity to have perspective on what may need to be included in the next full update of our comprehensive plan, which will begin in roughly 2022 after the actual 2020 Census data is available. So we are looking forward to comments from the public. Contact information is available on our website and any of our staff that we have within the Planning Division are capable of being able to answer any of

those questions, as well. And we can be reached, the Planning staff, at planning@como.gov <mailto:planning@como.gov>. So please, as a public, if you're watching, participate in the process, let your thoughts and your ideas be known, and Boards and Commission members that have received notice, we would greatly appreciate your participation, as well, as we find it will probably provide great value. We will be bringing back additional information as it becomes available to this Commission to be able to review before we actually have a public hearing in relationship to the status report itself prior to forwarding said report to Council, which will occur probably after the beginning of the new year given where we are right now in relationship to our other processes. One additional item as it relates to this. As discussed during our work sessions, we will be doing virtual events not only for the general public, which we have a sign-up for that on our City's website, as well, but we also offer that service to any community group that would like to hear more about the Comprehensive Plan and the surveying itself. And, again, any requests for individual, community group, or stakeholder groups that would like to have that presentation should be forwarding to planning@como.gov <mailto:planning@como.gov>. With that, that is all I have to offer. We thank you for your time and your patience this evening.

MS. LOE: Thank you, Mr. Zenner.

IX. COMMISSIONER COMMENTS

MS. LOE: Mr. Stanton?

MR. STANTON: Vote, vote, plan your vote, vote, vote, vote.

MS. LOE: Thank you, Mr. Stanton. Any additional comments?

MS. GEUEA JONES: Just real quick. I'm sorry. I can see that you're trying to adjourn.

MS. LOE: Ms. Geuea Jones?

MS. GEUEA JONES: I -- I just wanted to let you know that I have spoken to Mr. Zenner, and I am going to be putting together some language proposed by me and for us to work on in our work session that is part of the UDC revisions. So if anybody has any thoughts on some of the stuff that we talked about in our work session, and will be in the next couple, let me know. I'm happy to act as a scrivener for the group if that is something that would be useful. And those -- those would then be part of the official public session in October, so that we would have potentially more than one version to be looking at.

MS. LOE: I think we're starting to cross -- we're not allowed to have work groups, so -- and we need to go through Mr. Zenner on any communications, so --

MS. GEUEA JONES: Yes. I just -- I'm -- I'm just announcing that I'm going to be

sending those things to him going forward.

MS. LOE: All right.

MR. ZENNER: And we will distribute, so as Ms. Geuea Jones and I had discussed, I think the objective here is is to have a point person representing the Commission's viewpoint, and staff having its perspective and objectives of the text changes. It will allow potentially an opportunity for ideas to be facilitated amongst the Commissioners in advance of going into a public hearing, thereby cutting down on potential confusion that gets created at the public hearing. It will still all flow through me. Responses back to the text that Ms. Geuea Jones will prepare would be run back through me and back out, according to our procedure. There is going to be no focused group of Commissioners that would warrant any necessity for additional meetings or postings. That is how it's envisioned at this point. I'm the gatekeeper, and I will ensure that we are not violating our policies. Trust me on that. I'm pretty good at it. But what I want to try to create is an opportunity to where, as we have done in the past, when we produce a report that includes a series of regulatory changes, we are coming into this dais in this setting at a position of yes or a position of agreement. When we create situations and where that agreement may not be possible due to just our objectives as staff and the desires of the Planning Commission, what

Ms. Geuea Jones is suggesting is that the text could be pre-worked out within our work sessions. So we're still holding a public session where you're discussing potential changes that are the Commission's version of what you may want to recommend after you have either denied or modified what staff has proposed in any of our textual changes versus trying to sit and noodle on the dais about how the text should read. And it's just to help try to clean up and clear that up, and Ms. Geuea Jones felt that she may have a skill set that would be useful in this particular instance. And I have no problem with her operating on behalf of the Commissioners. Staff will still do what it's doing with its text changes that it's proposing based on its professional opinion, and that's really what this is designed to address.

MS. GEUEA JONES: I just didn't want you to be surprised when you saw new emails coming from Pat.

MS. LOE: Thank you. Ms. Russell? Oh, Mr. Toohey?

MR. TOOHEY: So I feel like this is a slippery slope. I mean, are we just all going to start submitted text changes to you for the -- for the body to -- to decide going forward?

MR. ZENNER: I think this evening -- this evening's meeting identified several areas to which refining the text or expanding a particular topic area with research that's being able to be conducted may help frame a conversation during the work session. This is no

different than what I believe Mr. MacMann and Ms. Loe were working on as it related to missing middle housing and some changes that we were asking to have done. We just do not want to create a subcommittee of the Commission which requires notification and all these other things. So what Ms. Geuea Jones is suggesting is that she was going to try to consolidate the ideas that were offered this evening, put something back to the Commissioners that they could consider, and if you all like it, great. That could be utilized in the formal public hearing setting possibly when we come to the point in the meeting where we're going to, from a staff perspective, say this is the text change we are offering. You all don't like it and say we're denying it, and then but we want to substitute motion, and the substitute motion is text that's been potentially discussed in a public forum that was advertised for that purpose, agreed on by you as text that you wanted to use, and one of the Commissioners at that point could just read that alternate text into the minutes without having to wordsmith it on the dais. We're trying to -- we're trying to create a situation where it's just more clean in the way it's communicated.

MS. LOE: But the middle housing group was effectively put to an end because we couldn't have conversations outside of the Commission. I mean, I have to admit I agree with Mr. Toohey that if

Ms. Geuea Jones wants to capture what was said in the meeting, that's one thing, but I do have -- I'm a little bit hesitant about us sending -- individually sending suggestions via Pat. I think it's much more informative for us in what we've been working as as a group having a discussion --

MS. GEUEA JONES: I'm sorry. You misunderstood. I'm talking about what we are talking about in work sessions, distilling that down and sending it to Pat to distribute back out again.

MS. LOE: All right. So there's no back and forth?

MS. GEUEA JONES: Right.

MS. LOE: Okay.

MR. ZENNER: Yeah. I think that would be best so you're at least informed of what an alternative is that one of our Commissioners has come up with. I don't expect and I would thank you for not sending me nine different versions of the same text change. Then we have to work with -- but we need to be able to give you some opportunity to digest what's being offered. And again, what's going to be provided back out to you, due to the transparency issues that I have to comply with, is whenever Ms. Geuea Jones asks me to forward to you all will be part of a future agenda.

MS. LOE: I would say this is more analogous to Ms. Rushing putting together some thoughts about -

MS. BURNS: Short-term rentals.

MS. LOE: -- short-term rentals and sharing that with the group then perhaps.

MR. ZENNER: I would tend to agree, yes.

MS. LOE: Okay.

MR. ZENNER: And it will function far more similarly to that. And I -- we will get into a discussion as it relates to -- if we need to, as it relates to work groups being able to be established to discuss matters as long as they are within the compliance of the open meeting laws, and that's part of what -- when we start taking a component of the Commission that may constitute a quorum working independently on a topic, that's something else. We also need to establish very clear boundaries on what constitutes a quorum for a working group, which currently does not exist within our structure. We specifically dissuade our Boards and Commissions from establishing focus groups because of all of the additional standards that come along with that. That's why we do most of our meetings as a collective whole, though there
is -- there are carve-outs by which you can have two Commissioners working on a topic together that may be doing joint research and discussing amongst themselves. That doesn't constitute a quorum, and then you're coming back and you're reporting to the full Commission on your findings. It's a -- it's a bigger version of what Ms. Rushing did as it related to her research maybe in her neighborhood about short-term rental. I think -- so that -- I don't remember the full context as to why we potentially gravitated away from Ms. Loe and Mr. MacMann working together on the missing middle issue. I don't know if we specifically told you you couldn't or if it was just something that we didn't feel as though we had enough direction on to go beyond or we were in a topic area we needed to get something.

MS. LOE: Jose told us to stop.

MR. ZENNER: And Jose -- what I'm telling you is exactly what Jose, before Jose left, we continued to advise our Boards and our Commissions to not generally create small work groups because of the issues it creates. I have many a Board or Commission that I'm involved with that I could tell you exactly why we discourage that, but I think there is opportunity. And if we have to get there, we will, but, for now, I think really what Ms. Geuea Jones wants to do is summarize, provide back to me what I can provide to you, and you all can become prepared with comments as it relates to those consolidated thoughts with it and potentially a proposal that you can discuss. So that's what we -- that's what she would like to do. And, again, the sole purpose behind that is is if you finally -- if you come to a consensus within the work session setting, after reviewing those items, that is set to the side and that's the Commission's recommendation that will be

provided at the public hearing based on items that the staff has indicated we professionally cannot support the amendment.

MS. LOE: Ms. Carroll?

MS. CARROLL: My thoughts are that, as a City Commission, we do have the authority to propose amendments. I don't feel that we use that frequently enough, and I think part of that is because it is difficult to do the wording on the spot in a way that is agreed upon. And I -- I look forward to a mechanism that can facilitate that a little better. I -- I hope this works out to a way that is amenable both to staff and Legal and the Commission. Let's see how it goes.

MS. LOE: Any additional comments before we go to Ms. Russell?

X. NEXT MEETING DATE -September 24, 2020 @ 7 pm (tentative)

XI. ADJOURNMENT

MS. LOE: Ms. Russell, you have the floor.

MR. ZENNER: Have you got anything? Okay. Sorry.

MS. LOE: Ms. Russell?

MS. RUSSELL: First, I want to echo Mr. Stanton's comments of vote and have a plan to vote. It may be chaotic, and we need to make sure we vote. And, second, I move to adjourn.

MR. MACMANN: Second.

MS. LOE: Seconded by Mr. MacMann. We are adjourned. Thanks, everybody.

(The meeting was adjourned at 8:21 p.m.)

(Off the record)

Approved Adjournment.