City of Columbia, Missouri

Meeting Minutes

Planning and Zoning Commission

Thursday, March 4, 2021 7:00 PM	Regular Meeting	Council Chambers Columbia City Hall 701 E. Broadway

I. CALL TO ORDER

MS. LOE: Now that we're up, we will call the March 4th, 2021, Planning and Zoning Meeting to order.

MS. LOE: Mr. Zenner -- Ms. Carroll, may we have roll call, please.

MS. CARROLL: We have eight present; we have a quorum.

MS. LOE: Thank you.

Present: 8 - Sara Loe, Joy Rushing, Lee Russell, Anthony Stanton, Brian Toohey, Michael MacMann, Valerie Carroll and Sharon Geuea Jones

Excused: 1 - Tootie Burns

II. INTRODUCTIONS

III. APPROVAL OF AGENDA

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

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

MS. LOE: Thank you.

MS. LEE: I'm going to move to approve that agenda.

MR. STANTON: Second.

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

(Unanimous vote for approval.)

MS. LOE: It looks unanimous.

Move to approve the agenda

IV. APPROVAL OF MINUTES

February 4, 2021 Regular Meeting

MS. LOE: Everyone should have received a copy of the February 4th meeting minutes. Were there any changes, edits to those minutes?

MR. MACMANN: Move to approve.

MR. STANTON: Second.

MS. LOE: Second again by Mr. Stanton, moved by Mr. MacMann. I'll take a thumbs up approval on the meeting minutes. One abstention.

MS. LEE: Wasn't I here on the 4th?

MS. LOE: We'll say unanimous. We'll say unanimous. We're going to trust Ms. Russell's memory on this one.

Move to approve February 4, 2021 minutes

V. PUBLIC HEARINGS

Case # 72-2021

A request by Kay & Jack Wax (owners) for approval of a major PD amendment to the, "Ash Street Community PD Plan." The applicants wish to reduce the width of the internal private sidewalk from 6' to 4' for stormwater and green space purposes. The subject site is located at 906 West Ash Street.

MS. LOE: All right. That brings us to our public hearings, and our first case of the evening is 72-2021. I'm going to recuse myself from this case, so Mr. Toohey is going to oversee this one.

MR. TOOHEY: Bear with me, I'm a little rusty. I just found this out five minutes ago. Okay.

MR. STANTON: Well, this is not a hostile takeover now.

MR. TOOHEY: All right. Moving on to Public Hearings.

MR. TOOHEY: Mr. Zenner, can we get a staff report?

MR. ZENNER: I will let Mr. Palmer deliver that for you.

Staff report was given by Mr. Rusty Palmer of the Planning and Development Department. Staff recommends denial of the applicant's request to amend the "Ash Street Community PD Plan" and permit a 4' sidewalk to be installed along Ash Court. Alternatively, staff would support approval of the requested amendment subject to the following:

1. Provision of a 5' wide sidewalk along the east side of Ash Court with a 1' green space separation between the back of curb and sidewalk are provided, except in that location adjoining the Community Center Building where a 5' sidewalk at the back of curb is necessary to maintain no less than a 5' sidewalk; and

2. The required 6' tall screening fence requested during the July 2019 Planning and Zoning public hearing has been clearly delineated on the PD Plan.

MR. TOOHEY: Thank you, Mr. Palmer. Before we move on to questions, I'd like to ask any Commissioner who has had any ex parte related -- information related to this case to please share that with the Commission so that all Commissioners have the benefit of the same information. Anyone have anything to add? All right. If not, I will go ahead and open this up to questions for the staff.

Mr. MacMann?

MR. MACMANN: Thank you, Mr. Toohey. Mr. Palmer, I have walked this property, and -- but I have not walked it since we started doing dirt work. The vegetation is as you described and has been open to the east quite notably -- well, as in visually, you can see from the backyards to this property. And also, it's Walnut Court south of there. That's -- that's all right. My -- my question more to the point is what's the minimum width of sidewalk for ADA?

MR. PALMER: That is, I believe, four feet, but -

MR. MACMANN: Four feet. All right.

MR. PALMER: -- our City standard again is -

MR. MACMANN: No. I understand. I'm trying to -- it can't go below that for -

MR. PALMER: Right.

MR. MACMANN: -- for ADA. On a semi-related matter. I know private homes don't have to, but what's the accessibility of this community ADA-wise; do you know?

MR. PALMER: It's intended to be accessible, at least on the first floor, I believe. And, I mean, obviously, they're built vertically, so they have multiple stories. They -- they're not going to be accessible on the second floor, technically, but -

MR. MACMANN: All right. I'm just trying to wonder, we're at -- we're being -- we're being asked to back into the ADA standard, and I wanted to see, as a development, where this is. All right. Thank you very much. That's my question for the moment, Mr. Toohey. Thank you.

MR. TOOHEY: Ms. Geuea Jones?

MS. GEUEA JONES: So you did not forward Mr. Murphy's e-mail to us, so we didn't have that attachment; is that right?

MR. PALMER: Right.

MS. GEUEA JONES: I would have liked to have been able to read that and -- and see the points that he is highlighting for us because I wasn't here in 2019. And I am concerned, given some of the things we've done recently, that the comments of the Commissioners did not end up getting reflected in the final PD Plan that went to Council. So I'm just curious as to how did that happen, and what -- what should we be doing going forward to make sure that our conditions are reflected in what Council votes on.

MR. PALMER: So that was directed to me as an e-mail, and not necessarily as a comment to you. And as a matter of covering bases, it was included in your packet tonight and, I mean, that -- basically, he was requesting that I make sure that that gets added to the plan and it happened late in our review process, hence, the change in the presentation as opposed to your staff report, but -

MS. GEUEA JONES: That makes some sense. So how did it not get put on the -- on the proposal that was before Council for voting?

MR. PALMER: It was just an oversight at the meeting. The -- the request was -- basically, a Commissioner asked if it was on the plan, and there is fencing on the plan, but it was not the requested fencing.

MS. GEUEA JONES: And the -- again, because I don't have all the transcripts in front of me, the original fencing was complete enclosure? That was the original condition discussed by the Commissioners.

MR. PALMER: No. The -- that's what he stated in his comments, but that is not correct.

MS. GEUEA JONES: Okay.

MR. PALMER: The -- the agreed upon was to fill in the gaps where there was no existing privacy fence.

MS. GEUEA JONES: Okay. That -- that is all starting to take a bigger picture for me. Thank you very much.

MR. TOOHEY: Any other questions for staff? If not, we'll go ahead and open up.

PUBLIC HEARING OPENED

MR. TOOHEY: If anyone wants to make any public comments, you can please come forward and state your name and your address.

MS. WAX: Hello. My name is Kay Wax; my address is 1001 Johnmeyer Lane, and I am the developer of this pocket neighborhood in -- on West Ash. The new street is now actually called West Ash Court. 906 Ash Street has been demolished, so it's no longer there, but it still shows up on GPS, but there -- but it's not -- doesn't exist anymore. I have four points that -- to support the request that I have for a smaller sidewalk. The first point is safety. The American Disability Act states the sidewalk width is only three feet for -- adequate for in residential neighborhoods. Specifically, this street is not a through street. It's a private street with ten houses on it that's a dead end, so it doesn't have -- it has very minimal traffic and pedestrian or wheelchair. The houses are designed for first-floor handicap accessible, but people can build them the way they -- however they choose, because they're custom homes. But the way we have structured the community is that all the houses are going to be tiered down so that they will be able to all be handicap accessible with no problems with that. The -- the way the -- by decreasing the size of the sidewalk from six foot to four foot will actually allow two more feet of green space. And even though if you envision the way it was originally designed, the width of the street plus six feet of continuous sidewalk, so we had over 26 feet of concrete, which is just an excessive amount for a small, private street that would be servicing only ten

homes. The other point that is significant, I think, is the stormwater mitigation. Allowing two more feet of concrete that -- replaced with green space and we're talking about 320 feet of sidewalk; okay -- at two-feet wide, if you figure out the amount of stormwater in a one-inch rain, that's 50 cubic foot of stormwater that goes in there. If the -- the average of Columbia over a year is 40 inches. That's 13,000 gallons of stormwater that goes on the impervious surface and goes into the stormwater system instead of on the grass and the earth that we want to support there. I feel like that that's a significant amount of stormwater that we don't need to have go in our system that can certainly go back into the earth. For a point of reference, that's -- the 16,500 gallons a year is -- a standard swimming pool is 13,000 gallons, just for a point of reference, in terms of quantity. We have lots of creative ideas of planting vegetation. We're going to add a small dwarf apple tree orchard. We have edible landscapes around the stormwater detention plan. The community owned -- the people of the -- that's going to be living in the community have plans for gardening and green space, so the additional green space and this stormwater will certainly be an asset to -- to our little community that we're doing. We also are using Columbia's Climate Action and Adaptation Plan as our guideline for going forward in developing this community. One of the specific strategies that they address is the natural resources. The points are to increase the accessibility and quality of habitat for native plants, encourage water conservation, improve stormwater management, and we feel that reducing the size of this sidewalk will address and contribute to all three of these points for the action plan. My third point is greenhouse gases. Concrete is a major producer of large quantities of carbon dioxide. One ton of concrete produced -- equals one ton of CO_2. Three hundred feet of sidewalk, two feet wide, four feet deep is a ton of concrete. So, essentially, by reducing the size of the sidewalk, we're also reducing the amount of CO_2 that's going into our atmosphere. I feel like that that, in light of us trying to be earth friendly, sustainable, also is a significant thing to consider. That also is part of the Columbia Action and Adaptation Guidelines. The City even passed a resolution 130-18 that calls for reduction of community and municipal carbon emissions through local policies, services, and practices. And I feel like that's another point of our objective to incorporate as much sustainable practices as possible. We're going to have -- we have metal roofs. We have added insulation. We have solar panels on these houses, concrete siding. We're not using asphalt, we're not using plastic in their construction, so we like to feel like that by further supporting less concrete, we're also contributing to what we're trying to accomplish in our little community. We're also reducing our use of fossil fuels by sourcing our materials close to home. We're buying windows from Quaker out of Jefferson City. Our cabinets are from Dexter, Missouri. Our metal is fabricated in

Centralia, Missouri. So we're trying to also be responsible and not using as much fossil fuels for delivery of our materials. Oh, another thing, too, we're real proud of is that we don't even have a dumpster at this. We're being able to build this house by having minimal waste by recycling and not having the need for contributing to our -- the dump for all of our supplies. Our fourth thing is the neighborhood aesthetics. This ten -- these ten houses are -- the goal of these, and our objective is to be a contribution to Columbia. We feel like the pocket community is -- is a good example of how people can contribute to the -- live in a denser, but a more healthy situation. We've already seen the benefits of this. Little kids are riding their bicycle on our new street. Neighbors are stopping and chatting and checking on us and see how we're doing and getting familiar with our project. And we feel like that we can -- by having more green space, we are encouraging this contribution to a healthier lifestyle. The -- and we don't -- and we feel like that the extra concrete really contradicts what we're trying to do with making this a walkable, environmentally friendly environment. This brings us to the issues of the privacy fence. I've talked to the neighbors -- like Rusty pointed out -- about where the -- the privacy fence stops. That -- the whole area has -- is fenced by original farmers' fence, so it's -- there's a variety of types of fence, but it's all fenced. We -- when we originally started this project and when we first appeared before the Planning and Zoning, we could not even get access to this because of the junk that was in that development, that acreage, so we really couldn't see what we were dealing with very clearly. Now, of course, we do have that --

MR. TOOHEY: Ms. Wax, I hate to interrupt you, but we're -- we're kind short on time, and my button is broken, so I can't get my light there, so -

MS. WAX: Okay. So, anyway, we don't want to -- I've talked to the neighbors on the green to add privacy fence over on the east side. The back neighbors on the south end do not want it. The neighbors on the west don't want it. And so, I'd like to do what the neighbors want instead of what the -- that one person said, so --

MR. TOOHEY: Okay. Does anyone have any questions of Ms. Wax?

MS. WAX: Questions?

MR. TOOHEY: Mr. MacMann?

MR. MACMANN: Thank you, Mr. Toohey. Thank you, Ms. Wax. I -- you encourage me to reread the ADA, and I was reading it while you were talking. The ADA, particularly in residential neighborhoods, does allow 36-inch sidewalks. However, they do request, need, require, a sidewalk passing area every 200 feet. Would you be amenable to make -- if we gave you your four-foot? Anything under five feet, they feel that you need a passing area every 200. That would probably mean two for you.

MS. WAX: Well, it would only be -- we have 300 feet, so -

MR. MACMANN: Well, or part thereof.

MS. WAX: Pardon?

MR. MACMANN: Or part thereof, 200 feet. You have two parts. Are you with me?

MS. WAX: We have one straight thing of 320 feet, but we'll have -- we can have the turnaround in the -- where the fire trucks turn around?

MR. MACMANN: Would you be amenable to doing that? A passing, it would be essentially a sidewalk passing area?

MS. WAX: I'd have to see what that would look like and where we could physically put it that it wouldn't infringe on any of the -- the residences that are there.

MR. MACMANN: Okay.

MS. WAX: There is a large area where they can turn around that's down where the fire trucks turn around.

MR. MACMANN: Well, we're talking about the sidewalk area. This would be a sidewalk passing area.

MS. WAX: I'd have to see how that would -- like I said, who that would impact, because these are -- these are private -

MR. MACMANN: I just -- and I appreciate that. I was just -- I was rereading ADA, as you referred to it. I was rereading ADA as you spoke. Thirty-six -- they suggest forty-eight. Thirty-six is situationally allowed, particularly for everyone who cares, because I was just reading this. Situations where there was low traffic and low speed. If you have higher -- higher traffic and higher speed, that's when we start going to five and six, and that's -- our staff went to that standard, and that's fine. I just wanted to see how open you were to putting a sidewalk passing area in this development.

MR. TOOHEY: Mr. Stanton?

MR. STANTON: I'm going to piggyback off of Mr. MacMann's attempt to make a win-win.

MS. WAX: Uh-huh.

MR. STANTON: Strongly consider what he had just proposed. My proposal would be to go five feet. I do a lot of concrete and five-foot sidewalks allows two-way traffic. And that's not six or -- you know, five feet is where I would ask you to consider. I understand where you're coming from. This is a private neighborhood, small, low traffic, all that good stuff, but you -- I'm looking at it as the future. And what if one of your customers happens to -- or your current people sell their house and they happen to have some ADA requirements. I'm also thinking, because I do a lot of concrete, that a three-foot sidewalk is not going to stay three foot for long without grass unless you're

edging it every year and you're going to lose some of that sidewalk along the way, so now you're not giving them enough room to maneuver. So this -- you know, I say five. Mr. MacMann is talking about a passing lane. That would have a big impact on my vote.

MR. TOOHEY: Anyone else have any questions for this speaker? Ms. Carroll?

MS. CARROLL: I'm going to save mine, actually. Sorry.

MR. TOOHEY: Okay. Ms. Geuea Jones?

MS. GEUEA JONES: Hi. First of all, I -- I am -- I want to congratulate you for all of your goals, because I those, as Commissioner Stanton said, are -- are the future and where we're going to end up being with a lot of this stuff. I'm wondering when it comes to the fencing, you know, you're talking about what your neighbors want, but, again, those are today's neighbors. They're not going to be there forever. So is there a way to do some sort of living, you know, more -- I don't know if u's are the right thing to put in, but a green barrier there rather than just a straight privacy fence? Have you talked to the neighbors about that at all?

MS. WAX: I'd love to do green. We're going to have grasses everywhere. It's going to be -- but one of the things we really want to do is to have an inclusive neighborhood, not an exclusive neighborhood. So we really don't want to have barriers up -- six-foot barriers so people can't see and be part of the community. So we'll be -- we'd love natural barriers, natural -- natural habitat, natural boundaries.

MS. GEUEA JONES: I understand that you want everything open, but when this Commission first approved your plan, we said six-foot sidewalks and a six-foot barrier around the property where it wasn't there already. You're coming back to us with your original request again, which is four-foot sidewalk and only a barrier where the neighbors are asking for it. What I'm asking is, would you be amenable to a living -- what's it called? I can't think of the word -

MS. WAX: You mean, like, a more natural barrier, like -

MS. GEUEA JONES: Yeah. But something -

MS. WAX: Like -- like Rusty pointed out, we've got one of trees.

MS. GEUEA JONES: Vegetative barrier, yeah. That -- that gives your neighbors what they originally were asking for and what this Commission originally asked for, which is a visible shield between a development and the older historic homes in the area, but it's not a fence. So I'm -- I'm just trying to think through, because, you know, you're -- you're coming here asking for an amendment, so I'm trying to figure out what has changed from the original passage to know that you need these changes. It sounds like the answer is nothing has changed, you're just trying again. Is that --

MS. WAX: Well, what's happened is over -- over the couple of years that we've been

working on this project, we've had a lot more feedback. We've had a lot more input from potential homeowners, from other people in the community in terms of what they would like to see included in a pocket neighborhood like this and would further contribute to the community. And so I guess it has -- it has reinforced what we originally thought that we don't need that much concrete. We -- we're very happy with using natural vegetation as barriers, as it said in -- and then, like, as Rusty pointed out, we're not really required to have it, but we're certainly willing to do that. We -- I guess our -- and we agreed with the fence, even though it is a six-foot-tall thing --

MS. GEUEA JONES: Uh-huh.

MS. WAX: -- you know, whatever -- boundary. But -- so I guess what's happened is as this process has grown and evolved, we've -- it's supported a little bit more about what we originally thought. And now that we're seeing in actuality what would continue to be a best practice in terms of the less -- using less concrete and using natural -- and we're happy to use natural vegetation or whatever the neighbors want, I'll put up the fence or whatever.

MS. GEUEA JONES: But back to best practices, I've known a variety of people over my lifetime that use wheelchairs on a permanent basis. They would not be able to use a three-foot sidewalk to get in and out of their home unless they're the only person using the sidewalk. So if you're coming down that sidewalk, even in some of our most modern wheelchairs, or, frankly, a walker, the other person coming towards you is either going to have to step off or you're at an impasse. That's concerning to me, especially when I know one of the goals of this is to provide a place that senior citizens can come and live and have the community guarded and have the center and all of that. What -- what are you thinking about with that?

MS. WAX: It's not an exclusive for seniors. All -- all ages -- or -- or it's going to inclusive for everybody. And we do have -- the people that are interested have a -- represent a broad variety of age ranges. The four feet is what we were asking for in terms of the width of the sidewalk. And I believe that if you read the ADA requirements, the idea is to have grass that people can step off in, and we would not even have that in this situation with all this concrete. The -- so that the people that are able bodied could step off on -- in -- on a grass side instead of into the street. And that's what we're asking for. We want grass for people to stand on instead of stepping into the street by having the sidewalks only four foot in width. It complies with what the American Disabilities Act recommends.

MS. GEUEA JONES: I think what the ADA recommends is four feet, three feet is acceptable, either way only if there is a place where it's six feet wide to allow for passage

every 200 feet. So I'm -- I'm just a little bit concerned about that. I'm slightly less concerned if it's five feet, because then you might be able to squeeze past. But, thank you. I think -- I think I understand what you're trying to do.

MR. TOOHEY: Any other questions for this speaker? Ms. Carroll?

MS. CARROLL: Have you considered what the Climate Action and Adaptation Plan has to say about pedestrian uses and expanding our pedestrian infrastructure, and how your plan fits in with that?

MS. WAX: Yes, I have. We're -- they encourage, of course, walkability. We're half a mile from Gerbes Grocery Store and the ARC. We're within walking -- reasonable walking distance with the City park and an elementary school. So, yes, that was -- when we found this location, that was all part of the attributes to incorporate that part of the action, the Climate Plan, in terms of being walkability and also, you know, in making it green and contributing to that, the greenness.

MR. TOOHEY: Anyone else? Mr. Stanton?

MR. STANTON: I love everything about this plan except the accessibility, the ADA accessibility. Very, very concerned -- very concerning to me. Not -- and I think, you know, maybe your current perspective buyers, it may not be an issue, but this body also has to think beyond today and dealing with that in the future because it's not adequate ADA accessibility.

MS. WAX: You -- all these houses --

MR. STANTON: Are you -- are you -- I guess where I'm at is, are you stuck, are you standing your ground on what you're asking for in your proposal now, or are you open for a modification? Make this a win-win -- win-win.

MS. WAX: The -- all these houses are -- like I said, the first floor of all of them are being designed so that they are ADA compliant. They are universal design features. They all also have driveways that are concrete that they'll be able to access. They can all have their own -- if they don't want the driveway, they can use sidewalks, so there's -- there's a lot of ADA features that we've incorporated into this development.

MR. STANTON: But they've got to get there.

MS. WAX: Pardon?

MR. STANTON: They've got to get there.

MS. RUSHING: That's internal to the houses, that's what you're talking about.

MS. WAX: And that is true.

MS. RUSHING: And what we're talking about today is the external access.

MS. WAX: Right. Right. And I'm saying that they have ways to be ADA compliant, to get out of their house, and to get to, I guess, West Ash, and then wherever they want

to go, so yes.

MR. TOOHEY: Okay. We're starting to repeat ourselves. Anybody else have any other questions? Okay. Thank you, Ms. Wax.

MS. WAX: Uh-huh.

MR. TOOHEY: Anyone else like to make any comments?

MS. HINES: Good evening. My name is Laurie Hines; I live at 20 West Boulevard North currently, but the house that was shown is going to be mine and my husband's in the pocket neighborhood. So I'm literally moving probably 20 houses away from West Boulevard to the -- to the pocket neighborhood. I'm doing this, number one, because I'm aging, and I want to age in place. Number two, I want to be accessible to everybody in my current neighborhood, and this is actually a neighborhood within my current neighborhood. I know the kids in my neighborhood. I want to have the kids over to this pocket neighborhood. There's a community center with a full kitchen, so we can bake cookies. I want plenty of green space for kids to come and enjoy. What I continue to hear tonight is burden and barrier and fencing, and that is not what I envisioned, quite frankly, for this. I envisioned a neighborhood within a neighborhood, not closed off to the rest of the neighborhood. So the -- the fencing pieces is really sad to me, quite frankly, because I do know kids who are going to be right behind my house, who are on West Boulevard, and those two girls want to come running through from their yard to my yard to come over and have some fun and make cookies. My husband is, in fact, disabled. He is not in a wheelchair. That time may come, but I can tell you that the future of wheelchairs is going to be very sleek and very slim and very easy to maneuver and so that -- that, to me, is the future. I -- I don't want to limit accessibility by any means, but what I do want to limit is cement, is concrete, quite frankly, because I want more green space. I want more vegetables. I want more fruit trees. I want -- you know, I just want space. I want space where people can come in the first pocket neighborhood in Missouri, the fist pocket neighborhood in this region of the country is being built by -- by Kay, and I'm -- and I thank you, and I meant to start out that way. Thank you for approving this back in 2019, because you really made my dream come true of staying in the neighborhood, in the West Ash neighborhood that I love, but being able to be in a house that's more accessible for me and Ted, and to be able to age in place and to be able to walk to my favorite grocery store, to the ARC, to the Farmers' Market, to the library, and even to downtown, and still have these kids, who I've gotten to know in the last eight years on West Boulevard come to me and come to my house, but have it be more accessible, have it be safer, because West Boulevard is crazy. For anyone who lives on West Boulevard, and I know one of you does, the traffic is -- is horrible. It's a

feeder street. It is nonstop, crazy fast traffic, and I will now be able to transition to a street that's pretty much a dead end. It's a private street that I will own partly, and so I think that I just ask you to embrace this concept and understand that this is the future. And, Mr. Stanton, I agree, but I do think that the future also is let's think about what accessibility will look like in the future. And it is a balancing act; right -- of -- of environment and fun and entertainment and sweet memories and experiences that are not so much surrounded by concrete. I would ask you all to go look. The pictures don't, quite frankly, do much to show you. The street takes up a lot of space. And the community center is going to be so beautiful. It's got a full bedroom, bathroom, kitchen, beautiful sunlight, great place for plants and kids and play, and I really -- I don't plan to put in a lot of grass. What I want to do is make sure I have space for kids to come over and play. I don't have kids, but I love my neighborhood kids.

MR. TOOHEY: Any questions for this speaker? All right. Ms. Carroll?

MS. CARROLL: We'll disclose that I am the neighbor that lives on West Boulevard, two blocks away. I do think this is -- this style of neighborhood is a big future for Columbia. Nonetheless, we are asked to balance the interests of the community at large and the interests of the residents of this pocket neighborhood. I understand that the future of wheelchairs may be small and sleek, but not every person in a wheelchair has access to the future of wheelchairs. And our standards are based on the ADA standards. What I want to understand from you is, does this five-foot sidewalk -- how does that change your view of the community that you want to live in?

MS. HINES: Well, I think it's not unlike what Representative Stanton said, is trying to get to a win-win. And I think for me the less concrete and the more space that I can welcome children, families, having real places to play that -- that don't have concrete, would be ideal for me. The street is enough concrete for me right now. Quite frankly, I'm trying to adapt to that. The whole idea of a pocket neighborhood is that you have shared green space in between the houses; right -- and you're looking at that. We didn't have that option because this -- this land wasn't big enough. So now there's a road in between, so we all have porches and we'll all be looking at each other on our porches, but we'll also be looking at a street. And what I don't want is also a significantly sized sidewalk, as well, to look at. So I -- you know, five, four, I think that's a decision that, I guess, you guys have to -- have to make and tell us. But, quite frankly, it is a private street, and that's what I'm struggling with, as well, Ms. Carroll, is that it's a private street.

MS. CARROLL: What about when someone has -- when a child or a friend comes to visit you, who is in a wheelchair, and needs that width?

MS. HINES: Again, I just -- I find it hard to believe that four versus five is going to

make that big a difference. And it does sound like there are some options for building some kind of turnaround option, which I understand. I just truly want -- I want to be accessible and accommodating. No question. Like I said, my husband is disabled, so I get it. But I also know that for me, the vision I have is making sure there's plenty of space, plenty of space, and we're space limited there. Right? Plenty of space for people to come in and out without a fence, without a barrier, without a challenge to get in there, but, at the same time, have -- have not so much concrete that I feel like when I sit on my porch and I look out, I'm thinking, oh, you know, I was hoping for less concrete and more green.

MR. TOOHEY: And we've got another question from Mr. Stanton.

MR. STANTON: I just have a question for staff. Okay. So let's say we grant this exactly how they want it. And I do a lot of concrete and our biggest fear is to be challenged by an ADA challenge. Okay? So say someone's -- an advocacy group comes down that sidewalk and says this doesn't work. Whose butt is on the frying pan?

MR. ZENNER: I believe that would generally be ours, and I believe we have had ADA challenges before as it relates to our sidewalks with inside the City's corporate limits. That is one reason why the sidewalk standards in the City's design code have changed from four feet to five feet. I think, again, if we look at the ADA standards on residential streets, there are options. I unaware of any intermediate turnaround points on many of our smaller sidewalks, but five feet is the standard that was decided upon in order to address particular concerns that were, at one point, previously expressed. So we have to be concerned about what is constructed within the City and that it is constructed consistently in all new subdivisions, moving forward since our regulations have changed, and those regulations do now mandate a five-foot sidewalk in all locations unless it is immediately at the back of the curb, at which point it does need to be increased to six. In this particular instance, we are willing, given the nature of the development, that it is 320-foot private street. It will have limited traffic on it. That through this process, should the Commission be willing to reduce the width of the sidewalk from its current six feet to five feet, allowing the sidewalk to be pushed out by the community center to the back of the curb, but not require the additional width that would otherwise be necessitated. We believe that is a reasonable approach, that is why it's offered as the alternative. We don't dispute what Ms. Wax and her husband are wanting to do in this particular environment, but we believe it is critically important that we do meet the minimum requirements as established by the code. And regardless if it's a public or a private street, access is access, and I think the point you make, Mr. Stanton, is very correct. It doesn't matter if the resident of this community it's a private street, it shouldn't matter. They're still going

to claim that we have possibly violated the ADA's requirements, and that becomes a problem at that point, potentially justifiable by the fact it's a private street, but I prefer to not be placed in that situation.

MR. TOOHEY: Okay. Any more -- do you have anything else that you want to bring up during discussion?

MR. STANTON: No. That's all I need to know.

MR. TOOHEY: Okay. Any more questions for this speaker? No. I think we're good. Thank you. Would anyone else like to make any more comments. Okay. With that, I will close the public comments.

PUBLIC HEARING CLOSED

MR. TOOHEY: Any Commissioner discussion? Mr. MacMann?

MR. MACMANN: I'm leaning as follows, and it's very close to the staff recommendation. Our role is Solomon. I think -- I think five is good with the adjustment around the club house. I'm not real hot on the fence, but I'm very hot on the procedure and the process that we use. It should have gone forward. It did not. I'm amenable to make an homage -- honor at their request and only put it on the east side -- or it would be the southeast side. I have walked this property. The vegetation to the west and the south is extensive when it's all grown out. It will serve as a buffer, visual and physical. So that's where I'm leaning, and I think that's a good middle path. I'm open to other ideas. Thanks.

MR. TOOHEY: Ms. Geuea Jones?

MS. GEUEA JONES: I would suggest, given that the original fencing did not get translated, despite, it sounds like, what the Commission wanted, putting instead a condition on this that says any neighbor who wishes to have a fence built on the adjoining property line gets it. And that way if they're -- on those what looked like four properties where they definitely want it, they get it, but that also puts the onus back on the developer to go to those other neighbors and get verification that they don't want it. That -- does that make sense, and is that something we can do, legal counsel? So can we put a condition on the PD Plan that the developer has to offer to build a fence along the property line of any neighbor who requests it?

MS. THOMPSON: Can you repeat -

MR. TOOHEY: Can legal counsel come to a microphone? Do you mind coming to the microphone just so they can get it in the minutes? Thank you.

MS. THOMPSON: And I think part of the issue is the enforceability of that condition, and Pat may have more to chime in on that. As a practical matter, I think that may be difficult.

MR. ZENNER: I would think that the alternative -- the alternative to that is is that the fence is shown. The condition would be that it may be waived upon production of an adjoining property owner's request that they do not want it.

MS. GEUEA JONES: That makes sense.

MR. ZENNER: It's better to do it the opposite way because, at that point, we are -- we are allowed an opportunity then to verify, in fact, prior to the issuance of a CO that the property owners that do not want the fence have had adequate time to respond that they don't want that. We have a record of it. If we don't have it, the anticipated outcome is is that a fence will be installed.

MS. GEUEA JONES: That makes sense to me.

MR. ZENNER: So it would be much better to have it the reverse. The fence is shown, excepted out upon production of a request by the adjoining owner.

MS. THOMPSON: I'm comfortable with that, Pat.

MR. TOOHEY: Thank you.

MR. MACMANN: I have a point of order on that.

MR. TOOHEY: Hold on one second. So, Mr. MacMann, now, what are you going to say?

MR. MACMANN: Just real quick. That we have to ensure, if that's in a motion, we have to ensure that that's not a private covenant, that that waiver is produced to Mr. Zenner's office. Because if it's between the developer and an adjoining property owner, we have no influence over that. Just wanted to throw that out there.

MR. TOOHEY: Mr. MacMann? I mean -- sorry. Mr. Stanton?

MR. STANTON: Mr. Zenner shows that kind of what was coming, what you were trying to get across as far as the alternative, as far as the fencing, requesting a six-foot screening fence, requested during the 2019 hearing and make it either as requested; is that what you kind of meant with that?

MR. ZENNER: Well, the as requested would be what the -- the May -- or the July 2019 minutes of the Planning and Zoning Commission meeting reflected is that there was going to be a fence provided where there was no screening fence existing. And what Ms. Wax has testified to this evening is is there are property owners potentially that do not want a fence where said fence was not existing in July of 2019. In order to ensure the integrity of the original Planning Commission action is met. The fence, as required by 2019, needs to be shown on the plan as it is today and approved by Council with an exception said fence can be removed upon production of a letter from the adjoining property owner indicating they do not want said fence.

MR. STANTON: Got it.

MR. ZENNER: It would be handled similar to how we would handle possibly a minor amendment to the PD Plan moving forward. So as long as our -- as long as the condition is clear on the plan and enforceable through Mr. Teddy's interpretation of that documentation, we should be able to adequately handle that administratively and not through a major plan process again.

MR. STANTON: Well, I just have one more thing.

MR. TOOHEY: Go ahead.

MR. STANTON: Okay. So Mr. MacMann had brought up some ADA language that we're about to turn around, so are you familiar with that and is that -- does that stand up?

MR. ZENNER: I am -

MR. STANTON: Because, you know, like I said, the biggest feat is it gets challenged and --

MR. ZENNER: I'm familiar with the concept. I am unaware that we have in a more contemporary development applied that. Our standard street cross-section clearly indicates a five-foot-wide sidewalk, one foot off the back of the right-of-way.

MR. STANTON: To my knowledge, you have to have a five-foot landing anyway, so if we gave her four, at approaches off of those streets, she's going to have to go five-foot landing anyway.

MR. MACMANN: I will say this. Although I did read the ADA, I just read this off the ADA on the internet minutes ago. I don't think this is a legal opinion, even though I was on that website.

MR. ZENNER: I would -- I would personally caution against us modifying the City's standard sidewalk detail on the fly as a result of a review -- a cursory review of the ADA without our ADA coordinator being able to look specifically at the conditions associated with this particular project, as well as allowing for consideration of our traffic engineering division. This is a private street, so it's unique in that respect. And as Mr. Palmer pointed out, we do not necessarily have private street development standards or a cross-section for a private street. They occur within a common lot. They have typically been constructed to public street standards, and that is where we default to in the absence of having any other standard. So, you know, there is some latitude most likely here, but we do not want to be so far out of line with what is federally required that it could put us into a different position.

MR. STANTON: Right. If we got to court, they're going to refer back to what's on the books, not -- and we don't have a private street standard, they're going to go with the typical detail.

MR. ZENNER: That would be what I believe, or they would revert back to the actual

ADA requirements as -- on the website, as Mr. MacMann pointed out, which may, to some extent, insulate us because we do not have a standard.

MR. STANTON: Right.

MR. ZENNER: But I think being arbitrary and capricious in the application of our construction requirements is probably more disconcerting to me as a -- as a regulator than, you know, the potential that we be -- we have an ADA issue.

MR. TOOHEY: Ms. Rushing?

MS. RUSHING: I'm looking at the plan that's up right now, and I note that there are driveways on a regular basis along here. And when I walk my dogs and someone is coming down the sidewalk, I will pull off into a driveway. And so it seems to me that in essence that ability to pass is met already by the driveways that are available for that to occur, and those driveways are occurring more often than every 200 feet. That's -- I mean, from a practical standpoint, that appears to me that that particular concern will be met.

MR. TOOHEY: Well, hold on one second. Not to throw a monkey wrench in this, but if I remember correctly, the Disabilities Commission recommended six-foot sidewalks so that an individual and an individual in a wheelchair could walk together, not in line with each other. So do you still have that availability with five feet at all? Anyone have an answer to that question?

MR. ZENNER: Math doesn't add up that way, so probably not.

MR. TOOHEY: Mr. Stanton?

MR. STANTON: Yes. That's the minimum. I mean, the -- most of the sidewalks I do in town are five foot, if not bigger, so -- and it's for that very purpose. What Ms. Joy is talking about, yeah, but the bottom line is if it's challenged and we give them four --

MS. RUSHING: But if we're looking at six foot, five foot, or four foot -

MR. STANTON: Five foot is --

MS. RUSHING: I'm okay with -- yeah.

MR. STANTON: -- minimum if we're trying to -- if we're trying to split the baby.

MS. RUSHING: And I'm not talking four feet. I'm talking five feet.

MR. STANTON: Yeah. We're trying to split the baby and kind of take some of that impervious surface off -

MS. RUSHING: As I understood Mr. MacMann to say -- Commissioner MacMann, you were talking about a five-foot plus a passage. So I'm saying with five foot and the driveways, are we good?

MR. STANTON: Yes.

MS. RUSHING: See. Now that's --

MR. TOOHEY: Is that it?

MS. RUSHING: It takes me a while to become clear.

MR. TOOHEY: All right. Mr. MacMann?

MR. MACMANN: Just real quick to clarify. Commissioner Rushing, I was saying that a three or -- from my cursory reading, a three- or a four-foot sidewalk would need a passing area. To your other point, the sidewalk as built will be a public or a community amenity, and I would treat it psychologically as if it was a public entity owned by you and I, and counting on, say, Mr. Zenner to allow us to use his sidewalk as a passing area. What I'm saying is it would have to be part of the public amenity. That's all. But I think a five-foot, if we're going to play Solomon, five foot may be legally and practically the way that we can go.

MR. TOOHEY: Ms. Geuea Jones?

MS. GEUEA JONES: So in my limited experience with people who use chairs, two and a half feet is pretty small, and that's like a super slimmed down, not a back really to it, chair. So I -- again, trying to split the baby, I'll be okay with five feet. It's not a best practice for a disability-based community. This isn't that, and it is a minimum that we allow within our regular code, so that makes some sense to me, especially if we -- if doing that affords an opportunity to make the PD Plan look the way it was supposed to when it was originally approved, and I think it does. I'm not sure how logistically we would make the amendment to it now unless we were making this other amendment. So I -- you know, weirdly, the request for the smaller sidewalk may have afforded us the ability to put the fence back in.

MR. TOOHEY: Anyone else have any other comments you would like to make?

MR. PALMER: I would just like to add something really fast.

MR. TOOHEY: Sure.

MR. PALMER: In the spirit of what was missed last time, I brought this slide up. The dash line is essentially what was agreed to be built in terms of fencing at the last meeting. So regardless, the plan will have to be amended to include that pursuant to whatever changes you guys would like to make to that request -- that requirement, based on Ms. Wax's request tonight. So whatever recommendation you make, it will be conditioned on the plan being amended to include a privacy fence and it would need to be spelled out what you would expect on that plan at that time.

MR. TOOHEY: Okay. Thank you for the clarification.

MR. ZENNER: Plus include the sidewalk shown as the four-foot sidewalk, as well.

MR. PALMER: The sidewalk is the four foot on this plan, yes.

MR. ZENNER: So as a point of -- as an added point of clarification, the Planning

Commission, should you decide that you want to make a recommendation to alternatively recommend approval of the PD Plan amendment with a reduced sidewalk, five feet, not requested four, the plan that you have before you, as Mr. Palmer just pointed out, needs to be amended in order to add the fence. However -- and it would be conditioned upon the four-foot sidewalk that is currently displayed being represented as a five-foot sidewalk, it would be our typical standard practice prior to forwarding an item like this to City Council. The applicant, however, does reserve the right to continue to seek the four-foot sidewalk at City Council. I think it needs to be made very clear within your motion that either we are forwarding the plan with the addition of the fence and either the full revision of the sidewalk or you're allowing the sidewalk to remain as requested, but with your recommendation of denial. I mean, it's a technical issue as it relates to what plan is being presented before City Council, the plan that the Commission is asking for or the plan that the applicant is asking for with the addition of the fence. So in any case, your recommendation as it relates to the sidewalk is going to be conveyed not only in the public record, but will be conveyed in the staff report. So if you recommend denial of the four-foot sidewalk, we will cover that in the Council report that is presented to them, even though the plan has not been revised to reflect your alternative that you may offer, as well. Just not to confuse the matter anymore, but we typically are able to work with our applicants to have the plan updated before it goes to City Council to reflect your action. However, that may not be able to be achieved with this project this evening.

MR. TOOHEY: Mr. Palmer, would you mind going back to the last slide, the presentation, so they can see what recommendations were in case anyone would like to entertain a motion.

Mr. MacMann?

MS. CARROLL: Are we -- sorry.

MR. MACMANN: I'm going to ask that question right now. Commissioner Carroll, unless you have a question, a comment or a point of clarity, I was going to make a motion.

MS. CARROLL: I did want to make use of the Commissioner comment section.

MR. TOOHEY: Okay. It looks like we've got two more comments. So, Ms. Carroll, and then Ms. Russell.

MS. CARROLL: Yeah. I want to make use of this section to clarify my thought process for the -- for Council and for the developer going forward so that people looking at this can understand where I'm coming from. I see that you have a very strong vision for your development, and where that fits in in the community. Smaller sidewalks are a no go for me, and that's because of the pedestrian uses. It's because of the ADA. I'm -- I'm

in agreement with the staff recommendation. If we want to suggest waiving the fence where residents request that, then I'm fine with that.

MR. TOOHEY: Ms. Russell?

MS. RUSSELL: I just have a clarification before the motion. Do you want two motions or one? Two?

MR. ZENNER: I think we need to dispose of the initial request. If you're going to deny that, that's one motion. And then I think you need to specifically frame an alternative motion following that, and that can be one motion with two parts.

MR. TOOHEY: Mr. MacMann?

MR. MACMANN: Pat, I think they should be in the other order.

MR. ZENNER: The primary question on the floor is a request to approve a four-foot sidewalk, so you have to -

MR. MACMANN: All right. Let's -- I'm going to make two motions, so Council can get this, because a lot of times, they don't. I'm going to make two motions and, Ms. Russell, if you want to follow up on this that's fine as well. I'm going to make a motion on the sidewalk, and then we'll have to make another motion on the screening fence, which will have to insist that it be added in, and then if we want to make a waiver situation, which is the motion I was going to make, we can do that, too. But I want to make two, just so this is clear to Council. In the matter of Ash Street Community PD Plan, major amendment, Case 72-2021, a request by the developer and owner of this property to reduce the sidewalk to four feet from six feet, I move to deny that motion.

MS. RUSHING. Second.

MR. TOOHEY: Second by Ms. Rushing. Any more comments? Ms. Geuea Jones?

MS. GEUEA JONES: Question for our parliamentarian. I thought we had to make all of the motions in the affirmative.

MS. RUSSELL: We don't have to.

MS. GEUEA JONES: Okay. Sorry. Thank you. Just clarifying.

MR. TOOHEY: But if we do want to clarify that, so a vote for a yes --

MS. GEUEA JONES: Is a denial of -

MS. RUSSELL: Is a denial.

MR. TOOHEY: Correct. Everyone got that? Okay. Ms. Carroll, will you please call roll.

Roll Call Vote (Voting "yes" is to recommend denial.) Voting Yes: Ms. Carroll, Mr. MacMann, Mr. Stanton, Ms. Geuea Jones, Ms. Rushing, Ms. Russell, Mr. Toohey. Motion carries 7-0 with one abstention.

MR. TOOHEY: Okay. Would anyone else like to make a motion? Mr. MacMann?

MR. MACMANN: I would like to make a motion. First, Ms. Geuea Jones, I should have moved to approve. That would have been more clarity. No. You're right because I've done that before and then just voted no. Mr. Palmer and our legal counsel, I do believe, in order to fix, we will call it an oversight or a scrivener's error, we have to add the fence back in before we can add a waiver. I think that's two motions. Or can it be one motion, with a condition?

MR. ZENNER: I think one motion with a condition is satisfactory.

MR. MACMANN: All right. I just -- I'm going to try to make this as simple as possible.

MR. ZENNER: It will still be two motions, probably, though.

MR. MACMANN: Well, it'll be -

MR. ZENNER: Motion for the sidewalk and a motion for the fence.

MS. RUSHING: If you want a five-foot sidewalk, there is --

MR. MACMANN: If I want a five -- I'm going to clean it up and then amend it, so that will be a third motion. Are you with me?

MR. ZENNER: I will just follow along.

MR. MACMANN: Well, when this gets to Council, it needs to be very much A, B, C.

MR. TOOHEY: Yeah. I would follow this with the sidewalk motion, what you would like to see the sidewalk to be. Hold on. Ms. Russell, do you have something else you would like to add?

MS. RUSSELL: If you're going to make an amendment after you've done the motions, you have to make an amendment, vote on the amendment, and then make a motion on the amended discussion. Okay?

MR. MACMANN: Ms. Russell, yes. Don't I have to bring up a motion and then entertain amendments; is that correct?

MS. RUSSELL: No. Whatever your motion, you have to make an amendment to what you're going to move to propose, and then you approve. Then you make a motion on the amended discussion.

MR. MACMANN: Okay. Here's my point of concern. I'm moving to -- my motion will require this that goes before Council to have what it should have had in the first place, which is a fence. What happens with that fence, we could deal with in a moment. Should not the motion add that back in, and then have the amendments to it?

MS. RUSSELL: You can make the motion to add that back in --

MR. MACMANN: Yes.

MS. RUSSELL: -- to include waivers. You can make it all at one time.

MR. MACMANN: All right. I'm going to do that right now.

MS. RUSSELL: Okay.

MR. MACMANN: In the matter of Ash Street Community PD Plan, major amendment, Case 72-2021, I move to add in the requirement which should have been added in the first time for a six-foot screening device as part of the original PD Plan. However, adjoining property owners can waive that six-foot screening device by waiver delivered to the community development office in the person of Mr. Patrick Zenner.

MS. RUSHING: Second.

MR. TOOHEY: Seconded by Ms. Rushing. Any discussion on the motion?

MR. STANTON: Mr. Zenner, does that work for you?

MR. ZENNER: As long as I don't retire.

MR. MACMANN: He's absolutely correct. To the office of the community development. Please strike Mr. Zenner's name from there. Is that -- whoever seconded that, is that fine, just to strike Mr. Zenner's name because it should not have been included.

MR. TOOHEY: Ms. Rushing was -- seconded the motion. Ms. Rushing, are you okay with that?

MR. MACMANN: Is that fine to strike Mr. Zenner's name?

MS. RUSHING: Are you saying -

MR. STANTON: Striking Mr. Zenner's name.

MR. MACMANN: I should not have included his name.

MS. RUSHING: In what?

MR. MACMANN: I should not have included Mr. Zenner's name in the motion.

MS. RUSHING: Oh, no.

MR. MACMANN: Is it okay with you that I strike it now?

MS. RUSHING: Yeah. I -- I will agree to that amendment to the motion.

MR. TOOHEY: Thank you, Ms. Rushing. Any more discussion on the impossible motion? If not, Ms. Carroll, will you please call for a vote.

Roll Call Vote (Voting "yes" is to recommend approval.) Voting Yes: Ms. Carroll, Mr. MacMann, Mr. Stanton, Ms. Geuea Jones, Ms. Rushing, Ms. Russell, Mr. Toohey. Motion carries 7-0 with one abstention.

MS. CARROLL: We have seven votes to approve. The motion carries.

MR. TOOHEY: Anyone else like to make another motion? Mr. MacMann?

MR. MACMANN: I have a motion. In the matter of Ash Street Community PD Plan, major amendment, Case 72-2021, I move that the sidewalk width be reduced from six feet to five feet, with the requisite changes as dictated by staff's report be made around the clubhouse.

MS. RUSSELL: Second.

MR. TOOHEY: Seconded by Ms. Russell. Any discussion? Mr. MacMann -- sorry. Mr. Stanton?

MR. STANTON: Do we need to put in the -- the set of the back of the curb? Does that need to be in the amendment?

MR. ZENNER: I believe what Mr. MacMann's point was, as discussed in the staff report, deals with that.

MR. STANTON: By staff. Okay.

MR. TOOHEY: So just to clarify, we're only doing the five feet in front of the clubhouse and the remainder would just be --

MR. ZENNER: So -- so the motion at hand, based on the way that the staff report was written, is you will have a five-foot sidewalk, one foot off the back of the curb, which is the standard location, except in the location of the clubhouse where you will have a five-foot sidewalk at the back of curb for the distance necessary.

MR. PALMER: You would essentially waive the six-foot requirement when it's at back of curb.

MR. TOOHEY: Okay. All right. I just wanted to make sure that we were all on the same page with this. Any other discussion on this? If not, Ms. Carroll?

MS. CARROLL: Okay.

Roll Call Vote (Voting "yes" is to recommend approval.) Voting Yes: Ms. Carroll, Mr. MacMann, Mr. Stanton, Ms. Geuea Jones, Ms. Rushing, Ms. Russell, Mr. Toohey. Motion carries 7-0 with one abstention.

MS. CARROLL: We have seven votes to approve. The motion carries.

MR. TOOHEY: Thank you. And I will turn it back over to Commissioner Loe.

Motion # 1: Move to deny the request by the developer and owner to reduce the sidewalk to four feet from six feet. Voting YES:Carroll, MacMann, Stanton, Geuea Jones, Rushing, Russell, Toohey Voting NO: None. Abstention: Loe. Request to DENY passes (7-0-1)

Motion #2: Move to approve adding in the requirement, which should have been added in the first time, for a six-foot screening device as part of the original PD Plan. However, adjoining property owners can waive that six-foot screening device by written request delivered to the community development office. Voting YES: Carroll, MacMann, Stanton, Geuea Jones, Rushing, Russell, Toohey Voting NO: None. Abstention: Loe. Request to APPROVE passes (7-0-1)

Motion #3: Move to approve that the sidewalk width be reduced from six feet to five feet, with the requisite changes as dictated by staff's report be made around the clubhouse. Voting YES: Carroll, MacMann, Stanton, Geuea Jones, Rushing, Russell, Toohey Voting NO: None. Abstention: Loe. Request to APPROVE passes (7-0-1)

Case # 77-2021

A request by Crockett Engineering (agent), on behalf of Broadway Bluffs 2012, LLC (owner), seeking approval of a revised Statement of Intent (SOI) for the existing Broadway Bluffs Planned Development (PD). The SOI revision is only applicable to Lot 2 of the Broadway Bluffs Subdivision. The applicant desires to update the existing SOI to include, but not be limited to, the "Medical Marijuana Dispensary" use to the list of permitted uses allowed on the site.

MS. LOE: That brings us to our next case of the evening, which is Case 77-2021

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

Staff report was given by Ms. Rachel Smith of the Planning and Development Department. Staff recommends approval of the revised Statement of Intent.

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 related to this case to please share that so all Commissioners have the benefit of the same information on the case in front of us. Seeing none, are there any questions for staff? Mr. MacMann?

MR. MACMANN: I was going to have one, but Planner Bacon -- I'm sorry. Could you correct me.

MS. SMITH: Planner Smith.

MR. MACMANN: Planner Smith. Thank you. For everyone's edification there. Does the applicant understand that we may generate use specific standards for artisan industry and they may get something that they didn't want?

MS. SMITH: I have not had that specific conversation with the applicant, however, they are on our stakeholder list for all code updates in general, and so I would encourage them to participate in that conversation.

MR. MACMANN: And am I correct in assuming -- and this may also be a question for legal -- correct in assuming that if we add use specific standards to our artisan industries, which we may, we may not, that would apply to this applicant's zoning, as well, or do they have a hybrid system because they got it now?

MS. SMITH: I think it would apply unless they came back and asked for them to be removed, but we can talk about transitions of that, as well.

MR. MACMANN: Well, I just -- yeah. We need to -- that's something else we need to talk to. Thank you, Planner Smith.

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

PUBLIC HEARING OPENED

MS. LOE: If anyone has public comment, please come forward and give your name

and address for the record. Seeing none, we will close public comment.

PUBLIC HEARING CLOSED

MS. LOE: Commissioner comment? Mr. Stanton?

MR. STANTON: I'd like to make a motion, if my colleagues are ready. As it relates to Case 77-2021, I move to approve the revised Statement of Intent for Lot 2 of the Broadway Bluffs PD as requested.

MR. MACMANN: Second.

MS. RUSHING: Second.

MS. LOE: Ooh. Tie. I think, Mr. MacMann, you just beat out Ms. Rushing on that one. We have a motion on the floor. Any discussion on that motion? I see none. Ms. Carroll, may we have roll call, please.

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. Motion carries 8-0.

MS. CARROLL: We have eight votes to approve. The motion carries.

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

Move to approve the revised Statement of Intent for Lot 2 of the Broadway Bluffs PD as requested.

Yes: 8 - Loe, Rushing, Russell, Stanton, Toohey, MacMann, Carroll and Geuea Jones

Excused: 1 - Burns

Case # 81-2021

A request by Haden & Colbert (agent) on behalf of Nan Erickson (owner) to rezone one parcel from PD (Planned Development) to M-C (Mixed-Use Corridor). The approximately 5.28-acre property is located on the southern frontage of I-70 Drive SE approximately 600-feet west of St. Charles Road and is addressed 5304 I-70 Drive SE.

MS. LOE: That brings us to our last case for the evening. Any Commissioner recusals on this one? Mr. MacMann? Anyone else? All right.

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

Staff report was given by Mr. Brad Kelley of the Planning and Development Department. Staff Recommends approval of the request to rezone the property to M-C.

MS. LOE: Thank you, Mr. Kelley. Before we move to staff questions, I would like to ask any Commissioner who has had any ex parte related to this case to please disclose that now so all Commissioners have the benefit of the same information on the case in front of us. Seeing none. Are there any questions for staff? I see none. Good job, Mr. Kelley. With that, we'll open up the floor to public comment.

PUBLIC HEARING OPENED

MS. LOE: If you can give your name and address for the record. You'll have three minutes if you're speaking for yourself and six minutes if you're speaking for a group.

MR. COLBERT: Thank you, Commissioners. My name is Caleb Colbert; I'm an attorney at 827 East Broadway here in Columbia, and I'm here on behalf of the applicant. And tonight I do have Nan Erickson, the property owner, here with me. I have John John, who is working with her as a realtor, and we also have Dale Perkins. Mr. Perkins is here as a neighbor to support the rezoning request, and he owns the piece of county single-family residential that is directly adjacent to this property to the south, so he's here to support our rezoning request. Again, we support the staff analysis and the staff conclusions. Ultimately, we believe the protections that have been built into the code through the UDC provide the same level or better protection for adjacent property owners. They serve the same purpose as the Planned District. Again, when you look at what zoning district is appropriate for the site, we're on the I-70 corridor. We have M-C to the west, M-C to east, so the Mixed-Use Corridor, we believe, is the most appropriate. And with that, we would be happy to answer any questions, and we would appreciate your support.

MS. LOE: Any questions for this speaker? Ms. Geuea Jones?

MS. GEUEA JONES: Hi. Thank you. I'm -- this is why we passed the UDC. Right? So thank you for coming to us with this. My only questions is, is there anything about the grade or the pond and water maintenance that will require you to ask for massive variations or waivers or anything like that?

MR. COLBERT: Because of the size of the area, I believe we'll actually have to submit a land analysis map that identifies all of those sensitive areas if this property is ever developed. So at that point, we would have to go through that analysis and decide, okay, are there any variances that are required. But right out of the gate, you have that protection of that land analysis map.

MS. GEUEA JONES: Very good. Thank you.

MS. LOE: Any additional questions? I would just like to comment that I appreciate your bringing support from the single-family lot in that I am conscientious about rezoning to M-C adjacent to existing single family, so thank you for that.

MR. COLBERT: Thank you very much.

MS. LOE: Any additional speakers on this? If there are not, we'll close public comment.

PUBLIC HEARING CLOSED

MS. LOE: Commissioner comment? Mr. Stanton?

MR. STANTON: If my colleagues don't have anything else to say, I would like to entertain a motion, though I'm upset I didn't get to argue with Mr. Caleb this evening. Get in a fight real soon. I move -- oh, excuse me. As it relates to Case 81-2021, I move to approve the rezoning from PD to M-C.

MS. RUSHING: Second.

MS. LOE: Second by Ms. Rushing. We have a motion on the floor. Any discussion on this motion? I see none. Ms. Carroll, may we have roll call, please.

Roll Call Vote (Voting "yes" is to recommend approval.) Voting Yes: Ms. Carroll, Ms. Loe, Mr. Stanton, Ms. Geuea Jones, Ms. Rushing, Ms. Russell, Mr. Toohey. Motion carries 7-0 with one abstention.

MS. CARROLL: We have seven votes to approve. The motion carries.

MS. LOE: Recommendation for approval will be forwarded to City Council. That completes our cases for this evening.

Move to approve the rezoning from PD to M-C.

Yes: 8 - Loe, Rushing, Russell, Stanton, Toohey, MacMann, Carroll and Geuea Jones

Excused: 1 - Burns

VI. PUBLIC COMMENTS

MS. LOE: Any additional public comments? Seeing none.

VII. STAFF COMMENTS

MR. ZENNER: You do have a meeting coming up, and it will be on March 18th, which follows a regularly scheduled work session over in 1A and 1B. That work session will start at 5:30 p.m., and we will be re-engaging discussion on our most recent batch of UDC zoning text changes. Should be talking about artisan industries, we'll be talking about personal services and the uses that Ms. Bacon had talked about in order to garner the final comments and support of the Commission with the amendments as we are presenting them, and then schedule those for a future public hearing, probably at the end of April. We have been contacted by the CID at this point for the Business Loop as it relates to the artisan industry changes. We do anticipate coordinating our efforts with Carrie Gartner, who is the director of that CID, and will either bring forward at our next meeting on the 18th or afterward, as part of the public process in April, their comments, but it was always our intention that we were going to discuss the amendments with them given that part of the amendment process is being -- has been driving by the desire of the CID in order to make particular improvements, so to the actual artisan industry standards. We also will bring forth to you at that meeting some additional discussion as it relates to live-work units, as was discussed at our last work session. Staff has identified some

other alternatives to that particular use within the code that may provide some clarity and address some issues internally that we have identified with trying to create use specific standards specifically for them, so be prepared for that. It should be an interesting discussion, an hour and a half long, and if we need some extra time in order to fully vet out some of these new text changes that we're discussing, so be it. We will push forward to do that. We also are working on some additional subdivision changes to the subdivision standards and some other more complex revisions to the code, so this is going to be a continuing effort for the remaining portion of this calendar year. And just to let you all know, the 17 amendments that were originally considered in the first batch were approved on Monday of this week, so they became effective immediately, so some of the changes, some of the variances that we were seeing as it related to property lines, all of them have gone off into the sunset, and hopefully there will be a much more efficient operation and use of your time. So with that, this evening's discussion, we will provide you the slide show as you have requested. You'll have that for your consideration and review, and we will start to be preparing to make changes in the staff reporting, as well as in plan preparation documents for your future meetings. Give us probably, as I said this evening, until either the beginning of April or the end of April for that to fully take effect, but we will have that incorporated into our review process. We do have several cases that are coming up, and these are really representative of just the tip of the iceberg of material that has been coming into the office through concept reviews as well as submissions. For your March 18th meeting, we will have the Discovery Park Plat 4. This is for property that has been previously approved as a PD Plan. The most recent approvals, these are platting that will take care of that. We have a plat for the corner of Vandiver and Range Line. This is the development that will include the new Starbuck's that is being built right there at the interchange where the dogbone is just to the south of the Vandiver-Range Line intersection. And then you will have a single public hearing for 2101 West Ash Street. This is a vacant parcel directly across from the Phillips 66 gas station on the corner of Ash and Stadium. It was the old location for a Break Time. This is a proposed new Scooter's Coffee House that will be on that property forward of the Shoppes at Stadium. So those are your three cases, and we do have a mounting list of projects that will be coming forth in April, so our -- our docket will be full and plenty of activity. Here are the projects though, just so you can get your bearings, as most of you probably are aware of where they are. That is all we have for this evening. We thank you very much for your time and your attention, and your work.

MS. LOE: Thank you, Mr. Zenner.

VIII. COMMISSIONER COMMENTS

MS. LOE: Mr. Stanton?

MR. STANTON: I haven't said anything in a while, and so I wanted to say something this evening. It seems like we've been running into a lot of innovative projects, designs, pushing the envelope of our code and how we do business. So I would suggest that my colleagues, we kind of refresh ourselves about density, affordable housing, middle housing. If you don't know what that is, look that up. And just kind of familiarize ourself with the issues that -- you know, that we've come about. We had the Housing Authority, we had this evening's project, and a couple of other ones that we've had in the last couple of meetings. So I don't -- I think that trend is going to continue, and I think we just need to refresh ourselves on where the City stands, where we may stand personally, and kind of orient our minds about how we want to address these projects in the future.

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

IX. NEXT MEETING DATE - March 18, 2021 @ 7 pm (tentative)

X. ADJOURNMENT

MS. RUSSELL: I'm going to make a motion to adjourn.

MR. STANTON: Second.

MS. LOE: And the second by Mr. Stanton. Thank you. We are adjourned.

(Off the record.)

(The meeting adjourned at 9:03 p.m.)

Move to adjourn