

MINUTES
PLANNING AND ZONING COMMISSION MEETING
August 8, 2013

COMMISSIONERS PRESENT

Mr. Andy Lee
Dr. Ray Puri
Mr. Anthony Stanton
Mr. Rusty Strodman
Mr. Bill Tillotson
Mr. Doug Wheeler

COMMISSIONERS ABSENT

Ms. Ann Peters
Mr. Steve Reichlin
Mr. Matthew Vander Tuig

II.) APPROVAL OF AGENDA

MR. WHEELER: All right. Hopefully everybody's had -- approval of the agenda. Are there any changes in the agenda needed this evening? Everybody in favor, say aye. Opposed, same sign.

(Unanimous voice vote for approval.)

III.) APPROVAL OF MINUTES

MR. WHEELER: Hopefully everybody's had a chance to review the June 20th and July 18th minutes. Are there any corrections needed?

MR. TILLOTSON: I make a motion to approve.

MR. LEE: Motion to approve.

MR. WHEELER: Okay. Mr. Tillotson, and Mr. Lee seconds. Everybody in favor, say aye. Opposed, same sign.

(Unanimous voice vote for approval.)

IV.) PUBLIC HEARINGS

13-93 A request by Crockett Engineering, on behalf of Boone Development, Inc. (owner), for a PUD development plan to be known as "The Residences at Old Hawthorne." The 9.3-acre subject site is located northwest of the Old Hawthorne clubhouse. *(A request to table this project to the August 22 meeting has been submitted. This is the applicant's second request.)*

MR. WHEELER: Is that correct, Staff?

MR. MACINTYRE: Yes, technically. And the issue is that the applicant has actually changed engineers, so we're treating it as a resubmittal. However, since we've got a new engineer on the case, we wanted to bump it back and provide ample time for review. So that's the request.

MR. WHEELER: Okay. Thank you. This was an advertised hearing, so if there's anyone that came this evening to speak, please come down. Otherwise, we would request that you come back at the September 5th, provided the Commission allows this tabling -- which it has been our practice. I believe we can do a voice vote on this, so how's the Commission feel about tabling this to September 5th?

MR. TILLOTSON: (Indicating.)

MR. WHEELER: Mr. Tillotson makes a motion to --

MR. TILLOTSON: Table it.

MR. WHEELER: -- table it to until the 5th.

MR. STANTON: Second.

MR. WHEELER: And Mr. Anthony [sic] seconds. Everybody in favor, say aye. Opposed, same sign.

(Unanimous voice vote for approval.)

MR. WHEELER: All right. That will be tabled to the September 5th meeting.

13-96 A request by the Boone County Commission (owner) to assign R-1 (One-Family Dwelling District) as permanent zoning on land pending annexation into the City of Columbia. The 0.22-acre subject site is located at the southeast corner of St. Charles Road and Demaret Drive (addressed 700 Demaret Drive), and is currently zoned Boone County R-M (Moderate Density Residential). (This project has been carried forward from the July 18, 2012 meeting, due to a lack of a quorum.)

MR. WHEELER: May we have a Staff report, please.

Staff report was given by Mr. Steven MacIntyre of the Planning and Development Department. Staff recommends approval of R-1 as permanent City zoning.

MR. WHEELER: Are there any questions of Staff? All right. This is our first public hearing. Let me go over our rules of engagement. First speaker gets six minutes, subsequent speakers get three, both for and against. So with that, we're open public hearing.

PUBLIC HEARING OPENED

MR. SHAWVER: Mr. Chairman, members of the Commission, my name is Stan Shawver; I'm direct of resource management for Boone County. I've been authorized by the Boone County Commission, the applicant in this request, to appear on their behalf. I'd be happy to answer any questions that you may have. I believe that the Staff report very accurately reflects the intent here. As Mr. MacIntyre indicated, the structure has been removed. The property's been restored back to a grade and is being -- is vacant at this point in time. If you recall, work on the northeast Columbia area plan calls for an extension of Clark Lane/St. Charles Road, which would extend approximately from this point all the way to Route Z, providing an east-west corridor. And this would be an appropriate place for a roundabout. As you can see from the aerial photograph, at St. Charles Road it kind of skews off to the northeast, and it would be a difficult place to have a -- to construct a regular intersection, so it would be an ideal location for a roundabout.

MR. WHEELER: Are there any questions of this speaker? Thank you, sir.

MR. SHAWVER: Thank you.

MR. WHEELER: Are there any other speakers on this item? Seeing none, we'll close the public hearing.

PUBLIC HEARING CLOSED

MR. WHEELER: Commissioners, discussion?

MR. STRODTMAN: Seems pretty straightforward.

MR. TILLOTSON: I make a motion to approve the request by the Boone County Commission to annex 0.22-acres of land into the City of Columbia and to assign R-1 as permanent City zoning. The subject site is located at the southeast corner of St. Charles Road and Demaret Drive and is currently zoned Boone County R-M.

MR. STRODTMAN: I second.

MR. WHEELER: Mr. Strodtman. Motion's been made and seconded. Any discussion on the motion? Roll call when you're ready, sir.

Roll Call Vote (Voting "yes" is to recommend approval.) Voting Yes: Mr. Lee, Dr. Puri, Mr. Stanton, Mr. Strodtman, Mr. Tillotson, Mr. Wheeler. Motion carries 6-0.

MR. WHEELER: Recommendation for approval will be forwarded to City Council.

13-97 A request by Simon Oswald Architecture, on behalf of Columbia College (owner), for a campus master plan update. *(This project has been carried forward from the July 18, 2012 meeting, due to a lack of a quorum.)*

MR. WHEELER: May we have a Staff report, please.

Staff report was given by Mr. Tim Teddy of the Planning and Development Department. Staff recommends approval of the master plan update.

MR. WHEELER: Are there any questions of Staff?

PUBLIC HEARING OPENED

MR. BORGMEYER: Mr. Chairman, members of the Commission, my name's Nick Borgmeyer; I'm a representative of Simon Oswald Associates, here on behalf tonight of Bob Hutton from Columbia College. Just wanted to point out a few highlights of how this master plan update varies from the previous master plan. In general, the process is very inclusive. We look at the previous master plan, the college uses an opportunity to drive their own direction, and it also has plenty of opportunities for review meetings to both staff, students, neighborhood, the Board of Trustees. So it's a well vetted, 11-month, approximately, process that we've gone through. The few highlights that I want to point out, the new softball field, as was mentioned, the new master plan actually moves it to the border of Wilkes and Rangeline. The goal is to kind of create a campus entry and a sports complex. The related projects that go with that are the consolidation of parking to the south of it on lots that are primarily already owned by the college, that would include the demolition of a few buildings. There's currently the Henshaw apartment building, which was previously a classroom building, and as well as the smaller soccer locker rooms building -- to allow those demolitions to occur. The new maintenance building would be constructed north of Wilkes, which would replace the Wightman building, which is currently to the east of the Southwell gymnasium. The Wightman building would be repurposed for athletic purposes, allowing soccer locker rooms -- or I'm sorry, soccer offices to be relocated closer to that athletic facility. As was mentioned, the soccer field is

being improved. To the east side of the soccer field would be a building that would house lockers, small training facility to service the soccer field. To the west side would be tickets, concessions, entrance into the field. The site is very tight, but it -- that would allow for that site to breath well. One other thing about the athletics at Columbia College is they kind of serve everyone, not just the varsity athletics. So they look to make that a space for students to use as well. And I wanted to note that our previous master plan did show a parking garage at the consolidated parking area. We've looked -- in conjunction with some -- I think approximately 229 spaces the college has been able to acquire since the last master plan and the roughly 40 additional spaces that we'd add there takes care of all their projected parking needs without using a parking garage. That consolidated parking area is surrounded primarily by campus properties and campus facilities, so we feel that it would be a well contained and well monitored parking area. As I mentioned, the maintenance building to the north, the college would do that in a way that would allow shipping and receiving to be easily brought to the college as well as to hopefully improve safety, lighting, aesthetics at that street. The other major portion, their approach to housing, Miller Hall and Banks Hall, our current facilities just off of Eighth Street, we plan for a phased demolition and replacement of these facilities to maintain the same number of beds, but to come in line with their competition in terms of type of housing provided. The housing that was mentioned at Seventh and Hickman is looked at as longer term in case the college needs to provide additional apartment style housing. It can be in line with their Cougar Village just to the north of it that they already own. New buildings that I just wanted to point out that we haven't spoke about yet: Addition to the library along Rangeline just to the west side of it, Practice hall has a minor addition onto it -- that is their music facility -- Dulany Hall, we've shown three different potential additions to the banquet hall, noting that they do need additional banquet space, but we haven't got to the actual detailed planning stage of that. And then there's one new academic building that's shown in two potential locations. One, the preferred location would be north of Brown Hall, which is on the north side of their campus, just to the southwest of the soccer field. The other location potentially would be where their current Kirkman House is, which is at the corner of Tenth and Rogers. That facility would be primarily classrooms and we also have plans for an entrepreneurial center to be there. The other thing that they may do is in the center of campus, where we kind of have our academic core, Buchanan Hall is looking to be demolished to enhance kind of an internal academic core. The functions of that space would be moved into the new building. Regarding the property acquisitions, the gray lots, as was mentioned, are areas that should be of interest to the property -- or to the college to acquire if they become available. In general, all future parking recommendations are at the consolidated area near the athletics complex, but we have mentioned approximately how much parking could be fit into other parking locations. And then, lastly, general phasing and prioritization of these different things: The soccer field amenities, the planning for that is currently underway, the next would be the maintenance building to the north, then the

Wightman Building remodel, then the softball field and its related parking reconsolidation, and then further on down the road, the new classroom building. That's all the comments I have.

MR. WHEELER: Are there any questions of this speaker? Thank you. Appreciate it. Are there any other speakers that would like to discuss this item this evening? Seeing none, we'll close the public hearing.

PUBLIC HEARING CLOSED

MR. TILLOTSON: Looks pretty cut and dried to me. I see no reason not to support it.

MR. LEE: Seems to be very well thought out and I intend to support it.

MR. WHEELER: And that was a motion or that was just a comment?

MR. LEE: I did not make a motion.

MR. TILLOTSON: I'll make a motion to approve Case 13-97, for a Columbia College for a master plan update.

MR. STRODTMAN: I'll second.

MR. WHEELER: Mr. Strodtman. A motion has been made and seconded. Any discussion on the motion? The only thing I'd like to say on this is it's always -- they've always done an incredible job over there and I've always found it as a little ironic that you identify properties you want to purchase in the future prior to doing so, but -- seems a little backwards. All right. With that --

Roll Call Vote (Voting "yes" is to recommend approval.) Voting Yes: Mr. Lee, Dr. Puri, Mr. Stanton, Mr. Strodtman, Mr. Tillotson, Mr. Wheeler. Motion carries 6-0.

MR. WHEELER: Recommendation for approval will be forwarded to City Council.

13-99 A request by Columbia Housing Authority (owner) to amend the PUD (Planned Unit Development) zoning, and to approve a PUD development plan to be known as Kinney Point PUD. The 1.96-acre subject site is located on the northwest corner of Garth Avenue and Sexton Road. (This project has been carried forward from the July 18, 2012 meeting, due to a lack of a quorum.)

MR. WHEELER: May we have a Staff report, please.

Staff report was given by Mr. Steven MacIntyre of the Planning and Development Department.

Staff recommends:

- Approval of the proposed PUD development plan, including the requested variance from Section 29-10 (d)(7) to allow parking within the 25-foot perimeter setback along the site's north and east sides.
- Approval of a modified statement of intent, which provides clearer guidance with regard to the currently proposed use of the property.

MR. WHEELER: Are there any questions of Staff? Mr. Lee?

MR. LEE: Yeah. What is this building that sits adjacent to the property?

MR. MACINTYRE: The building adjacent is called The Intersection.

MR. TEDDY: Yeah. It's a community center building and that was part of the original plan. There was an approved PUD plan after the PUD-30 zoning was put in place for that and also a sanctuary. Those are the only two structures in the original plan -- (inaudible).

MR. LEE: Thank you.

MR. TILLOTSON: This building is still being used for that intent?

MR. MACINTYRE: It's my understanding, yes.

MR. TEDDY: The Commissioners might recall a subdivision plat we did -- I think it was last -- (inaudible) -- so that was created as a separate parcel.

MR. WHEELER: Mr. Strodtman?

MR. STRODTMAN: I have two questions. The first question is about the fence. Does the fence run the entire north side of the parking or --

MR. MACINTYRE: I believe it runs adjacent -- or the length of the parking lot to where it would encroach in that 25-foot setback.

MR. STRODTMAN: And you mentioned some landscaping. Do you have any more detail, I mean, just other than it's going to have a fence and some landscaping?

MR. MACINTYRE: Yes. I can provide that information. We've got two types of plantings indicated on the plan. One would have maples and it looks like there are nine of them. And this is on the north side of the screening fence that will be put in. And that will be a six-foot tall privacy fence. Then, there are just a couple of trees on the south side, which actually are really just to break up the parking area. But on the south side of that northern property privacy fence, there are a couple of Shantung maples -- pardon me if I'm not pronouncing that correctly.

MR. STRODTMAN: Thank you. My last question is, has the City Parks and Rec -- obviously has looked at this area as a park, and was there ever any interest in maintaining it as a park?

MR. MACINTYRE: The Parks Department didn't have any comment on this case. I think the perception is, you know, by a lot of the neighbors -- and I did receive a few phone calls -- was that this is a City owned park or, you know, a public park. And unfortunately, it is privately owned. I don't know if there's been any interest expressed by Parks Department in the past, but they certainly didn't have any comments or --

MR. STRODTMAN: Thank you.

MR. MACINTYRE: -- interest at this point.

MR. WHEELER: Are there any other questions of Staff? All right. We'll open the public hearing.

PUBLIC HEARING OPENED

MR. CROCKETT: Chairman and members of the Commission, my name is Tim Crockett with Crockett Engineering Consultants, offices at 2608 North Stadium Boulevard. I have some handouts, if you don't mind, if I could approach. First of all, let me start off by answering a couple of the questions that we have tonight. The building to the east is called The Intersection. I think it is a

community building. It's a great place. Children come there, after school programs. It's a -- you have some hours to volunteer, it's a great place. Kids over there are really nice, really friendly. It's a good environment for the neighborhood. Also, to -- we're fine, Tim. We're fine.

MR. TEDDY: Okay.

MR. CROCKETT: Thank you. Also, to answer Mr. Strodtman talking about the screening, the screening does go along the entire north property line where the -- adjacent to the parking lot. And to answer the question about the landscaping, the City arborist requires that we plant landscaping behind the fence so we don't just have a blank fence that we're putting up against the neighbors. We actually have some landscaping that we install along that fence to help break it up. Furthermore, there's a substantial amount of trees in that area as well that's existing that we're going to use for that area. Regarding the question about the Park Department -- or Parks and Rec, they have looked at the plan. They had no comment on the plan. They feel that there's adequate parks in other locations in the vicinity. They understand that this is not a public park. And typically a piece of property, roughly, two acres in size is a little bit less than what they want to maintain. It's not economically feasible for them to handle that. So a couple questions I wanted to answer right off the top there to start with. Again, my name's Tim Crockett. With me tonight is Phil Steinhaus with the Columbia Housing Authority. He's going to speak briefly regarding this development as well, as well as Kurt Wallace with -- the architect as well that can answer questions. Location of the property, it's located at the corner of Sexton and Garth. I think we're very familiar with the piece of property. It's gone through rezoning in the past. It's been platted. It is a platted subdivision lot ready for development. Again, it's just under two acres in size, currently zoned PUD-30, which would allow for, roughly, 58 residential units. The property has been purchased by the Columbia Housing Authority and it is in their control at this time. Of course, you've seen the plan. You kind of see what the highlights of the plan are. One thing that we really strive to do is we wanted to hide the parking. We wanted to put the parking behind the building, kind of shield it from the adjacent roadways. We feel that's very important in this area. That's what we strived to do. We think we've done a good job with that. It is a development in the city core. Again, we think that's important. We talk about pushing developments further and further out. This is a development of the city core where infrastructure is already in place. We think that's very important. We already have all the utilities there. There'll be no need for extension of any off-site utilities to serve this development. And, again, I think we believe it's a full efficient use of this property. I will say that there were some initial concerns about the project early on, trying to get the approval through the City. The first one was stormwater. This area does have some flooding issues. It does have some concerns. We put together a stormwater management plan, reviewed that intently with Public Works Department, showed them what our plans were, showed them what the existing conditions were. They've looked at that and they've approved our plan. They think it's a good plan for the area that's going to help the situation. So our conceptual stormwater management plan has been submitted and approved by Public Works Department.

Secondly, they talked about traffic. They had a little issue with traffic concerns in the area. How are we going to address the future intersection of Garth and Sexton? How are we going to acquire additional right-of-way when it's needed? We don't want to go out here and purchase expensive right-of-way if we can try to acquire what we need now. By means of several ways, we have acquired right-of-way by means of agreements and streets easements. We've been able to accommodate those situations. We've worked with Public Works. We've agreed to make an intersection -- or excuse me -- one of our entrances right in/right out if need be. And then, also, grant the additional right-of-way for any future improvements for the intersection of Garth and Sexton. Again, all of those improvements and all of those concessions have been approved by the Public Works Department. And, again, they had a slight concern over the sanitary sewer in the area as well. We were able to work with Public Works and get them to approve that concern as well. There are before you tonight two variance requests. One is for the 25-foot perimeter setback along the north property line. Typically, we would adhere to that 25-foot setback; however, in this case, as Mr. MacIntyre indicated, there is a 15-foot alley that's already platted along that north line. We feel that between the alley itself and our 10-foot setback, we adhere -- we give that 25-foot setback. We feel that that's -- you know, that along with the landscaping, we feel that that's justified. It makes our site fit better. It allows us to pull our buildings as much as we can away from Sexton and open up our property altogether. And, of course, our second is regarding the pergola that Mr. MacIntyre talked about. What the architect is trying to achieve is some common space, some common element in this design. Try to put the common space in the middle of the building. Try to have a nice covered entryway that goes out to the parking lot, but then also have a nice communal space on the south side that fronts out on the Sexton Road. What we'd really like to have is an area where people can congregate, have a seating area. They can sit out there and talk and just have a communal area. And that's really what we're trying to achieve at that location. With that -- I apologize. My PowerPoint's not set up right now, the right one. But with that, I would like to turn over to Mr. Steinhaus.

MR. STEINHAUS: Thank you, Tim. I'm Phil Steinhaus, CEO of the Columbia Housing Authority. Thank you for the opportunity to present our plan to you tonight. As many of you may know, the Columbia Housing Authority has launched an affordable housing initiative last year and has been engaged in a long-range strategic planning to develop additional affordable housing in our community, as well as preserve our existing public housing units. We know that affordable housing is a real high need in Columbia, as identified there in the consolidated plan and within other City of Columbia planning documents. Columbia Housing Authority really feels like it out to be a leader in providing affordable housing that's energy efficient and fully accessible. We're also committed to providing supportive services to persons with disabilities, seniors, and families at our properties because we want to help people live self-sufficiently and as independently as possible. We have a number of partnerships with other organizations. This project will include a partnership with New Horizons Community Support Services. So we want to make inclusive neighborhoods, and we see

this as a great opportunity for the Columbia Housing Authority. It's right in our neighborhood. It's a reinvestment in the current neighborhood here, and it really follows through on what Grace Covenant really wanted to do with this property. And I addressed the issue with the park a little bit. It has sat idle there because there were plans to build a sanctuary there. There were other plans to develop the other corner at that intersection. So it has -- the church has allowed people to use that property while other plans were being made, but it's not a community park. It's never been a community park by Parks and Recreation. And our plan is really to develop some much needed affordable housing in our community, in particular with an emphasis on one-bedroom units, which are extremely hard to find in our community. We've engaged in extensive community engagement process that includes ads in the Tribune, posted all our information to our website, on all our bulletin boards on our properties, at the City of Columbia. We distributed flyers to the three neighborhood associations that are in the area and also placed a sign on the property about our meetings with the neighbors. We had significant opportunities for public input that included six Columbia Housing Authority Board of Commissioners meetings that are open and have public comment at the beginning and end of each meeting as well as when they adopt resolutions and receive updates on our Affordable Housing Initiative plan. Those were in the months of January through June. We had three meetings with neighborhood associations, met directly with the Ridgeway Neighborhood Association, hosted two meetings at Oak Towers for members of the Ridgeway Neighborhood Association, Douglas Park Neighborhood Association, and the Oak Towers residents. There was very good support of our plans and our projects. 88 percent of the attendees thought that there was a great need for affordable housing in Columbia. 69 percent liked our housing concepts. Only three said that they didn't like our housing concept. 84 percent of them supported the work of the Columbia Housing Authority to develop affordable housing. We listened to the neighbors. They said they wanted to make sure that it fit in with the rest of the neighborhood scape. That's why the pergola's added on the front, to try to give it a more kind of a porch-like feeling. We bent the building back a little bit to give it a little more green space there in the front. We moved to a three-story building to decrease the footprint, increase green space, increase energy efficiency. They'll be very accessible. And we named it after Mr. Marvin Kenney, who was our former Board of Commissioners chairman for 20 years who passed away recently. Be happy to entertain any questions you might have.

MR. WHEELER: Are there any questions of this speaker? Mr. Strodtman?

MR. STRODTMAN: I have a couple. When it describes a 40-unit, how many beds? Is that 40 beds?

MR. STEINHAUS: There will be 42 units actually. It'll be 36 one-bedroom units and 6 two-bedroom units.

MR. STRODTMAN: So 42 beds?

MR. STEINHAUS: Well, you could have --

MR. TEDDY: 42 units, 48 beds.

MR. STEINHAUS: Yeah. On the two bedroom units, then you would double that up so you would actually go to 48 total.

MR. STRODTMAN: 48 total. Okay.

MR. STEINHAUS: Our longest waiting list is for one-bedroom units, both in public housing and our Section 8 waiting list. 90 percent of the people are waiting for one-bedroom units. Anyone has a voucher, if you're one person, you don't get a five-bedroom voucher. You get a one-bedroom voucher. And with the housing that's being built here in Columbia for students, it's almost impossible for people to find one-bedroom units.

MR. STRODTMAN: And would all the stories be serviced via an elevator?

MR. STEINHAUS: That's correct.

MR. STRODTMAN: Thank you.

MR. STEINHAUS: You're welcome. And community space has been added on each floor as well.

MR. WHEELER: So -- I'll guess I'll -- let me follow that up with a question there then. You -- these are all accessible units or --

MR. STEINHAUS: A portion of -- we're using universal design in all of the units. A majority of them will be fully ADA accessible with roll-in showers. We're going to have roll-in showers on all the first-floor units. The second floor units will have, not roll-in showers, but transfer showers, so you can use a wheelchair and transfer into the shower with transfer benches in those showers on the second and third floors.

MR. WHEELER: And you allow one or two people in these one-bedroom units?

MR. STEINHAUS: It could be two if there were, say, a couple that were sharing an apartment there. Generally, our rule, say, with regards to public housing or Section 8 is two heartbeats to a room. But in general, we expect most of the folks to be singles in these units.

MR. WHEELER: Okay. Are there any other questions of this speaker?

MR. STANTON: Mr. Steinhaus, do you primarily intend to have elder and disabled people in these units?

MR. STEINHAUS: That'll probably --

MR. STANTON: What is your intent?

MR. STEINHAUS: -- be a majority of the people that are served there. But we would serve any single person that would be income eligible, so you would have to be at or below 60 percent of the median family income or if you had a Section 8 voucher, you'd be at or below 30 percent median family income. We would accept vouchers there, obviously.

MR. WHEELER: Are there any other questions of this speaker? Mr. Crockett, you want to step up?

MR. CROCKETT: Yes, sir.

MR. WHEELER: Anybody have any questions of this speaker? I do, so that's the reason I brought you up here. Go ahead, Mr. Lee.

MR. LEE: Mr. Crockett, this might seem like a silly question and I don't remember, but I know there are a number of one way streets in this area.

MR. CROCKETT: Uh-huh.

MR. LEE: Is Sexton a one way or a --

MR. CROCKETT: No, sir. It's two-way street in this area.

MR. LEE: Okay. Thank you.

MR. WHEELER: Mr. Strodtman?

MR. STRODTMAN: I'm sorry. I didn't --

MR. WHEELER: Oh, okay. Let me grill you a little bit here. This statement of intent, can you tell us what changes were made within this statement of intent that we're seeing dated July 10, 2013, as opposed to the original?

MR. CROCKETT: Yeah. Basically, the changes made in that statement of intent had to do -- if I recall correctly. I'm going off memory here. We wanted to make sure that we had the ones, twos, threes, and fours, the bedrooms included. We -- I'm trying to think, Mr. Wheeler. I'm going off memory here. I don't have that revised -- I'm sorry.

MR. STEINHAUS: 42,000 --

MR. WHEELER: Mr. Steinhaus, I'm sorry. You're going to have to come up --

MR. CROCKETT: Mr. Steinhaus got me there. We did increase the size of the building, the gross square footage of the building. We originally had 40,000 square feet. We increased the size of that. We conversed with the architect who has given us a better layout, has added some additional space in the building with regards to the two-bedroom units as well as added some additional communal space on the inside, some common areas, some common space, which increase the footprint -- excuse me, the floor area of the building. When I say floor area, it's not -- it's not 46,000 footprint. It's all three floors combined.

MR. WHEELER: I understand. Okay. Let me address my concerns more so than --

MR. CROCKETT: Okay.

MR. WHEELER: What surprises me, unless it was part of the original statement of intent, is some of the uses: Adult daycare, boarding houses, lodging houses. These are all uses that we're asking to be -- or asked to be approved, which I don't support. And it also says that, you know, we're looking at -- there could be a maximum of 58 units, but we're being shown a plan with 42.

MR. CROCKETT: That's correct.

MR. WHEELER: Unfortunately, as we all know and I've been reminded countless times, zoning runs with the land. And there's nothing that says the Housing Authority couldn't sell the property, and then we'd be faced with 58 total units by someone else, up to four-bedroom units. And these are the things that concern me. The plan as we're being shown seems reasonable.

MR. CROCKETT: Correct. Now --

MR. WHEELER: The statement of intent, I don't like.

MR. CROCKETT: Okay. Well, let me -- we can talk about the statement of intent, Mr. Wheeler, by all means, but let me give you the reasoning behind that. When we had the statement of intent, it is a guideline given to Staff -- it's my impression it's a guideline given to Staff that gives us some leeway in the project a little bit. If we were to add a couple of units to the building, that's not a substantial change. As long as it's in conformance with the statement of intent, we'd be allowed to make those changes. Now, if this Commission feels that the statement of intent may give a little bit too much leeway compared to what the Commission would like, then by all means we can look at that and make revisions to that. Regarding the allowed uses, I don't believe there's any allowed use that we're proposing on this property that wasn't already allowed. All those uses were already intact with the existing zoning. The only thing that we're adding is the residential component. So I don't think there's any change there on the zoning issue. But regarding the number of units, by all means we could -- you know, if the Commission feels that, you know, 58 units we're not -- you know, if we change and add a residential component to this development, while it does have PUD-30, maybe we don't feel that the 58 units is adequate, maybe we need to reduce that number, by all means, I think that we could -- we would entertain discussion on that.

MR. WHEELER: Okay. Are there any other questions of this speaker? Mr. Stanton?

MR. STANTON: Yeah. I kind of would like to address the architect, actually.

MR. CROCKETT: Okay. Sure.

MR. STANTON: Mr. Wallace, how you doing?

MR. WALLACE: I'm good. How are you? I'm Kurt Wallace, with Wallace Architects.

MR. STANTON: I live in this area, and one thing I've noticed in different communities around the country is community policing. And what I see, at least from these plans, I don't see any kind of porch -- porches, outside access from the units themselves. Is -- can that be put in these plans? Is this too far along? How permanent are these drawings right now?

MR. WALLACE: Well, the drawings are very preliminary, quite frankly.

MR. STANTON: Okay.

MR. WALLACE: This is for an application for funding, so it's -- they're extremely preliminary, so all of that could change. We did have discussions on the porches. I think Phil, he was discussing, and the number of comments we had at the public hearings. The issue we have with some of the porches, that's a little bit of the reason why we kind of changed the design of the building and kind of put a slight cant to it and some of the offsets in that. We're a little concerned on some of the exterior porches of maybe how they'd be used. And really, we're more concerned probably with just water intrusion into the building as much as anything. So, you know, when you go on the second and third floor and you start building outside decks up there in public facilities, sometimes it's difficult.

MR. STANTON: Okay.

MR. WALLACE: So it's not something we couldn't do. We've discussed it a lot. It's just something we haven't shown at the moment.

MR. STANTON: Thank you, sir.

MR. WHEELER: Are there any other questions of this speaker? Thank you, sir. All right. Do we have any other speakers this evening? Come on down. Are you organized opposition by any chance?

MS. KELLEY: I'm representing the neighborhood association, and I --

MR. WHEELER: Well, I guess the reason I'm asking, organized opposition gets six minutes, first speaker, subsequent speakers get three minutes.

MS. KELLEY: Okay.

MR. WHEELER: What do you think you're going to need?

MS. KELLEY: I will take six minutes.

MR. WHEELER: Okay.

MS. KELLEY: I want to hand this out. My name is Pat Kelley; I live at 1007 Grand Avenue I'm the vice president of the Ridgeway Neighborhood Association.

MR. TILLOTSON: Repeat your name, please.

MS. KELLY: Pat Kelley. For our July 13th meeting, we handed out 400 flyers throughout our neighborhood and also across the street on Sexton to include neighbors in this discussion. This development is in kind of a corner of our neighborhood. And we felt that it was generally -- you know, we all supported affordable housing and that, you know, we thought that there were some very good points about this building, but we also felt that there were some -- that since it -- we felt it was also, essentially, a community project because it's the Columbia Housing Authority, you know, it's being paid for with tax credits, that it really should be something that the neighborhood would be really happy about. And so we came up with eight things at our meeting that we really thought would kind of tweak the project a little bit, that we thought would make it more neighborhood friendly and supportive of us. And one is that we felt that the -- that there should be a small area in Kenney Point -- we thought that they would probably have to have some kind of rain garden or some kind of place of stormwater runoff, where they could have a small kind of vest-pocket park. As we discussed earlier, a lot of people in the neighborhood use it as a park. We felt -- there's a lot of people in our neighborhood who walk down there, so we thought -- we're not saying, like, a big walking trail or a big park, but we thought there could be a small area that they could share with the neighborhood. The other thing is we felt very strongly about having as much environmental design as possible. We felt that that was something that would make it affordable into the future for people who are living there. We also thought using a local architect for the project was very important. And we also -- in our neighborhood associa-- neighborhood area we have a very high unemployment rate, and so we wanted to -- we thought that this could be a beneficial project in several ways, also, if actually building it provided jobs for people in the community. We did ask CHA to request a variance for a 25-foot

setback so that the building would be closer to the street and it would leave more room for green space and it would also be more pedestrian friendly. We wanted to see a nonimpervious parking lot behind Kenney Point to minimize the stormwater runoff. We requested that they build 38 units instead of 40 -- when we had seen it, it was 40 units -- so that there was room for the community meeting room. Which I see they have added community space, but we feel like, you know, we don't have a neighborhood where people just get up and leave and go to work and come home. There's a lot of elderly people, a lot of people on disability. And so having community spaces throughout the neighborhood is really important. And we asked them to maximize green space as much as possible around every part of this project. And also, we also felt it was really important for the neighborhood that there wouldn't be any blank, windowless walls towards the street. We -- at one point I think there was going to be a blank wall towards Garth, and they responded by putting some Juliet balconies on there. But we thought it was really important because it's kind of alienating in a neighborhood where there's a lot of pedestrians to have, like, just blank brick walls to walk by. And I also liked your point about porches. I think that would be very good for the community, but we hadn't voted on that aspect. So anyways, these were the things that we felt in our neighborhood would make the project a really good project that we would want to support. Thank you.

MR. WHEELER: Are there any questions of this speaker? Mr. Anthony [sic]?

MR. STANTON: Ms. Kelley, how do you feel CHA has addressed your needs, looking at the presentations that we just were presented with and the plans that you've seen? How do you feel they've incorporated your requests so far?

MS. KELLEY: Well, we were -- as I mentioned, we were really pleased that they did take care of the blank, windowless wall and that they have added community space. We -- and then the variance for the setback is something I just found out about when I got here. And so I think some of them they are really addressing. I don't -- you know, we'd probably have to -- we're meeting this Saturday and we'd probably have to go through and discuss it with -- and look at the new plan to kind of see how neighbors feel about it. So I think they've been responsive to some of our changes. I -- it's also -- it's been a long -- you know, there's been lots of meetings to go to, and sometimes I -- we feel like, you know, we bring something up and they say, Well, oh, no, that's too expensive. We can't do that. And I appreciate it that they have gone ahead and done it anyway in some cases. But it's also -- you know, we think that this is, you know, going to be a huge building. It's going to be a big part of the neighborhood. It's also hopefully going to last for many years, so we think -- we felt that it's appropriate that there is neighborhood input and that we all kind of think together on this.

MR. STANTON: Thank you.

MR. WHEELER: Are there additional questions of this speaker? Thank you, ma'am. Next speaker, please.

MR. TURPIN: I am Bill Turpin; I live at 700 North Garth, apartment 715. I am a resident of Columbia Housing Authority. I have been familiar with that part of town for 25 years. I've lived in

Columbia 30 years. And I'm familiar with this property and I'm very supportive of what the Housing Authority wants to do with this property. And I would hope that it would have to stay in their hands if they do it. I wouldn't want to see them do it and then turn around and sell it to some other developer. That's the only concern I have. The park business, the way I understand it the Stafford family trust donated some money to build the trail, and AmeriCorps put the benches in, and they had flowers in the middle there. And I don't see why if this is approved they can save half of that trail by just putting in a 30-foot section and they'd still have the trail around the undersection. And I just think this is a win/win for everybody. I think that Planning and Zoning ought to okay it, and just maybe tweak the plans a little bit if need be, but I certainly would be glad to see Kenney Point there. Thank you, sir. Do you have any questions?

MR. WHEELER: Are there any questions of this speaker? Thank you, sir.

MR. TURPIN: Thank you.

MR. WHEELER: Next speaker, please.

MS. JESSE: My name's Jada Jesse and I live at 16 East Sexton Road, which is directly across from that driveway coming out of that apartment building. I have to say I have several objections to this project. One is being I don't want to wake up and see this monstrosity across the street from me. There was seven houses there when I moved into this neighborhood. I've lived there for 30 years come last month. And there was some houses over there and it was very nice. But there was a lot of problems with it. It was Section 8 and different -- different grad-- or zonings of other property over there. And we had a considerable amount of trouble in the neighborhood because of that. My neighbor, who lived at 14 East Sexton, was murdered by someone who lived in that housing across the street. I don't want to wake up and see this in the morning. I'd prefer waking up and seeing the trees that have been over there for a number of years, the birds, that families that walk through there, the people who walk their dogs there, the children who do enjoy the park, the Intersection and the little area over there where they can play. We don't need something like this in our neighborhood. You know, most of the places, except for Oak Towers, are single-family dwellings. There's nothing like this until you go up into the housing unit. Yes, we need housing desperately for those people who are low income, but I don't know that this is what we need.

MR. WHEELER: Are there any questions of this speaker? Thank you. Next speaker, please. Going once -- all right.

PUBLIC HEARING CLOSED

MR. WHEELER: Commissions, discussion? Who wants --

MR. STANTON: Yeah. I was posed a very interesting question since our last meeting and our purpose in -- our purpose as Commissioners on Planning and Zoning came up. Technically, CHA and their supporting consultants did an excellent job in technically addressing what is necessary to physically make this project possible. I think they went through whatever they need to do to make this a win/win situation for the community and for themselves and for the -- you know, for people that

need one-bedroom units. That takes care of the Z in Planning and Zoning. There's another letter and that's P, which is planning. I think Mr. Steinhaus addressed that as well. And I'm saying this so that it's put on the record so that City Council can also look at this as well. I support this project if preference is given to disabled and elderly residents first. My major concern -- like I said, I am a resident of this area. My major concern is that if you change the demographic of that community already, which is basically elderly, the people that live in Oak Towers -- it's basically an older-person neighborhood in that area. If we change it and have it open to younger people -- I hate to sound bias -- I don't want this development to be a haven for people that will take advantage of elderly people. That is my only concern with this project. Everything else is sound. The green space, the private -- everything else is sound. The only thing that scares me is that if it's not just for disabled or elderly, it will become a haven -- it's like a launching board for people that can take advantage of those people, the elderly people across the street. I say this from experience personally, living in neighborhoods like that. I just don't want to see people that would take advantage of their neighbors in that area. And this can easily be solved if preference is given to elderly and disabled, because it would keep the demographic the same. But other than that, I think this is a good plan. I also have reservations about the letter of intent, so I don't want to slow this process up, but I would like -- what can we do to keep this ball rolling, but address our concerns with the letter intent. I think that's my issue.

MR. WHEELER: Who's going next? Well, let me go. I don't know what -- I -- maybe I should've looked up the original statement of intent, but I agree with much of what Mr. Stanton just said. I could get behind the 42 units. It's okay with me. But in order for me to support this, I would want to see this restricted to exactly what you've just told us you want tonight, one and two-bedrooms, no threes, no fours. I think that changes things completely. So if we're going to change the statement of intent, then that's what I want to see. I'd like to see the maximum number at 42. The footprint doesn't bother me, 46,000 square feet, I understand your reasoning for that. I think you guys have done a great job of coming up with something here. Frankly, I never would've supported PUD-30. I hope I didn't vote for that. Don't think I was around then. If I did, then that's one of those many votes over the last nine years that I'd like to have back. So without that change, I will not support the plan. I'm pretty familiar with this area. My daughter goes to school at Ridgeway. I am not interested in changing this neighborhood that dramatically. And I agree with what Mr. Stanton's saying, although I understand Mr. Steinhaus' -- as a real estate agent, I understand the predicament he's in on -- familial status is a very protected class, and so he does have to walk a pretty tight line on that. So that's pretty tough, so I don't know how we restrict that. I think by doing one- and two-bedroom units, primarily ones -- and, in fact, I'd like to see that limited, just so you are aware. You know, 36 units one bedroom, and 6 as two bedrooms, that's something I think I could support. But otherwise, I'm going to vote against you. And if it were up to me, frankly, I think we'd table this and get it refined just a little bit more, but I'm sure, as we've heard, this is a grant proposal, there are

some time constraints on getting your setup and in the pipeline and maybe for consideration. So with that, that's my comments. Is there any other comments from the Commission?

MR. STANTON: Chair?

MR. WHEELER: Mr. Stanton?

MR. STANTON: Can we make a motion and make those amendments to the letter of intent now and pass it if there -- if we approve exactly what you -- I agree with you completely. If we -- the letter of intent reflects exactly what the project's doing right now, I'm for it. Can we do that without tabling this again? Can we --

MR. WHEELER: The nice thing about being a P & Z Commissioner is we can do anything we want, and then City Council does whatever they want. So with that, I mean, Mr. Steinhaus and Mr. Crockett are here; are you amenable to our revisions?

MR. CROCKETT: Absolutely. Talking to Mr. Steinhaus, we are in agreement. We'd be happy to have you -- Mr. Stanton, as you requested, you can approve it subject to some revisions. We would make those revisions to the statement of intent before it goes to City Council. But we would be in agreement to reduce the number of units to a maximum of 42, 36 one-bedroom, 6 two-bedroom units for this development. I don't think it's going to be an issue.

MR. WHEELER: All right.

MR. TILLOTSON: Can we get Mr. Steinhaus back up?

MR. WHEELER: Mr. Steinhaus, we would like to ask you a question now, sir -- or Mr. Tillotson would.

MR. TILLOTSON: I read through this stuff -- going back to what Mr. Stanton says, makes a lot of sense too, but what -- I'm sure you have a definition of disabled.

MR. STEINHAUS: Right.

MR. TILLOTSON: Just a brief summary of what it is.

MR. STEINHAUS: It's the broader Social Security definition of disability rather than the more narrow ADA definition of disability. It can include everything from person that are in recovery -- we do have a partnership with New Horizons. They're going to have space to provide supportive services up on the third floor, so we anticipate a number of clients with disabilities that are being supported and served by New Horizons there. So one of the things people always struggle with with regards to disability is we have people with disabilities that live throughout our community, so this will be a nice mix here. It will add to the community. And the other thing is we're right around the corner, we're right across the street. And if you looked at what the Columbia Housing Authority has done under my leadership in the past seven years, I think most people will recognize we've really cleaned things up. We are no nonsense about any crime. We're going to be there. We're in the building. It's not like we're going to build it and walk away. We're going to be there. We're not -- people are not going to be there taking advantage of other people. We have safety department that has its offices right across the street at Oak Towers. We employ three full-time safety officers as well as two part-time

safety officers. So I'm not concerned about the safety or health and welfare of the people in the building. I think we'll have a nice mix there and it will be predominantly elderly and persons with disabilities.

MR. TILLOTSON: When you qualify for Section 8, is there anything that that person can't do and still be allowed to live there? So, in other words, if they go out and commit a crime, can they still live there?

MR. STEINHAUS: No, they can not. We'll terminate --

MR. TILLOTSON: Can we enforce that though?

MR. STEINHAUS: We do. We have a --

MR. TILLOTSON: I don't see that.

MR. STEINHAUS: We have a very strict crime-free housing addendum that we apply to all our leases as well as all of our Section 8 housing vouchers. I'll note that the Columbia Housing Authority was awarded -- recognized by Landlords against Crime last year, as having the most -- having the best crime-free housing strategy. I think if you'll talk with folks in the police department, as well as even Mike Martin who has sung our praises when he hasn't always agreed with what we're doing, we're tough on crime. So you cannot be in any kind of violent or drug-related criminal activity. But we also go as far as a lot of other felonies too. I'd be happy to give you a copy of our crime-free housing addendum. And as soon as you're arrested, a federal law requires a preponderance of the evidence, so we don't wait until you're convicted. We will proceed with terminating your lease and terminating your assistance if you're arrested on any of those types of charges.

MR. WHEELER: Any other --

MR. LEE: I don't have a question for Mr. Steinhaus. I just -- for the rest of the Commission, I have seen Mr. Steinhaus give a presentation on how they do things before. And given that Mr. Crockett's willingness to change to what we've been talking about, then I think I can support the project as it could be amended in the statement of intent.

MR. WHEELER: Any other discussion on the motion -- or discussion on this issue? If you don't mind, I'll try to frame a motion. I will recommend approval of a request by the Columbia Housing Authority to amend the PUD zoning, to approve the PUD development plan to be known as Kinney Point PUD. It's a 1.96-acre subject site located on the northwest corner of Garth Avenue and Sexton Road, with the amended statement of intent as agreed by the applicant, which would restrict the property to 36 one-bedroom units, 6 two-bedroom units, maximum number being 42. We would also include the variance to the perimeter setback that has been requested to Section 29-10 and 29-26. Did I miss any of my points on --

MR. STANTON: Second it.

MR. WHEELER: Okay. Motion's been made and seconded. Discussion on the motion?

MR. TILLOTSON: Does that include a change in the uses of -- that it can be used as a nursing home or could be used as --

MR. WHEELER: It was already in the statement of intent and so -- we're actually not changing those. That was part of the original statement of intent, if I heard Mr. Crockett correctly. So I'm not putting any additional --

MR. TILLOTSON: I thought I heard him say he was willing to have those removed though. Did I not hear that?

MR. CROCKETT: Mr. Tillotson, I don't believe is said that, but I don't think that would be an issue on our behalf. I mean, we want to be very transparent and very straightforward on what we're requesting. Our plan is to build residential units, so if it's so desired to strike the other uses, then by all means.

MR. STANTON: Do we need --

MR. TILLOTSON: I can trust you.

MR. STANTON: -- to retract the amendment and --

MR. WHEELER: Well, we actually have a development plan that we're also -- we're agreeing to, so we've been shown a development plan and if they were going to change that, they'd have to come back and amend it or --

MR. STANTON: Anyway, okay.

MR. WHEELER: -- bring it back through a public hearing, so I think we're covered. If I'm wrong, Staff, please correct me.

MR. MACINTYRE: You're correct.

MR. WHEELER: Yes. Imagine that. So a motion's been made and seconded. Any discussion on the motion? All right. When you're ready, sir.

Roll Call Vote (Voting "yes" is to recommend approval.) Voting Yes: Mr. Lee, Dr. Puri, Mr. Stanton, Mr. Strodman, Mr. Tillotson, Mr. Wheeler. Motion carries 6-0.

MR. WHEELER: All right. Case No. 13-101 -- and I apologize to the County Commission this evening. If I had seen this, I would've moved it up.

13-101 A request by the Boone County Commission (owner) to assign A-1 (Agricultural District) as permanent zoning on land pending annexation into the City of Columbia. The 22.13-acre subject site is located on the west side of Scott Boulevard, generally north of Brushwood Lake Road and south of Bellview Drive, and is currently zoned Boone County A-R (Agriculture-Residential). (This project has been carried forward from the July 18, 2012 meeting, due to a lack of a quorum.)

MR. WHEELER: May we have a Staff report, please.

Staff report was given by Mr. Steven MacIntyre of the Planning and Development Department. Staff recommends approval of A-1 as permanent City zoning.

MR. WHEELER: Are there any questions of Staff? Seeing none, we'll open the public hearing.

PUBLIC HEARING OPENED

MR. SHAWVER: Mr. Chairman, members of the Commission, again, my name is Stan Shawver, direct of resource management for Boone County, appearing here on behalf of the applicant, Boone County Commission. Mr. Chairman, there's no necessary apology for us taking our normal place in the proceedings tonight. We're no more different than any other property owner. We do appreciate you considering this for annexation -- permanent zoning. This is a piece of property that Boone County has owned for quite a few years. It has served as the trail head for the county section of the MKT Trail, and now it is slated for added improvement -- recreational improvements. As you know, Boone County has very little recreational activity as far as Parks Department. We participated in cooperation with the City of Columbia Parks and Recreation Department in a couple of projects, and this is a new one. There have been soccer practice fields to the east, on the other side of Scott Boulevard, and as you have probably heard, there is never enough practice fields for the soccer players. We're excited to see the improvements being made, and I shouldn't say this, but we're excited that we're not having to pay for it. Appreciate your consideration in this request and I'd be happy to answer any questions.

MR. WHEELER: Are there any questions of this speaker? Mr. Stanton?

MR. STANTON: Do you intend to put more soccer fields there? I mean, what is your intent?

MR. SHAWVER: Yes. This will be developed by Columbia Parks and Recreation Department, and I believe they're showing three practice fields on this, as well as a little -- some playground equipment and I'm sure there'll be additional parking areas as well.

MR. STANTON: Thank you.

MR. WHEELER: Are there any other questions of this speaker? Thank you. Are there any other speakers this evening on this item?

PUBLIC HEARING CLOSED

MR. WHEELER: Commissioners, discussion? Mr. Stanton?

MR. STANTON: I love this plan. I used to live on Bellview and I used that trail often, but there wasn't anything else but to walk that trail at that time. And across the street they had done some stuff, but the children that live on Bethany and Bellview, there's no recreation -- there's no organized recreational space for them, so they play in the street. So this is safe enough, close enough to the house, I think, that the kids can come and use this area. I like the mountain bike skills loop there, basketball court, soccer field. I think this is great and it's a great use of space, so I definitely support this.

MR. WHEELER: Commissioners?

MR. TILLOTSON: I'll follow Mr. Stanton on that. I plan to support it. I make a motion to approve Case 13-101, a request by the Boone County Commission to assign A-1 as permanent zoning on land pending annexation into the City of Columbia. The 22.13-acre subject site is located on the west side of Scott Boulevard, generally north of Brushwood Lake Road and south of Bellview Drive, and is currently zoned Boone County A-R.

MR. STANTON: Second.

MR. WHEELER: Motion's been made and seconded. Any discussion on the motion? When you're ready.

Roll Call Vote (Voting "yes" is to recommend approval.) Voting Yes: Mr. Lee, Dr. Puri, Mr. Stanton, Mr. Strodman, Mr. Tillotson, Mr. Wheeler. Motion carries 6-0.

MR. WHEELER: Recommendation for approval will be forwarded to City Council.

13-102 A request by Bruce and Kathryn Gordon, on behalf of the Gordon Family Trust (owner), for rezoning from R-3 (medium density multiple family dwelling district) to R-1 (one family dwelling district). The 0.3-acre site is located at 7 East Lathrop Road. (This project has been carried forward from the July 18, 2012 meeting, due to a lack of a quorum.)

MR. WHEELER: May we have a Staff report, please.

Staff report was given by Mr. Tim Teddy of the Planning and Development Department. Staff recommends approval of the rezoning request.

MR. WHEELER: Are there any questions of Staff? Seeing none, we'll open the public hearing.

PUBLIC HEARING OPENED

PUBLIC HEARING CLOSED

MR. WHEELER: Commissioners? Dr. Puri?

DR. PURI: I think it's very straightforward. That other downzoning request came earlier last year, I think, so I intend to support this and would form a motion to approve this.

MR. WHEELER: Motion's been made.

MR. LEE: Second.

MR. WHEELER: Mr. Lee. Motion's been made and seconded. Any discussion on the motion?

Roll Call Vote (Voting "yes" is to recommend approval.) Voting Yes: Mr. Lee, Dr. Puri, Mr. Stanton, Mr. Strodman, Mr. Tillotson, Mr. Wheeler. Motion carries 6-0.

MR. WHEELER: Recommendation for approval will be forwarded to City Council.

13-100 A request by Southside Trail Estates for annexation, permanent PUD-2.0 (two units per acre) zoning, a preliminary plat/PUD plan to be known as "Parkside Estates," and a sidewalk variance. The 35.8-acre site is located on South Route K, approximately 2,000 feet south of the Providence, Route K, and Old Plank Road intersection.

MR. WHEELER: May we have a Staff report, please.

Staff report was given by Mr. Tim Teddy of the Planning and Development Department. Staff recommends approval of the requested permanent zoning. Staff recommends approval of the requested PUD plan/preliminary plat. Staff recommends denial of the requested sidewalk variance to Section 25-48(a).

MR. WHEELER: Are there any questions of Staff? All right. We'll open public hearing, but before we do, let me remind everyone what our rules of engagement are going to be tonight, because I think just about everybody that's here's probably here to speak about this one. So first speaker,

proponent and the applicant, will get six minutes. The applicant contacted me and asked if they could combine their six minutes with their follow-up speaker of three minutes, and I have agreed to that. That's been our practice so we can get a good explanation up front as to what's going on. Organized opposition will get six minutes. I will also give you the same opportunity if you would like that opportunity. So the first speaker in opposition -- or the primary speaker in organized opposition will get six minutes, and if they would like to share that with the second speaker, then we will accommodate that request. With that -- and all subsequent speakers will get three minutes. There are a lot of folks here tonight and I will be watching that and give you a little flash of the read light here when you're getting close, say, 20 seconds out or something, so we'll ask you to wrap up at that time. So with that, we'll open the public hearing.

PUBLIC HEARING OPENED

MR. HOLLIS: Good evening. Robert Hollis with The Van Matre Law Firm, with offices at 1103 East Broadway. I've given you the handouts that are virtually the same as what'll be on the screen, plus some letters and correspondence that'll be referenced the next few minutes. Myself, Tim Crockett, Eric Lidholm, also with Crockett, will speak. Rob Hill's here in case he's needed, but otherwise doesn't plan on speaking. A lot to cover, so we're just going to hit the high points and then hopefully if you've got any questions about anything in general or what's on the handouts you can call us back up. One thing I wanted to point out -- although Mr. Teddy covered most all the details very well -- is that it's currently zoned RS and A-1 and would permit 42 units -- 42 units and/or 25 acres of agricultural uses. So sort of an alternative as to what we're proposing, which is PUD zoning and a PUD plan. And I don't have to tell you, but I do just want to point it out that -- you know, the advantages of PUD as opposed to open zoning, permits many of the -- I'll call them attributes and good things that are taking place with this plan. Permits it to be a low-impact development, which it otherwise might not be but for the PUD designation. Originally it was 87 and I'm showing that it's down to 69, and that's with the assumption that the five -- we'll call them the estate lots on the east side would be developed. But Mr. Teddy was accurate with his number of lots, but the units would be a potential 69, and that matches the density of 1.9, which changes nothing. The upgrades are the result of getting a recommendation for denial and then working with the Parks Department for about eight months and also listening to Staff. So an enormous amount of work has gone into this plan and significant changes have been made, and we can't possibly touch on all of them. One of the things that I wanted to mention is the covenants, and it's at least important to me that the covenants will name the Parks as a third-party beneficiary. And what that means is it's not just private covenants. It's covenants that can be enforced by any of the property owners, but maybe more importantly could be enforced by the Parks. It's not in the statement of intent. To the extent that it's not there, we want to add that. Other items that would be in the covenants is maintenance of the buffer area, which is a 75-foot buffer area, organic lawn treatments would be required of all the property owners. We would also add that to the statement of intent as being required as part of the covenants. Rain barrels

would be provided to each of the property owners. We'd also add that to the statement of intent as being required in the covenants. And then, the Parks Department would have the ability to offer annual seminars regarding development that's friendly and green, and that would also be added to the statement of intent as being required in the covenants. So slight modifications there, but all positive, I believe. Another thing to point out is that it's sort of a unique development in that there would be a diverse range of -- call them lot prices and home prices. You go from the villas that are adjacent to Providence Road to estate lots. So it's very beneficial in that a wide range of people would have immediate access to the park, so it's fairly rare. I want to point out that it is -- this is not sprawl. It is not on the fringe. It really is close to goods and service that would be utilized by those that live there. I'll show you a couple of depictions that hopefully make that a little clearer and just point out again, we've got Staff's recommendation for approval. We've got a list of property owners that have signed, basically, a petition saying that they either support or they're not opposed to the proposal. This just highlights where those people are. I should mention that George Montgomery is one of them that signed a list. If you don't know who that is, he was an engineer with the City that was key in putting together the stormwater regulations that currently exist for the City. Got the list of neighbors. This means something to me. Hopefully it does to you as well. Again, not sprawl, it's infill. Not what you normally would think of when you hear the word "infill," but it really is. It's surrounded by development. And we've got a shaded area on this depiction that shows public land, so it's not going to be developed. You should consider that as developed and that nothing's going to move that direction, so it really is bounded by either development or park land. So we're filling in a spot that's currently not in the city that belongs in the city, especially if it's being developed. Definitely not going to read you all of this, but the -- again, over eight months of communicating and working with the State Parks, a lot has been accomplished. There is no agreement. I don't want to mislead you and say that we have an agreement, anything in writing, anything that we're bound to do by Parks and anything that they're bound to do as part of this request. However, reaching an agreement was -- if that was an expectation was unreasonable. It's not in the Parks purview, really, to engage in land use decisions. I put some quotes here just to -- so you can see that the parties really did get along and spent a lot of time together working on this, but didn't reach an official agreement. Now, specifically, you can look at the letters that are provided you in the e-mails and there are really specific things that Parks recommended and we did all of them but for one, and that's one lot in the estates area as opposed to five. So we think that's fairly minor. I've added some quotes that are listed for the purpose of showing you that we reached the end of the process. We did what we were asked to do and it's as far as we could go. I'll end and let Tim use the rest of the time. If you have any questions, I'll be happy to answer them.

MR. WHEELER: Thank you.

MR. CROCKETT: Mr. Chairman, members of the Commission, my name is Tim Crockett with Crockett Engineering Consultants, 2608 North Stadium. Before you there's the PUD and the

preliminary plat. I'm going to go through the plan highlights pretty quick because I want to focus my attention tonight on the stormwater aspects of this site. I think that's the meat and potatoes, the very important part of our plan. We believe this is a low-impact development, meaning that we have less than two units per acre. Given that we're providing a substantial amount of stormwater BMPs on this site that far exceed City expectation, we believe that this is a low-impact development and we believe that it is in conformance with the Little Bonne Femme plan -- watershed plan. We believe that our original plan was and now we furthermore believe that this one is as well. Given our stormwater status, we are going to exceed the level of service of the City of Columbia by one. Now, what does that really mean? I'll talk about that in just a minute here. Our peak runoff, our pre and post peak runoff from the site, we're actually going to decrease. If we had a three-inch rain tonight, compare that to a three-inch rain that takes place once construction has taken place, the peak runoff's actually going to decrease a little bit. That's due to our stormwater BMPs. We're going to cleanse our water. We're going to do a tremendous amount of cleansing mechanisms and install our BMPs to make sure the water is as clean as possible before it leaves the property. And, of course, we're going to provide extra trees, rain barrels, and organic lawn treatments in the development. Now, I would like to note that all the additional trees that we're providing, the commitment to rain barrels, and the commitment to organic lawn care, all of those items are not included in the level of service. Meaning the City of Columbia basically says, You need to meet this certain level of service because we know you're going to not have rain barrels and we know you're not going to do organic lawn care and you know we're not going to add additional trees, so you need to account for all of that. Well, not only are we not doing that, we're providing a better solution, but our level of service doesn't allow us to incorporate a better solution into that. So I would like to note that as well. Again, our stream buffer, it's doubling our stream buffer. It's twice as wide as required. We think that's very important. Now I want to talk about the stormwater BMPs that we're planning on doing. This is how we propose to protect this site. The majority, the vast majority of the site is going to be -- I shouldn't say vast. The majority of the site is going to be addressed by bioretention cells. That is a very effective, very good use of BMPs to protect water quality. Also, this site compared to the original development, we are tripling our native preservation, meaning we're leaving what's there, there. I think that's very important. We're tripling that amount. That is the best, the highest level of service that you can gain on a piece of property. Beyond that, we're using turf swales and other means to cleanse the water. Overall what I want to really enforce is that our level of service far exceeds the City of Columbia expectations which are required of us, which are required in the Little Bonne Femme watershed, and that -- illustrates on this. These two last slides basically show our pre and post peak runoff, how we're going to reduce it. And I know, Mr. Wheeler, I'm out of time and I'm hurrying up as fast as possible. And with that, I will turn over to Eric Lidholm.

MR. WHEELER: While you're here --

MR. CROCKETT: Yes, sir?

MR. WHEELER: Yeah. Let me ask you some questions because I know you wanted to get to this slide, but it's so small I can't read it.

MR. CROCKETT: I'll be happy to try to do my best.

MR. WHEELER: Part of that is getting old, but part of that is it's pretty small print.

MR. CROCKETT: Yes, sir.

MR. WHEELER: So that one right there, what's the blue shading?

MR. CROCKETT: The blue shading -- let's go through that a little bit. The green shading -- and I apologize that it's un -- not legible there. The green shading is the bioretention cells. The green area is what will discharge into a swale that will collect the water. It will have native vegetation in that basin, basically, and the water will percolate through the soils to an underdrain system. As it percolates through -- first of all, while it collects there, it will account for the detention aspect. Then as it percolates through, it's the cleansing mechanism. And then it discharges out -- in this case it will discharge out into another detention basin. So it's a treatment train effect. What's in blue, those areas are turf swales. Instead of just having free discharge off the back of the houses, a lot of folks like to take their roof drains, discharge them as close to the ditch as possible and, you know, let it go. In this case, the roof drains will flow across the yards into a turf swale which will run laterally with the stream before it gets discharged. So we don't have a lot of just, you know, roof drains dumping right into the yards, right into the creek. The turf swale gives us a certain level of service as well so that can be treated. Of course, the orange is a -- is native preservation area. That is the areas that we're going to leave untouched. We think that's very important. Now, keep in mind the native preservation gives us the highest level of service possible, and we think that's very important here. That's the reason why the Parks Department asked and we conceded to doubling the stream buffer. We think that's very important. And, of course, then the yellow is landscaped yards that discharge either to bioretention, turf swales, or native vegetation.

MR. WHEELER: Thank you. Are there any other questions of this speaker? All right.

MR. CROCKETT: Okay.

MR. STANTON: One questions. I'm sorry. I'm sorry. If you do not get the variance on the sidewalks, that will increase your pervious surface.

MR. CROCKETT: That is correct.

MR. STANTON: How do you plan to address that using low-impact development practices?

MR. CROCKETT: Well, given the fact that we're at -- that we're exceeding -- actually, the plan before you here tonight is slightly over a level of service one. I think in practical terms we can say it's a level of service one. If we do not get the variance for the sidewalks, that will increase the impervious surface of this site by roughly 1 percent. So what we would respectfully ask would be instead of a 24 percent limitation, if we could have a 25 percent limitation. Now, keep in mind we still fully understand that when you increase impervious surface, that doesn't mean that we don't increase the BMPs. When you do that, your level of service -- your required level of service creeps up. We're

going to increase it by one, so our required level of service that we've committed to will also increase. So if we don't get the sidewalk variance, we would ask that we go to 25 percent, then we would have to add additional protection for the watershed to account for that.

MR. STANTON: Have you entertained the idea of using innovative paving techniques?

MR. CROCKETT: We have. We've actually looked at that a little bit. Public Works Department -- we actually looked at doing it for the streets, for the roadways themselves; however, Public Works isn't sold on them necessarily for public streets. They're very expensive, very costly to maintain. We've evaluated that situation. We've looked at that and it -- the technology, while is good, in this part of the country with the clay pan that we have, we just have a lot of maintenance issues with that. And so we have evaluated the situation, but we think that what the pervious pavement's going to do is -- also, again, it give you a detention aspect as well as a water quality aspect.

MR. STANTON: Right.

MR. CROCKETT: So we think it would be best if we take our money and apply it toward other BMPs. If we did that, we could scale down the BMPs that we're proposing, but at the end of the day, what's the goal? We want to be able to achieve a certain level of water quality that leaves the site and that's what we're trying to do. So while we have looked at that, we don't think it's cost benefit -- cost beneficial for the City or the developer in this case.

MR. STANTON: Thank you.

MR. WHEELER: Are there any other questions of this speaker? I have one more actually.

MR. CROCKETT: Yes, sir?

MR. WHEELER: On those back lots, I was asked a question and I'm curious, the answer, is there going to be some restriction as to how close the back of those -- the properties --

MR. CROCKETT: Absolutely. That's no --

MR. WHEELER: -- some setback?

MR. CROCKETT: That's no different than any other PUD, Mr. Wheeler. We are probably anticipating what we're looking for back there would be a private drive so that we can narrow it down. It would be five individual homes, kind of situated in smaller postage stamp areas with a lot of common area. We believe that there's a -- there's a lot of trees back there, beautiful groves of trees. And if you can kind of see the orange areas in between the structures, that's the area we're trying to protect. But given the setbacks, it's going to be in conformance with any other PUD setback, which is 25 feet along the perimeter lines, which we anticipate to probably exceed that even.

MR. WHEELER: So the back of those lots and the adjacent lots to the east --

MR. CROCKETT: Yes. Twenty-five feet would be the requirement in a PUD, city regulation.

MR. WHEELER: Thank you. Are there any other questions of this speaker or a previous speaker, while they're close? All right. We --

MR. STANTON: I have one more.

MR. CROCKETT: Yes, sir.

MR. STANTON: Did you -- did you use low-impact development methodology in setting up the layout of your lots?

MR. CROCKETT: Absolutely. Some of the -- some of the methodology that we used, obviously, is we want to ride the ridges, you know, so that the stormwater doesn't run, you know, through the -- (inaudible). It can come in several different locations, several different areas. And there's a couple of ridges through the property that you can kind of see that we're working with. Obviously, we're staying out of the low points. There's two different locations that we really want to stay out of. And I apologize, but the pointer doesn't really work on the screen. But it's this area in here, which we're going to put a lot of stormwater BMPs, and then, of course, this waterway on the east side is extremely important to us. It's highly vegetative with mature trees. It's a beautiful setting. That's the reason why we want to go double the stream buffer. And so by doing that -- you know, doing that allows us to lay the subdivision out while still adhering to LID practices.

MR. STANTON: Okay.

MR. WHEELER: All right.

MR. CROCKETT: Thank you.

MR. WHEELER: Thank you, sir.

MR. LIDHOLM: Hi. I'm Eric Lidholm; I run Crockett Geotechnical Testing Lab on 500 Big Bear Boulevard. And I want to talk about the property and the sinkhole concern that's on it. I have about almost 30 years experience in geotechnical engineering, which is a combination of geology and civil engineering. I've extensive experience with sinkholes. In a prior position that I had before Crockett Geotechnical, I actually ran four offices here in Missouri with a national firm and we had offices in Columbia, Camdenton, Joplin, and Springfield, and they're all sinkhole areas, and Joplin also is a mined area, so we were dealing with sinkholes quite a bit. And we encounter them occasionally on a project. We deal with it. We engineer a fix and go on. I'm currently working on two sinkhole projects right now as we speak, not counting this one. One's out at Midway and one's about a mile south of here. And, you know, they do happen, but we -- once again, we can deal with it. As a matter of fact, I've worked on so many sinkhole projects -- I never thought I'd get to this point in my career, but I've actually got a presentation that I've developed on it, and it's called Karst Topography and its Impact on Construction, and it's a very popular presentation. I do it both universities, Rolla and Mizzou, about every three years when a new batch of students comes through, several professional societies, clients, and the like. The Parkside tract, about six years ago, different client, different study, I was asked to go ahead and do a site reconnaissance specifically to look for sinkholes in that tract. So I walked all over it, got a bunch of ticks and chiggers and all that stuff, and I didn't find any sinkholes. It was just coincidental that we had study. In areas with prevalent sinkholes -- and we've all been out by Pierpont -- there's an absence of streams and creeks, you know, because the sinkholes take care of all the drainage. This property has two wet weather swales, you know, that are on there, which is indicative to me that there aren't sinkholes on the site, which I determined with my site reconnaissance.

I also did a literature review, just to see what I could find out about this site. I looked at some of the documents that the State Park gave us as well as USGS documents, DNR, State Geological Survey documents, and the karst features that are in the park that are adjacent to this property are typically what you find when you get to a fringe of a karst area, like the Rock Bridge State Park area. That's a very large concentration of sinkholes. But then you start to see some of these features that we see near this property. It's kind of indicative of you're getting to the edge. So based on the site recognizance, literature review, I think the concerns about sinkholes are unfounded on this particular property. I didn't find any evidence of sinkhole. And on the off chance that we encounter them, we can engineer a fix. We do it -- that's what I'm doing right now in two projects. And so with that, I'll just ask if there's any questions.

MR. WHEELER: Are there any questions of this speaker? Thank you. Next speaker, please. Next speaker, please.

MR. MIDKIFF: Is this opponents or proponents?

MR. WHEELER: Everybody. Are you my organized opposition?

MR. MIDKIFF: Disorganized.

MR. WHEELER: Oh, okay. Well, then I'm only going to give you three minutes if you're disorganized.

MR. MIDKIFF: I'm representing the Osage Group of the Sierra Club. And, Mr. Chairman, members of the Commission, my name is Ken Midkiff. I live here in Columbia at 1005 Bellview Court. And we are opposed to this site. There is, in fact, less impervious surface than the previous proposal, but there is still, we think, way too much. The City rule is that there can be no increase in stormwater runoff, and as Tim told you -- Mr. Crockett told you, they have proposed some retention basins and cells and so forth. The problem is -- and I just talked to Mr. Shawver -- that currently that site is trees and grass, and there is no record of stormwater runoff. So while the proposal is admirable, the retention basins are in what is called a losing stream, which means that the water goes somewhere. It may go down, and there's no guarantee that the clean water that Mr. Crockett talked about is going to be treated prior to it leaving that site. It may go underground. And we heard -- just heard a person talk about sinkholes. Well, sinkholes are primarily -- not totally, but primarily represent a collapse of a cave, which indicates that there might be caves under the area. And so we would ask that if this is approved -- which we don't support -- that a condition be that if an opening is encountered, that all dirt work be immediately halted and that a City Staff person be monitoring this site in order to ensure that that occurs. And there's a large sinkhole -- a collapsed cave -- just south across the road on Route K, just south of the Boone County fire station, if you know where that is, on South Route K before you get to the curve which leads back to McBaine. And that sinkhole indicates that there is a cavern under that site somewhere. And now, just because there's not a sinkhole on the site means absolutely nothing. It just means that the cave roof has not collapsed. And the presence of a sinkhole across the road indicates that there is, somewhere in that area, a cave. Now, it's not part of

the Devil's Icebox recharge area and it could be a separate cave site. And those are our major concerns, the presence of sinkholes, a loosing stream, possibility of a cave on the site. Some of the other concerns, which can be easily addressed, I think, by Mr. Crockett is that -- and disorganized opposition -- that there will be lawns and perhaps landscaping, and we would ask that only native species be allowed on that area on that site. That no invasive species, such as grass, shrubs, bushes, trees, be allowed. And that's the -- and this is a major concern. While Mr. Hollis assured us that it was not sprawl, in fact it is sprawl. And no matter what you call it, it's not smart growth and it's not -- it is sprawl because the work areas would be miles away. And while the developers may ask that the bus system be out in that area, that has not been real sterling on such areas as the Hawthorne Estates and other places. And if there are any questions, I'd be happy to answer them.

MR. WHEELER: Are there any questions of this speaker? Thank you, sir.

MR. MIDKIFF: Thank you.

MR. WHEELER: Next speaker, please.

MR. BRYAN: Good evening. My name is Bill Bryan; I'm the director of Missouri State Parks. I live in Russellville, Missouri at 9323 Bluestem Way. Thank you for giving us the opportunity to share our comments with you tonight. I was asked by a group of your constituents to be the organized group speaker. I don't know if you -- how you want to do that. But our concerns remain with the development, and I'll put it real simply: You know, a park is forever and so is the development that you put in next to it. If we make the wrong choices today, we're stuck with them and the park's stuck with them and the people who live here and enjoy the park throughout Missouri are stuck with those choices. And that's precisely why we've very cautiously reviewed the proposal and why we cannot support it. The developers made a sincere effort to resolve our concerns, but ultimately those concerns remain. Their proposed development will degrade water quality in the subsurface waters and streams flowing into the park; it's unavoidable. The density will present a host of impacts that range from noise and light pollution to free-ranging domestic animals and invasive plant species that will have direct impacts on visitor enjoyment and to the park's flora and fauna. Now, this proposal, this idea that the State Park will be a third-party beneficiary, well, that's a novel idea. I give Mr. Hollis credit. We have no experience at doing that. I think that such an experiment would be destined to fail. We're not equipped to police a subdivision. That's what the City does. That's not what we do. So as a neighbor we're ill equipped to have that third-party beneficiary status. I don't think that that addresses our concerns about the direct and indirect impacts from the things that I've just talked about. With any development a homeowner's association often is tasked with maintaining compliance with certain key elements of the development, and its success is not assured, as you-all know and as I know from my experience over the years. And this proposal places too much reliance on the homeowner's association to guarantee compliance with these terms, such as native plants only. And I think that it too is a novel idea, but it's not going to work. When we fast forward to the idea that this subdivision is going to be there forever and 20 years from now, where are we going to

be, I don't think it'll work. Now, the primary sticking points in our discussions with the developer's team have been the percentage of impervious surface and the specific BMPs that would be employed to protect water quality. I've got to touch on real quickly what your Staff mentioned. You know, I would hope that if someone has a question about what we've said, they would call. No one called or asked us, but we did not agree. If there was an agreement, it would be in writing and the ink would be dry. There is no agreement as to what the impervious surface would be. We had conversations. We appreciate everything that the developer has done and the time that he and Mr. Crockett have given us to explore these possibilities, but there was and is no agreement whatsoever. The concept -- to agree in concept and to say polite things in a letter do not mean that you agree with the concepts being discussed or that there is an agreement at all. We had a general conceptual discussion that, yes, there's a sliding scale as impervious surface increases, you can do more on the BMP side. But we never saw those specific BMPs, so we've lost confidence that that balance would be adequate to meet what our real threshold is -- is really about 15 percent impervious is what we think is appropriate next to a state park. In addition, we never reached any agreement on directional lighting, mature tree conservation in the project area. The 90 percent was not clear. We thought that we had agreed on it, but it appears that there may be a difference in what we thought was under discussion with respect to mature trees and what the developer's commitment is. The soil retention practices and building density, those were areas that were discussed at some point, but that we never reached an agreement on. Finally, because the park and any adjacent development will be with us forever, we cannot support the Parkside proposal. Mr. Chairman, we took your charge the last time I was here. We made the good faith effort and so did the Hills and Mr. Crockett, and we just weren't able to reach an agreement. Thank you. If you have any questions, I'd be happy to try and answer them.

MR. WHEELER: Are there any questions of this speaker? Mr. Stanton?

MR. STANTON: Two things I guess. Number one, there is no win/win with you and the developer. Is that what I'm hearing?

MR. BRYAN: You know, I will never say never, but I think it's -- where we're at right now, no, there's no win/win.

MR. STANTON: Okay. If I had that land and I wanted to farm it and I wanted to put soybeans there, would you have the same concern and could you restrict if I wanted to pump that land with a bunch of fertilizer and --

MR. BRYAN: There may be --

MR. STANTON: -- grow soybeans and alfalfa. I mean, is that --

MR. BRYAN: There may be a legal claim to do that, but we're not -- we haven't analyzed that. We haven't looked at that. But honestly, we've looked at this as a practical matter and tried to find common ground. If they want to farm it and that's the way it's zoned, then so be it. But I think that

the -- my understanding of the investment here, that's not a practical alternative. But I appreciate your point, Mr. Stanton.

MR. WHEELER: Mr. Tillotson?

MR. TILLOTSON: Follow up on that just a little bit too. It is zoned, as Mr. Stanton says, and if you force the owners into having no place to go with the land or develop the land in any manner -- I mean, I think they've stepped outside the box. To me, they're setting a precedence. There's other properties along that state park that have zoning that don't have to worry a whole lot about what the State Park says. So they're setting a precedence to me for any future development along that park, in my opinion. But they could walk out there tomorrow and cut every tree down on that entire piece of property and put a bunch of hogs out there. The zoning -- if I'm correct, with the way it's zoned now. Nobody can stop it or say anything about it. Would they do that? Probably not, because he lives out there. But you've got to think -- when you talk about the future, you've got to think they're not going to be here forever. Someone else is going to own that land some day and somebody that doesn't care that it gets developed or has other intentions for it. And I think sometimes as Planning and Zoning we have to step back and look at something and say, Hey, is this the best solution? What is the best solution? What does everybody want to see? And we have to think about that just a little bit. And so -- but my concern is the zoning that it has now.

MR. WHEELER: Do you have a question for him?

MR. TILLOTSON: No, just a statement of fact.

MR. WHEELER: Are there any questions of this speaker? If I heard you correctly, it doesn't sound like there's any middle ground for your organization with development -- I guess, let me ask this a little clearer. What would -- what in your opinion or in your organization's opinion would be an appropriate development in this location?

MR. BRYAN: And that's the same question I think you asked me the last time around.

MR. WHEELER: I believe it is, but I'm wondering if --

MR. BRYAN: I don't have any better answer. We've learned a lot about low-impact development and a lot about zoning in the intervening period of time. But we're really no closer. We thought we were getting pretty close to a resolution, but in the final analysis, when you take a look at the whole big picture, we reached the conclusion that this development is not right for Rock Bridge Memorial State Park. And how you would know when it is right, I don't know. There may not -- I'll concede that there may not be one that we would be able to agree to.

MR. WHEELER: So you're really not going to be able to help me. That's what you're saying.

MR. BRYAN: That's what I'm saying.

MR. WHEELER: Okay.

MR. BRYAN: I'm sorry if I --

MR. WHEELER: (Inaudible.) Mr. Stanton?

MR. STANTON: I was asking, what was your magic number for impervious surfaces?

MR. BRYAN: We started out thinking you needed to get to 15 percent, but it was apparent in our earliest discussions with the development team that that was not achievable. And so we began to target a 20 percent, and the idea that it appeared that that was not achievable either, but that 24 percent may be, Which I understand now is in jeopardy as well because of the sidewalk variance issue. But we thought that there were conceptually -- you might have a way that you could achieve the same result with other BMPs, but we never got that far. We never got to that point.

MR. WHEELER: All right. Any other --

MR. STANTON: I got one more. I'm sorry.

MR. BRYAN: That's all right.

MR. STANTON: I'm just thinking here. Does your organization have ways to help landowners and potentially developers with best practices? I think in my mind I'm thinking like Department of Agriculture. Okay. They don't want you to till up your land every year, so they help you find out techniques on how to use no tilling techniques or how to grow organically or something like that. Does your organization have something similar that can kind of help solve these things? Is there any --

MR. BRYAN: The Department of Natural Resources has some programs that help people obtain compliance or learn how to meet compliance standards. We also have the soil and water conservation program, which provides grants and instruction on a variety of land and soil conservation and water quality measures. But the specifics of how you do a development, I don't think we specifically have that. We certainly don't within State Parks.

MR. STANTON: Okay. So you don't think there's any way to think out of the box and maybe try to resolve this? I'm -- I see that we could -- the way of the world is that we're going to run into this problem more often than not. And someone that has at least the wherewithal to say, okay, let me -- let me try to work with the Parks, should be commended to some level. I'm not saying you should just lay down and say, Hey, you know, forget where I'm at. You know, if 15 percent is your -- is your goal, how do you get there? How can you help somebody get to that point and still be profitable? Because my think is all the paperwork and all the traffic I've seen, if it was me, man, I'd be like, Okay, well, let me get this -- let me get this plow out and I'm just going to -- I'm going to grow some soybeans, alfalfa, or I might throw some pigs or some cows out there. I mean -- and to me, I think that's worse than what we're talking about here, because, you know, you've got manure and you've got all these other things that you got to worry about. And, man, there's got -- there's no way we can work -- there's nothing in place that can help people in this position? I mean, this guy's got to have a lot of money on the table.

MR. BRYAN: Mr. Stanton, we've worked. We have put forth an effort. We just came up short. But I think we have tried something out of a box. We've never done this before.

MR. STANTON: Right.

MR. BRYAN: I emphasized when we were here last time that this is the first time this has come up. And it is going to come up again. You're right. And it's a challenge for us to learn how to do that. But just as Mr. Hill's job is to build a sustainable development --

MR. STANTON: Protect the park.

MR. BRYAN: -- and your job is to decide what the Planning and Zoning is for the City of Columbia, my job is to be the chief steward of our state's most priceless natural and cultural resources, and that's Rock Bridge Memorial State Park in this case. And as the chief steward of those natural resources, I think that this is not the right answer for Rock Bridge Memorial State Park. Thank you very much for your time.

MR. STANTON: Thank you. Thank you.

MR. WHEELER: Thank you. Next speaker, please. Come on down, folks. You can wait on the front line here.

MS. TILLEMAN: Sue Tillemann, 306 Westridge Drive. This is not my first time to testify on this land. I testified about 35 years ago when County Planning and Zoning went in. The park and the karst lands around it were so important that this was the major portion of this property now under consideration -- site under consideration was designated A-1, Agriculture 1, one dwelling per ten acres. My understanding is it is still county land and the reason they're trying to get it in the cit, is my understanding, is so they can get high development. And I have serious concerns about this. The major portion, as I said, was probably -- I'm estimating, maybe 25 acres of it, from things said tonight, are still in the A-1 zoned. In other words, under that designation there could be two houses only -- two dwellings only for the major portion of this site. I think trying to say, Oh, they did such a good job from the plan from a year ago, this is still significantly different than what this area has been zoned for some time. And the reason -- and the recognition that this zoning was because of the fragile nature of the land, the potential negative impact on the underground streams flowing into the cave, and just in the karst area -- and it's a significant underground cave system -- and the surrounding karst and sinkhole lands. As we have been seeing on the maps and I studied of in the information that was in City's information, the topography of the 35 acres includes two significant drainage areas into the Rock Bridge Park, and both of them are currently in the -- if I read things correctly, are really in the current A-1 county zoning designation. The place -- the area that would allow the higher zoning under current zoning is right along Route K, and that is also where they are proposing the higher designation. The professional standards for karst lands are 15 percent, not 24, not 25. That is significant. I think the thing about trying to compare to city lands, that we don't have the same kind of issue of the karst, which allows -- it's not just that you may have a sinkhole. As I said, the sinkhole is a collapsing underground stream. But you have other where the water is not filtered. If it gets into a major stream underground and you get pollution in there, because there's not much oxygen there, it's going to take years to get that cleaned up. I'm just -- want to reiterate that I am opposed to the passage of Planning and Zoning supporting this development as so designed.

MR. WHEELER: Thank you, ma'am. Are there any questions of this speaker? I'm curious. Do you have a magic number that you think would be appropriate on this property?

MS. TILLEMANN: As far as a number of -- well, I -- I'm not sure that I would still say only three on that one, but I think trying to come up with 15 percent as compared to the 24, 25 that they have now -- I doubt that you could -- I would agree that the higher development should be along Route K, but I doubt that it should be more than maybe 10, 12 dwellings beyond that.

MR. WHEELER: Beyond the existing zoning?

MS. TILLEMANN: Beyond what would be along Route K.

MR. WHEELER: Under the existing zoning there's --

MS. TILLEMANN: I'm sorry. Under the -- there are two different parts of this property that are currently under county zoning. The part around -- along Route K permits higher dwellings. The current one is only -- is two for the rest -- for what's A-1. I would say that I would agree with the 15 percent --

MR. WHEELER: Impervious surface.

MS. TILLEMANN: Yeah, impervious. If you got to that, which would allow, I'm sure, more than two on that one point and I'm not sure how many would be allowed on that other, but my guess is it would -- might be only 20 -- 20 houses. It might be a little more, but I -- if you take 25 that you have to go down -- basically, have to go down at least two-fifths.

MR. WHEELER: Okay. Thank you, ma'am. Next speaker, please.

MR. IHLER: My name is Chris Ihler; I own EnergyLink here in Columbia. We are an auditing and retrofit company. We've audited more than 300 --

MR. WHEELER: Sir?

MR. IHLER: -- homes in the last --

MR. WHEELER: If you will, please give us your address, as it's required.

MR. IHLER: Sure. 501 Fay Street, Suite 106. We've audited and retrofitted more than 300 homes in the last three years, so obviously our goal is a lower impact on our community. So we have also been getting involved with new construction, homeowners trying to build their new home sustainable, low impact, things of these natures. They have had considerable difficulty at the appraisal process, getting these pushed through. So, Bill, you were talking about the precedent of what's going to happen with these communities -- or this community, this single development. The problem with the appraisal price is that the neighbors don't adopt the same principals. And one of the things I want to key on is the covenants that the developer is setting forth. He's pushing the rain barrels and he's pushing the organic fertilizer or compost -- however you want to look at that, depending on how you apply it. Those are very effective and they're overlooked, especially in our part of the nation where we take water for granted. And if an entire neighborhood is forced to adopt those principals, the houses will appraise for that added value. And I think you're setting a precedent that can go much further. So as this neighborhood looks like the zoning is overzoned and you've got

to question whether or not you're going to allow that to impede on the park and you guys have -- the zoning is probably not the question. It's the planning should you allow it. I'm just going to let you guys think about the -- I want you to think about how the covenants can affect the future of other residential developments and how applying that principle may get the City to adopt the higher valued homes -- or place value on homes with these additions.

MR. WHEELER: All right. Any questions of this speaker?

MR. STANTON: What is the name of your company again?

MR. IHLER: EnergyLink.

MR. WHEELER: Any other questions of this speaker? Thank you, sir. Next speaker, please.

DR. HILLMAN: I'm Dr. Laura Hillman. I'm representing the Columbia Audubon Society.

Columbia Audubon Society promotes the preservation of the natural world, its ecosystems, biological diversity, and habitat. These interests compel Columbia Audubon Society to speak in regards to the proposed Parkside Estate Development. The location of the proposed development and the geology and topography of the property all cause serious concerns that must be addressed if Rock Bridge Memorial State Park is to be protected. Rock Bridge is clearly a gem for the Columbia area in terms of the biodiversity it has, the animals, the birds, the native plants. It is a very fragile area and can be markedly hurt, as you've already heard Mr. Bryan tell you, by water that may not be clean, plants that are exotic, noise, pollution, inability to do things at the park that are necessary in terms of things like deer control, fire burning. This needs to be taken very, very seriously, and I really support all of Bill Bryan's work to try and protect the park and just urge you to really take his comments very, very seriously.

MR. WHEELER: Thank you. Are there any questions of this speaker? Mr. Stanton?

MR. STANTON: You have to excuse my ignorance. I'm the neophyte of the group, so I'm weighing both. I'm a strong supporter of the parks and, you know, preserving our natural resources. But I look at this land and I say, Somebody has paid a significant amount of money for it. So how do -- I mean, what can we do? If I had a \$100,000 car in the garage and you told me I couldn't drive it because it causes air pollution, what am I going to do with this car. And that's kind of what I'm weighing with. What -- what would make the Audubon Society happy that the owner of this property do with this, that it can be beneficial to both the environment and the owner? There's been money exchanged. There's financial situations here. What can we do? I have a \$100,000 car in the garage. What can I do with it?

DR. HILLMAN: This is not my area of expertise, but I just -- as a neophyte, one could start by putting a heck of a lot less houses on it. You can have visions that have, you know, five-acre lots. You don't have to squench two houses on every acre. There are many ways one could take. You'd have to charge an awful lot per lot more, but there are ways to potentially use that land in a better way. Again, somebody that really knew what they were doing would have to develop that and take

into consideration and they would have to pay attention to every single thing that Mr. Bryan tried to address with these developers.

MR. WHEELER: Are there any other questions of this speaker? Thank you, ma'am. Next speaker, please.

MR. ROBERSON: Hi. I'm Kevin Roberson (ph.), 7355 South Bennett Drive, Columbia, Missouri -- it's actually out by Pierpont. And I'm the president of the executive board of the Friends of Rock Bridge State Park. And I'd like to -- I was asked to come speak in opposition to this. While I agree with Director Bryan that this is -- quite a few changes have been made to make this more positive, it's still not the 15 percent impervious that we would like to see. I think we could do a calculation -- I could do it in my head here. I don't believe you need to cut this in half to get to 15 percent impervious. And I wanted to ask, is it permissible to address questions and statements from the Commission or do I --

MR. WHEELER: You have three minutes, sir. You can do anything you want.

MR. ROBERSON: Okay. Mr. Stanton, you asked what should he have done. Well, first off, I don't think there's anything wrong with anything that the developer's done or wished. But what he did was make a bet that when he bought this that he could talk you into changing the zoning from what it was -- that's what he paid for was what it was zoned, not what it is. And I don't believe that it's the Zoning Commission -- Planning and Zoning Commission to make sure that no one's made a bad business deal. And if you bought a \$100,000 car and knew that it was against the regulations and you were hoping to talk somebody into changing the regulations so you could drive it, I say shame on you. So I appreciate all of the work that people have done to make this better and it's no doubt quite a bit better, but we're still opposed to it. And when you're in business, you make bets and you hope for the best and work for the best. And I think everyone's trying to do that. The 15 percent impervious would still give a lot of development out there and it would look a lot different than it is, but I think that is working together to come up with something. It is best engineering practices and karst for 15 percent, and that's not even on the edge of a state park that is in the middle of the city practically that is enjoyed by every school child and every adult in the city almost. So I really appreciate the time to get up here and speak to you, and I respectfully thank you for your time and your listening.

MR. WHEELER: Are there any questions of this speaker? Thank you, sir.

DR. TARBOX: Good evening. I'm Bus Tarbox, 3501 Old Field Road here in Columbia. I am a user of the park. I enjoy the park. I run in the park. I've been lost up right around that same area running through the park before. And I'm encouraged by a developer to take the opportunity to do this, make this a proposal. I see high rise, multi-unit density places going up all over town. I see an opportunity here to protect the park in a way this development will do. And I think the -- what I've seen that the developer's done in complying with the State Park's wishes to come up with the wider buffer, to donate the easement back to the State -- didn't make the State buy it, is offering to donate

that easement back to them -- and to develop this in a way that's friendly to the park, as opposed to, as you said -- one of you gentleman said, down the road someone comes in and all the sudden develops multi-unit places that just has no long-term value for the state park. I think the opportunity here exists to do something, step out of the box, step out of the normal ways of doing business, make an arrangement with the State Park and develop lands around the state park in a way that is really -- the director said he's never done it before in the state. What an opportunity for us to be that keystone development here to do that. I think this is a great opportunity for the City, for the state park. Again, I use the park. I love the park. I do not believe this development will cut into my enjoyment of the park. I think it'll only, for the long-term life of the park and for my kids' and their kids' enjoyment, I think it preserves the park, and so I'm in favor of this.

MR. WHEELER: Are there any questions of this speaker? Thank you, sir. Next speaker, please.

MR. BLAKEMORE: My name's Chase Blakemore; I live at 116 East Hoedown Drive. We actually live and own a duplex right across the street from this development. My wife and I drive by it every single day and we always wonder what's going to happen with it. Like a lot of citizens here, we are kind of afraid that student housing or something like that is going to go into it at some point. When the developer came to us and started talking to us about this development, me and my wife were incredibly excited and actually were waiting for the time for a development like this to go into -- right across from us. We like the fact that it's right outside the city, but also next to Rock Bridge Elementary, next to the high school. It's within walking distance. It just seems like a completely natural fit to be able to have, you know, the unique experience of being in a neighbor to where, you know, you could take your family and be able to be right there next to the park, be able to be living with other people that do enjoy being in the family aspect of a neighborhood, but yet having Rock Bridge State Park. I think it is incredibly -- I just think that what I've heard tonight -- what I had written down on my sheet of paper was completely different than what I was going to say right now. I've heard two people say that, you know, we want to work together and one saying that, you know, it can't work. We think we're at a crossroads. Well, I mean, this is a completely unique idea. We have other trails that run along neighborhoods, run along, you know, parks that are here in Columbia, and it seems like we should be able to have some kind of solution to be able to make this work. And I just wanted to say that I am for this proposal and I hope they take as long as it needs to get finished. Thanks.

MR. WHEELER: Are there any questions of this speaker? Thank you. Next speaker, please.

MS. FLADER: Hello. I'm Susan Flader; I live at 917 Edgewood Avenue in Columbia. And I'm speaking for the Missouri Parks Association and organization -- state-wide organization of citizens dedicated to the protection and enhancement of Missouri state parks. When I moved to Columbia 40 years ago, one of the first places I went was Rock Bridge State Park and one of the first things I learned about it was the sensitivity of that karst area and the need for protection of it. And over the

years, the last four decades that I've observed what's been happening, there's been a tremendous amount of investment by citizens and by officials of Columbia to try to protect that area. It started even earlier than that. It started with the private owners who protected the area and shared it with the public. And then the efforts of all of the 4-H clubs and the scout troops and the businessmen and private citizens who supported Lew and Dorothy Stoerker in their vision to collect enough money to buy a significant number of acres, and it was matched by one of the very first projects of the Land and Water Conservation Fund, when that became available in 1967. And more than 1,000 acres were able to be purchased at that time. But there was always a need to try to do more to protect that area. And the park itself has been able to acquire another more than 1,000 acres, and the City has been helping. The -- that long multi-year stakeholder process for the Bonne Femme Creek watershed, in which citizens from all different walks of life were participating to try to protect those watersheds in that karst area. The efforts of the City of Columbia, to set aside essentially the 300 acres south of the Phillips Lake area as a buffer for Gans Creek in order to protect that very, very delicate watershed. So what I'm saying is that we need to rise to the challenge of protecting this area and not think that there's simply a need to make good on somebody's investment. There's still, you know, some money that can be made from it, I suppose, but I don't think that there's any inherent right to expect a more dense level of development next to that park than was anticipated in the original zoning that the County applied to it. There's -- I'm involved right now in revisions of essays for every one of the state parks for our book on state parks and historic sites, and I really shudder to think that I might have to write about this park in my own backyard, that it -- that city officials and others have approved a development that will be the most dense development on the boundary of any park in the state of Missouri. I think of the old adage, The enemy of the best is not the worst, it's the good enough. There's been a lot of improvement in the proposal that we've heard tonight. Is it good enough? I don't think that's what we should be aspiring to. This is Columbia. We can do better to protect Rock Bridge. Thank you.

MR. WHEELER: Thank you, ma'am. Are there any questions of this speaker? Next speaker, please.

MS. McCANN: Sandy Smith McCann, 500 East Lake Forest Drive. I'm an adjacent neighbor. I'm opposed to this revised plan because of the density. I really do feel it's going to have a negative effect on Rock Bridge State Park. The density does not fit the area. Most homeowners in that area have acres, of at least one acre up to 20 and 40 acres. It's a single-family residential area. It is not a multi-family area, and I'm opposed to the multi-family. Section 100-674, Policy Resolution 232-99A says, The City Council is expressing a strong preference for planned development in the areas of the Bonne Femme Creek -- I'm not going to read the entire resolution, but I'm going to give snippets of it -- whereas Little Bonne Femme Creek watershed is an extremely environmentally sensitive area, containing Rock Bridge State Park. It is necessary to control the density, the use of the land in order to protect damaging the environment. The City Council expresses strong preference for the planned

development. The City Council urges landowners seeking zoning and rezoning of this land within this portion of the watershed to request planned zoning. The developer's plan goes against this policy to protect damaging of the state park, controlling the density. And it is not a low-impact development. There is only one lot for a house that is on a half an acre. Three duplexes are on half an acre. Most of all the houses are three to four houses per acre. There are six lots that are one quarter of an acre. This density is not what we need next to the Rock Bridge State Park. The damage that will be done with this kind of density will never ever be reversed, and I strongly oppose the density of this development. Thank you.

MR. WHEELER: Are there any questions of this speaker? Thank you, ma'am.

MR. ALVIS: Good evening. My name's Tim Alvis. My address is 1520 South Louisville Drive. I am a supporter of this development, actually, mainly because I want to live there. I spent my first 18 years of my life growing up on south Sinclair Road. And when I was younger, there was no Cascades. There was no Arrowhead Lake. I got to see all that develop. You know, as a kid my parents took me to Rock Bridge State Park. Both my wife and I grew up south of town, we went to Rock Bridge schools. We take our children -- my one is nine, his name's Aiden (ph.) and my daughter's name is Addison (ph.), she's seven -- they absolutely love Devil's Icebox. They really like the name actually. But, you know, it's a chance -- we walk the trail. I'm actually just an average guy that is looking, hoping to secure some affordable housing somewhere near Rock Bridge State Park. My guess is there's a lot of middle class families that actually would enjoy that same opportunity. I actually just hope that you guys support this very responsible plan. That's it.

MR. WHEELER: Thank you. Are there any questions of this speaker? Thank you, sir.

MR. ALVIS: All right. Thank you.

MR. WHEELER: Next speaker, please.

MS. BRUBAKER: I'm Teresa Brubaker; I live at 5390 South Route K. I'm right down the road from this property. And I support it because I know what kind of -- it's zoned agriculture and I don't want hog farms or anything else on it. And he's gone to a great deal of work to cut down the density and work with the State Park, which obviously doesn't seem to want to work with him and I find that very sad. And he just -- he's reduced the concrete and saved 90 percent of the trees. And I think it's going to increase the neighborhood value of my land and everyone else's around us, so I am supporting it and I hope you do too. Thank you.

MR. WHEELER: Thank you. Are there any questions of this speaker? Thank you, ma'am. Next speaker, please.

MR. SMITH: Marty Smith, 5500 South Route K. I live about two doors away from the property on K. Nobody's really mentioned the traffic, but I live out there. I try to get on Route K in the mornings; it's hard to get on. It's hard to get off when you leave at five o'clock and things. It's just that bad. New school's going to try to get down there somewhere. The elementary school is looking down south. Nursery school -- that Nursery Lane down there has opened up where Thornbrook

comes up Route K, but there's really no access for people to get out. They're all going in town because there's very few businesses south of town. But other than that, I mean, I live out there. The density's just a little too much for me, but, you know, that's just me. Any questions? I'm done.

MR. WHEELER: Are there any questions of this speaker? Thank you, sir. Next speaker, please.

MR. BAY: Don Bay, and I live at 7601 Chimney Ridge Road, which is about a mile from where the subdivision is. I live in Hill Creek Acres, where the residents -- there's 90 residents there -- we each have two-acre minimum lots. I think, from hearing the discussion and everything, it seems like to me that the 20 percent reduction in units that was from the first proposal to the second proposal is just a little bit of window dressing, but it certainly didn't address the concentration that we were concerned about at the first hearing. But 20 percent reduction in the number of units is certainly just a very minor one. You talk about numbers, you know, I think that there is a place, but it would be less than -- it would be a greater reduction in the number of units from what they're proposing. It's hard to call that a substantial change. I will tell you I worked in agriculture for 43 years, and there's lots of regulations on hog farms today, and with the stream nearby, they would not be a problem. They would not be there unless they had adequate sanitary facilities to take care of them.

MR. WHEELER: Are there any questions of this speaker? Thank you, sir. Next speaker, please.

MR. DARKOW: My name's Eric Darkow, 3101 Belinda Court. I'm a lifelong user of the park. I'll spare you the personal anecdotes, but, you know, use it throughout -- I went to Countryside Elementary School off of Fairview and Chapel Hill. I went and caught tadpoles up there when I was about five years old. But used it all through college, still use it today, you know, on a weekly basis. And I think as we move forward through the development of Columbia, and you see southern expansion of Columbia -- and that's undeniable. As we move farther south, I mean, that land's going to get developed. One way or another it's going to get developed, and I think the protection of the park is -- should be foremost in our minds and should be a priority. So I think -- I'm in support of this because the developer has taken measures to address the concerns of the City, right, by putting in buffer zones, by putting in a conservation area in between the proposed neighborhood and the park. As I said, I think it's only a matter of time before it gets developed, and necessary measures have been taken.

MR. WHEELER: Are there any questions of this speaker? Thank you, sir. Next speaker, please.

MS. TROM: My name is Jenny Trom, and I live in southwest Columbia. And not to disrespect anyone that has spoken, but with the gentleman in regard to Route K traffic, I live in Millcreek Manor, which is west of Forum Boulevard off of Nifong. And southwest Columbia with the infrastructure that's there, I'm not sure can handle one more neighborhood. And the shape of Boone County being what it is, I agree with Mr. Darkow in that this area of town is going to be developed one way or

another. And I kind of feel like the lady who said, you know, this area, 35 years ago this is not what it was intended. Columbia is not the same Columbia that it was 35 years ago. You know, we are expanding. There's a new healthcare facility on that end of town, State Farm is there. We have schools there. People want to live there, and this developer, I think, has gone above and beyond what's expected. Like you-all said, you know, however many years from now, it may be him. And, you know, the gentleman that said, you know, this guy took a gamble and bought this land hoping to make money off of it, and I disagree with that. Mr. Hill lives out there. He didn't buy that land to take a gamble. He wants to protect that land as much as anybody else. He doesn't want to ruin the integrity of the park. And I think that, you know, some of the people that are so concerned about the park need to realize that Columbia is not the same Columbia it was. And he's taken measures that are, I think, above and beyond and way outside the box. And we're a progressive community and, you know, I think that we can make this neighborhood an example of other neighborhoods to come in Columbia. And I'm fully in support of this. Thank you.

MR. WHEELER: Are there any questions of this speaker? Thank you, ma'am.

MR. MAGGARD: Good evening. My name's Bryan Maggard; I reside at 81 High Point Lane. Like many of the speakers before me, I too am a park user, more so in the form of the riding trails for bicycling. My family has spent time out there. We certainly enjoy and respect the park. I'll keep my comments brief, but I will say this: I believe that both development and/or change is imminent. That's been said before. I think members of the Council have alluded to this. And what's key is that it's done the right way. And, obviously, there's a challenge here on defining what the right way is. But I speak to you guys tonight to support this development. As a resident of Columbia, as an individual who lives in that part of the town, I applaud the efforts of the developer. I applaud the efforts of their engineering firm, and just feel that they've gone to great lengths to try to do this the right way. And that's what's key, in my opinion, to developing, to do things the right way. And I don't know -- again, there's going to be difference of opinions and how you define "right," but I certainly support this effort. I applaud what concessions have been made. And I really do believe that this developer does have the best interest in doing this the right way, not only because he resides out in that area, but I think, again, he's someone who does things the right way. And, again I appreciate the efforts that both he and the engineering firm have made.

MR. WHEELER: Are there any questions of this speaker? Thank you, sir. Next speaker, please.

MR. SHORT: Good evening. Patrick Short, 3909 Deerfoot Way here Columbia. We've lived here about ten years. I'd like to real quick make two points to the Commission. First of all, first point, I think when we speak to density, if you look right across the road from Route K, you have Southbrook Court, 25 units, roughly six acres. That's a density of four. Okay. Just directly across the street. Same thing with Hoedown Street, 17 to 18 units, roughly three acres, about five and a half density. Okay? So I don't think this development is -- you know, obviously it's less than that. They're

proposing a density of two, which I think is well within the neighborhood and just the general consensus there. My second point would be I'm kind of -- you know, I came here as a friend and user of Rock Bridge State Park and listened to everybody speak. I think everybody in the room's on the same page. I mean, I think we're here to protect the park. Everybody that's spoken is here to protect the park. So, you know, I think if you approve this development, that's what you're doing is protecting the park from agricultural use, some other use, or some other further developer down the line. That's really all my comments. You know, again, just leave you with I think that we're all here for the same purpose, protect the park.

MR. WHEELER: Thank you. Are there any questions of this speaker? Thank you, sir. Are there any additional speakers this evening? Going once -- all right.

PUBLIC HEARING CLOSED

MR. WHEELER: And we're going to take a brief break, because I promised the recorder we would, so we'll be back in five.

(Off the record.)

MR. WHEELER: All right. We'll come back to order here. I believe we had just entered the Commissioner's comments section. So who wants to lead off this evening? We're down to six and I still can't get a --

MR. TILLOTSON: I'll lead off. This came to us before. I didn't support it. I'm a big believer in the developer and the parties at hand really trying to work real hard to come to an agreement. I will have to say I've seen -- to me this developer has went above and beyond, trying to come in agreement with all the parties involved. It seems to me that the neighborhood, in general, in this area is pretty supportive. A lot of the nonsupport I'm hearing is coming from organizations or something that's away from there, that doesn't live out there, and doesn't see what goes on out there. And I don't know that there would ever be a solution as far as the State Parks go with any development around a state park of any kind ever. But I do know that Planning and Zoning members come and go and City Council members come and go, and if this piece of land just sits here, I could see a student housing building go up on it some day. I could see a little mini mall going in there some day. I could see things like this happening with the changes in government down the road. And then, when you have a person who -- he actually lives there, and he's worked really hard to try to make this work for the neighborhood and for the park. He has really a vested concern himself because he is one of the biggest property owners that butts up to this subject site. So we could sit here all night about, well, what if we did this and what if we did that. I think we're past that. That's been tried to be -- I think that's been worked on with all parties concerned. I do like the Rock Bridge State Park. I do frequent it a lot. And I can see the young man who was up earlier and talked about wouldn't it be nice to kind of have an area you could live in that was close to the park. When I go to the park, I'm way out on East Broadway, so it's quite a little trip across town for me. And yet what's being proposed to be built is -- seems to me it'll have a -- be a bit more affordable to younger families that are starting out in our

community. So with that said, I'm not going to try to beat up if we did this or if we did that or should we do this or what happens if we did this. I'm just going to -- I'm in support of it.

MR. WHEELER: Who wants to go next?

MR. STRODTMAN: I'll follow that one. I also, like Mr. Tillotson, I did not support it the first time, and the biggest factor that I had for not supporting it the first time was the parks. That still weighs heavily on me. But like Bill, I also agree that the developer has gone to some extents to meet that concern that I had: You know, with the stream buffer, the 200 feet; the 75-foot strip along the south side there that adjoins the park; the BMPs that were discussed by Mr. Crockett; you know, the 90 percent of the existing tree cover being left intact in that 75-foot strip; the 70 percent open space. You know, that percentage is a big one, that 14 to 24. You know, I -- that's hard for me. You know, I plan on supporting this project at this point. I think that the developer has met my concerns. I also plan on -- I think the variance for the sidewalk is in order. I don't think there's a need for more sidewalk concrete out there, so I plan on supporting the variance to that sidewalk. And my last comment is this, is we've heard this over and over tonight about this is not going to be the first time, it's not going to be the last time -- or this is the first time. It's not going to be the last time for a development around the state parks. And I would really, really hope that the State Parks can work with us and help us figure -- you know, if that 14 percent is that number, then we need to do something with all this land around the state park and get it into that 14 percent. Because if it's not, we're going to continue to be faced with this problem, day after day, with each development that comes forward to us with the same problems. And I think the State, if it's truly -- it should be very much more proactive than they are. And they should get out ahead of this and they should've been out in front of this years ago and be getting this type of land or making it set that this is a 15 percent or 14 percent factor, and there should be no question about that. Where, to me, it seems like we're just now addressing this when we've known from day one that this is going to be something that we're going to have to deal with. I don't know why we're now -- the State is now just, you know, thinking that this is something that we should start doing and that they don't have the ability to police some of these subdivisions and things of that nature. I think if it's that important, that we're going to have to figure that out, because there are going to be developments around these state parks, not just here in Columbia and Boone County, but elsewhere in the state of Missouri. And I don't think that -- I think we need to figure it out now and quick before we get more developments. And I would look at the State Park system to lead that charge and help us figure this out and get out in front of this before -- if it truly is that big of a factor. So I do plan on supporting this.

MR. WHEELER: Mr. Lee?

MR. LEE: I also did not support this project the last time. I had two reasons. One was the concern for the park, and the other, I felt it was too dense. I think that the developer has gone above and beyond in this case to work with the Parks and the neighbors and everybody else in order to come up with a plan that seems to me to be very workable and a very good project. I am also struck

by the fact that if this project is not allowed to go forward, Mr. Hill might decide to sell the property and at that point you have no idea what could happen to that property. And as Mr. Stanton said, it could turn into a hog farm. If somebody else owns the property, it could be a corn field with herbicides and pesticides and so on and so forth that goes along with all that. I would assume, without knowing, that from the first plan to the plan that Mr. Hill has now there's been a great deal of time, effort, and money spent in order to come up with the current plan he has, and I think that we need to recognize that. It seems to me that it is a very solid plan for that land and it could set an example for other developments in and around Columbia, especially in terms of environmental. A lot of the neighbors around it signed that petition supporting the project. And like them and like my two fellow commissioners who have spoken before, I intend to support the project, but I feel the same way about the variance for the sidewalk as Mr. Strodman. I don't think they need to put another sidewalk, which should help in the runoff and all that. So I intend to support it.

MR. WHEELER: Mr. Stanton?

MR. STANTON: Yeah. This is my first look at it. Man, what a way to start my -- man. I'm a strong supporter of natural resources. I said all this before. 15 to 20 percent impervious surfaces -- The amount of brain power there is in this county, the amount of -- I feel there's got to be a way we can make this happen and make this at least a win/win as best we can. I think the owner has done far and beyond I think any other owner would do, and that's because he's a neighbor of this -- of this property. I'm kind of versed in the low-impact development techniques from a construction point of view. You could get that 15 percent, but I think what you would have to do is you would have to change kind of your -- just the site plan. You would probably have to make the dwellings a little closer, which would increase the density. You'd probably have a little less street. But to make everybody happy, I think it -- it would probably go against what most people are complaining about, which is the density and the fewer houses. You would have to get them closer and you would probably gain in green space. But some of the low-impact developments I've seen are developed around cul-de-sacs and I could see maybe two roundabout cul-de-sacs off of the entrances you have. But then you lose that open country feel. So it's a give and take. Once speaker hit me -- hit me right in the chest, and I'm looking at the density and I'm -- and kind of my background on this project, I've lived all over the world, but mainly I'm a First Ward -- my family is in the First Ward here around Douglas school. This side of town is not even -- it's a dream. It's like Mars to my -- to my people, to my neighbors. And to have an opportunity to live in a house that's by the state park in natural spaces, open air, that's not even -- my neighbors, that's not even -- that's not even in their -- their vision. They're not even thinking about that. And what I've heard is less dense, and we're taking less -- we're taking less housing away. We're making it -- okay. Let's say we just put two or three houses there. There's no way that this owner can sell two or three houses and make them affordable. Not to -- not to a middle class guy like myself, or even upper middle class. So now we're making this an elitist unit, an elitist place where only the rich can live close to the state park? I'm not

rich and I would love to live close -- I'm not opposed to rich people living out there. I'm not opposed to people having a lot of acres. I don't know what the average median income of those people surrounding that area are. But having an opportunity for upper middle class, middle class family to be able to live in that area has a deep impact on me personally. And I think this can be worked out. This is new ground. This is -- you know, Mr. Hill, I'm sorry you have to be that first explorer to get out there. It's usually the first ones that get -- take the bullet, but this is an opportunity for the Commission, the City, the Parks system, everybody to put their brain power together and figure out a way to make this work. Because it's not going to be the last time this happens and I don't think we should run from this opportunity. I think we need to see what we can do to make this a win/win for as many people involved as possible.

MR. WHEELER: Dr. Puri?

DR. PURI: Well, I think this whole project, I think the developer's made great efforts and strides towards trying to meet somewhere in the middle. I don't think there's ever going to be a good solution for these Missouri State Parks. If I were them, I wouldn't want a development next to it all the way around, but that's not really reality. Under the circumstances, I look at the fact that what we save here. We save 90 percent of the trees that are on that lot. We have a 200-foot wide stream buffer, which is double the minimum. They didn't have to do that. The 75-foot wide buffer from Rock Bridge State Park, they provided that. So I think they've made every effort in trying to make sure that they could do the best they could do and still make this development work. A lot of efforts are made, you know, in the fact that it needs to be green, it needs to be this, it needs to be that. All that costs money as well. But I think the things that they're giving up and the things they're trying to save so that future generations can see those 90 percent of the trees out there or have a stream buffer there so there's no future deterioration of that area because something else might come in there. Across the street you have duplexes there. And this is 35.8 acres. You know, you have 58 lots. Myself, I think the sidewalk, I would do away with the sidewalk on both sides of the street. Really don't need a sidewalk in there. And I was telling that to Mr. Wheeler during break. I think this is a good development and I think it's the best solution under the circumstances. You cannot, you know, satisfy every single thing for both parties. They have made some efforts to come forward and give a plan which is addressing the main concerns. And I think you save the trees, you have a stream buffer, you have open space, you have a thought-out development, and this is the best solution under the circumstances. We are not in 1965 right now. We're in 2013. And the person that owns the particular lot has some right to develop that lot, as long as they're not a detriment to surrounding area. Under the circumstances, I think that the way the plan is presented, it's not a detriment to the surrounding area, and I think that it's well thought out. I will support it.

MR. WHEELER: All right. I'm going to try not to repeat what's been said, except to say that -- the first thing I want to say is what I said the last time we were here and discussed this and that is that the city of Columbia has expanded to the northern boundary of the park. This is a fact. And as such

it behooves that the City of Columbia and all residents of Boone and everyone that enjoys the park to come up with a plan for the fringe of the park. Now, just briefly touching on it, so we as a community have to come together and figure out what we think is appropriate. Now, that said I'm going to say -- and just tagging onto something Mr. Stanton said -- you know, this isn't low income, folks. This is middle class at best, probably upper middle class in order to get in here. And I don't think it's appropriate for us to say that only the very rich among us can live next to the park. This could be a nice development for upper middle class families to live and enjoy the park. So another thing that was said tonight that I want to touch on was that P & Z doesn't fix bad business decisions, and we do not. We make, hopefully, the best decisions we can, given what is coming with a vision towards the future of what could happen and what would be most appropriate at this time, and is this a balance. Have we tried to bring the two parties as close together as we can? Now, the Parks system, understandably, would like to see nothing here, and that's understandable. In fact, there's a lot of people in the community that would like to see nothing here, and I'd say, That's great; buy it. Make it an entrance to the park. But to say you can't do that or we just want 12 lots there says to me that only the very rich are going to get to live on this boundary of the park, and that doesn't seem appropriate. It meets the Bonne Femme watershed agreement -- plan. The stormwater plan for the City of Columbia, actually exceeds it. It's -- you know, low impact can mean all kinds of things. Usually around here when we say low impact we're talking about density. But low impact also means environmental impact. It means a lot of things. One of the things that didn't get mentioned tonight that I'd like the City of Columbia to address -- and I think this is certainly within the power of City Council -- would be let's change the lighting. I mean, you know, everybody else has to do full cutoff fixtures, but the City of Columbia decides that on street lighting we don't want to do that, and it's because it's more expensive. Of course they don't want to do it. But this is the appropriate place to be reasonable about what our lighting impact is going to be on the park. That came up the last time we were here and I just wanted to bring it up. It's a big deal to me. I would like to see something on the eastern boundary. We've done something on the northern boundary, a berm is my understanding, to lessen the impact against that. I'd like to see what we can do on the eastern boundary. I like the idea of the covenants restrictions, but I think they're unenforceable. As a real estate, I've seen covenants restrictions are sort of a joke. If you don't get on it right from the beginning, you have a precedence set. And so having the Parks system as a third party, they don't have the ability to really be there. I don't think it's appropriate. I think some of the ideas you came up with would be appropriate to be in the covenants restrictions, however I don't see any way to enforce them. And so I'm looking more at the BMPs -- best management practices -- than anything. So that said, I'm in support of this. I think they've done a nice job of creating a layout and giving concessions where they could and still have something that's workable and allows an opportunity for some folks within -- as the gentleman came up and he'd like to live there. I know a lot of people that would like to live next to the park and I know, you know, my -- a portion of our wedding pictures are in the park. I

love this park. All Columbians love the park. So I think we've -- you know, this is a good balance and I plan to support it. And frankly, you know, the sidewalk thing, I agree with Dr. Puri. I don't -- you know, there isn't a connection in this subdivision that goes anywhere. I mean, no one can drive out of this subdivision. You've got to go to K to get out, so I don't see any reason why the people couldn't walk on the street, but that's a little pet peeve of mine. So, you know, I will support the variance. I would support not having sidewalks in there at all to reduce the impervious surface. But, anyway, I rattle on. Someone want to try to make a motion?

MR. LEE: Make a motion to approve --

DR. PURI: Can Mr. Crockett -- can you come to the podium?

MR. CROCKETT: Yes, sir?

DR. PURI: That sidewalk, you know, that the City wants added and that may have impact on the impervious area, do you have any idea what impact does one side have?

MR. CROCKETT: The additional side is 1 additional percent. So the side that we're asking for the variance on, if we were not to get the variance, then that would be 1 additional percent.

DR. PURI: If we deleted the other side --

MR. CROCKETT: If you deleted the other side, it is roughly the same percentage. Maybe it's just a little bit more or a little bit less.

DR. PURI: 23 percent.

MR. CROCKETT: Pardon me?

DR. PURI: It'll be 23 percent.

MR. CROCKETT: Correct. Correct.

DR. PURI: Are you amenable to deleting the other side?

MR. CROCKETT: I'd have to talk with the developer, but I don't see there's any reason if we deleted the sidewalks in the entire development and reduce the total impervious surface. I don't see where that would be, you know, adverse to our development.

DR. PURI: Is he okay with that?

MR. CROCKETT: Yeah. We're fine with that. If that's what the Commission would like to recommend, we'd be fine with that.

DR. PURI: Thank you.

MR. CROCKETT: Thank you.

MR. TILLOTSON: Just to --

MR. WHEELER: Go ahead.

MR. TILLOTSON: -- discuss that a little bit more. It makes sense to me, but my -- just my concern from looking at this, we have three cul-de-sacs and we're going to have homes that are going to have children. So are we telling the children they have to play in the streets or if we have a sidewalk on one side that they are constantly going -- crossing the street to get to the sidewalk. I'm

looking at more of a safety aspect than anything else, and so I don't -- I hope we're not being too hasty as far as the sidewalk issue.

MR. WHEELER: I'd like to chime in on this because --

DR. PURI: Go ahead. You go first.

MR. WHEELER: Well, I'm just going to say that there's no way that's going to get by City Council, and so it's actually -- you know, it's almost pointless. Although I agree totally, I think it's almost pointless for us to discuss it because I'm betting the City Council's not even going to let it get by with just one side. And so -- and as long as I'm on that point, if we're going to have sidewalks on both sides, I think it is appropriate to increase it to 25 percent, but that's my personal opinion.

DR. PURI: I think it's a bet that City Council will decide, but I think it's stupid to have one side sidewalk. You have to cross the other side and get on the sidewalk, so might as well delete them on both sides. Let City Council put them on both sides. That way we decrease the impervious area from this body and they can increase the impervious area from their body.

MR. WHEELER: You want to make that motion?

DR. PURI: I will do it. I make a motion to approve this case, No. 13-100, request by Southside Trail Estates for annexation, permanent PUD-2.0, two units per acre, zoning, a preliminary plat/PUD plan with the following requirements: A tree preservation plan will be required, 90 percent of tree preservation, the sidewalk variances will be deleted sidewalks on both sides of the street. Is there anything else I missed?

MR. WHEELER: Do you want to make some limitation on that impervious surface?

DR. PURI: Impervious surface to be 23 percent.

MR. STRODTMAN: Second.

MR. WHEELER: Okay. Motion has been made and seconded. Any discussion on the motion?

Roll Call Vote (Voting "yes" is to recommend approval.) Voting Yes: Mr. Lee, Dr. Puri, Mr. Stanton, Mr. Strodtman, Mr. Tillotson, Mr. Wheeler. Motion carries 6-0.

MR. WHEELER: Let's take 30 second here and let everybody clear out.

13-124 A request by Museao, LLC (owner) to amend the Pavilion Building C-P development plan and zoning. The 1.3-acre subject site is located on the north side of Buttonwood Drive, and is addressed 3500 Buttonwood Drive.

MR. WHEELER: When Staff feels it appropriate to begin, you may.

Staff report was given by Mr. Steven MacIntyre of the Planning and Development Department. Staff recommends approval of the statement of intent and C-P development plan revisions.

MR. WHEELER: Are there any questions of Staff?

MR. STRODTMAN: I do. Are they just making the stalls smaller?

MR. MACINTYRE: What they're doing is they've incorporated a couple of -- I apologize for this exhibit on the slide, but it is difficult to see. They are making use of some available curb line on the edge of the existing pavement to put in a few parallel spaces there. And then, there's an unused

loading dock, which is a remnant of when it was a furniture store and they're adding three spaces in there. So that's how they would add additional parking. They're also showing bicycle parking on the site, which I believe --

MR. STRODTMAN: The existing parking's intact and they're just adding new?

MR. MACINTYRE: It is. That's correct.

MR. STRODTMAN: Thank you.

MR. WHEELER: Are there any additional questions of Staff? Seeing none, we will open the public hearing.

PUBLIC HEARING OPENED

MR. SANDER: Good evening. I'm Chris Sander with A Civil Group, office at 3401 Broadway Business Park Court. I'm here on behalf of Museao, LLC, which is the owner of the building. It is one of a number of companies that's part of a big family. The ownership of this family of businesses is a incubator of small businesses, entrepreneurship, and they were in need of some more office space and this building became available and it just fit into their needs. However, it's much larger than the amount of space that they utilize for their office activities. So they -- over time -- it's a very unique building. It -- when it was described to me before I saw it, I didn't really understand this idea that someone would use it as a -- for receptions and meeting space. But they have combined the open space of a furniture store that was previously there and the unique architecture into a space that is desirable for wedding receptions. And then, along the lines of their primary focus of business, of entrepreneurship, conferences. It's not exactly the right word, but groupings of entrepreneurs where they can find common ways to promote their businesses and such. They have owned This property for a couple of years and since they purchased the property they divided part of it off as office space and the open spaces then were utilized for this assembly use. Earlier this year, through the review the Community Development staff recognized that, Wait a minute, the zoning's not quite appropriate for what you're using here, and pointed out to them that they wouldn't renew the business license unless we resolved the zoning issues. The -- as Mr. MacIntyre said, the loading dock is no longer necessary and the large pavement area in the back to allow for maneuvering trucks to make deliveries to a furniture store as it's primarily office, no longer used. So we feel like we could just do some striping changes back there and maximize the paved area that's already there to bring our -- you know, utilize as much parking as possible. The -- during the day the building is primarily used for office. The assembly use or reception space is generally used in the evenings and weekends, and the revised statement of intent before you speaks to the hours of operation of the assembly use so that it's outside of normal business hours when the office space would be used, all in an effort to assure that we're not overloading the parking lot and creating a nuisance to the neighbors. Within approximately 500 feet, there is adequate on-street parking along, primarily, Buttonwood to allow for enough spaces to basically provide additional parking for 200, to double the occupancy that is proposed for the space. The statement of intent speaks to the limitation to the number of occupants

for assembly use and to use for office. In particular to the assembly space, as this space is being used, a caterer is required to obtain a permit from Community Development for each event that takes place at the site. And in obtaining this permit for each individual activity, there's an application that requires some information, one of the pieces of information being number of occupants. We feel like that provides kind of a unique situation here where there -- a lot of times self-imposed restrictions on a zoning are hard to enforce, but in this case there's sort of that check every time that the caterer is asking for a permit to use the space, they're communicating with the City on an ongoing basis. And we feel like that's a really good opportunity to continually keep the City involved in -- staff involved in that process of how the space is being used. I have Lori Sander and Heidi Fuhrman from Museao, LLC here with me tonight, and we'd just try to answer any questions that you have.

MR. WHEELER: Thank you. Are there any questions of this speaker?

MR. STRODTMAN: I do. Explain to me the on-street parking again. I kind of -- you lost me on that. Are you guys going to be looking to use on-street parking?

MR. SANDER: No. No. We are not. The idea being that the limitations stated in the statement of intent parallels the parking requirements for assembly use in the City's zoning ordinance, and the amount of parking -- off-street parking that's provided on the site. But just the idea that if there was a -- if something went wrong with that process, the occupancy that is permitted by, you know, what we're proposing tonight could really be doubled and parking would only be within 500 feet of the site. But we don't -- not that we're proposing to double the occupancy of the use of the building. Just pointing out that there is significant on-street parking available in the area. You know, this area has changed significantly from its original intent and so these streets were built to carry considerably more flow -- traffic flow. But as the Walmart development, the Kohl's and such has taken place, things have changed considerably in this area.

MR. STRODTMAN: But under your current -- assume we approve this and you get your approvals and your permits, you won't need this street parking. Right?

MR. SANDER: That's correct.

MR. STRODTMAN: Okay. And the only point you were trying to make is that you could double it and you would only be 500 feet -- my concern is I don't want you using the city streets because I don't think that that's -- if you have to use the city streets, then you need to make your building bigger -- or your parking lot bigger and not jeop-- you know, don't penalize us, the street users, to have to go around all these cars. And so that was my point, but if you're not going to be using the city streets, then my question's kind of void here.

MR. SANDER: No. The number of occupants listed in the statement of intent is based on the number of parking spaces available on the property.

MR. STRODTMAN: Perfect. Thank you.

MR. WHEELER: Are there any other questions of this speaker?

MR. TILLOTSON: I have a question for one of the people that work there, but I can wait until --

MR. WHEELER: Are there any questions of this speaker? All right. If you could, ma'am.

MS. FUHRMAN: Hi. I'm Heidi Fuhrman. I work at the Museo and I'm from Moberly, Missouri.

MR. TILLOTSON: We won't hold that against you.

MS. FUHRMAN: Thank you.

MR. TILLOTSON: My question's just real quick. I was out there not too long ago and I believe that's all no parking signs up and down that street.

MS. FUHRMAN: The way that it is right now is that there -- it's pretty much all commercial around there, so there's some no parking right around where the entrances are to the different buildings, but there is some, like, public parking still in between where those entrances would be. So there's a little bit of both, but it's primarily open parking, and then around the entrances, just for safety, it's no parking.

MR. WHEELER: Are there any other questions of this speaker? Thank you, ma'am. Are there any other speakers on this issue?

MS. KURTZ: My name is Susan Kurtz; my address is 300 Devine Court. I'm employed by Hawthorne Educational Services. We're around the corner from Museo on Gray Oak. There is a very large problem with on-street parking on Gray Oak. I don't see that same problem frequently on Buttonwood, but it is a problem. I understand that they intend to use this on off office hours and that does alleviate a lot of the problems. But if you start something even at 4:30, at 5:00, at 5:30, at 6:00, coming on and off of Gray Oak is a serious problem. Cars on Gray Oak, they park right up to the edge of driveways even on Gray Oak. It's a serious problem. In the wintertime sometimes it's one-way traffic on Gray Oak. And now that the developments that have been pointed out to you are there, we have delivery trucks, we have semi trucks that come down there making deliveries to HyVee and the other big stores in that shopping center. I commend them for using their space. I don't have any problem at all with what they want to do. My problem has to do with on-street parking, and I do think that's a problem that needs to be addressed.

MR. WHEELER: All right. Are there any --

MR. STRODTMAN: I have --

MR. WHEELER: Mr. Strodtman?

MR. STRODTMAN: Who would you say is using that on-street parking?

MS. KURTZ: I haven't taken names, but I suspect that it is the insurance company across the street from us that is zoned for office, but they have a lot of agents who come and go and they seem to park on the street. At the current time, they are putting an addition on their building. I assume when the contractors leave that that will alleviate some of that problem, but I'm not confident of that. And another big infringer would be the Social Security building on that street.

MR. STRODTMAN: And those are the buildings --

MS. KURTZ: Adjacent to me, uh-huh, across the street --

MR. STRODTMAN: Across the street.

MS. KURTZ: -- from our business.

MR. STRODTMAN: Thank you.

MS. KURTZ: You're welcome.

MR. WHEELER: Mr. Tillotson?

MR. TILLOTSON: What I was going to talk about, I do know Social Security office closes at 3:00, so most of that traffic is out of there.

MS. KURTZ: Yes.

MR. TILLOTSON: And in insurance, most of their traffic is morning when they call agents in for meetings.

MS. KURTZ: It's all day.

MR. TILLOTSON: Is it all day? I know it's a big -- it has a lot of agents in and out of there. I was just curious because I have gone over there and it is a mess.

MS. KURTZ: It really is very difficult. And sometimes when you come to the corner of Gray Oak and Buttonwood, you cannot see well enough to confidently make a left-hand turn.

MR. TILLOTSON: You know, you could talk to your Councilperson and --

MS. KURTZ: I've done that. Isn't that interesting?

MR. TILLOTSON: And they haven't given you signs, no parking signs yet?

MS. KURTZ: No, they have not.

MR. TILLOTSON: I'm done. Thank you.

MR. WHEELER: Are there any other questions of this speaker? Mr. Stanton?

MR. STANTON: Pardon my ignorance, but what ward are you in? What ward is this?

MS. KURTZ: It's the Fifth Ward, I believe. I don't live in that ward.

MR. STANTON: Okay.

MR. WHEELER: Thank you, ma'am.

MS. KURTZ: You're welcome.

MR. WHEELER: You were talking about a restriction -- if you don't mind coming back up. You were talking about a restriction for when these functions could happen.

MR. SANDER: Yes, sir.

MR. WHEELER: Are there a proposal of hours of operation?

MR. SANDER: That's correct.

MR. WHEELER: I didn't see it.

MR. SANDER: Oh. Statement of intent includes hours of operation for the assembly use that would be after 6:00 p.m. on weekdays and 7:00 a.m. through -- I don't remember the close hour, but one o'clock, something like that --

MR. WHEELER: I was looking for business hours during the week is what I was looking for, so thank you.

MR. SANDER: After 6:00 p.m. Thank you.

MR. WHEELER: All right. And it does -- if Staff will make a note of that, it does look like something we should bring to Public Works' attention. It would seem to me that it would be appropriate to give us a little stacking distance at this intersection. Thank you. All right. Commissioners? Oh, anyone else like to speak on this item tonight? I'm rushing through because it's almost 11:00, past my bedtime.

PUBLIC HEARING CLOSED

MR. WHEELER: Commissioners, discussion on the motion -- or discussion on the item? Oh, by the way, I'm from Moberly too, so --

MR. TILLOTSON: I knew that. That's why I said that.

MR. WHEELER: Yeah. All right. So let me -- in an effort to move this along, if no one objects, it seems very reasonable to me. This is a -- seems like an appropriate use of space. I agree that there has been a transformation in the area and the street infrastructure is adequate, although I agree that we shouldn't be encouraging street parking any more than -- and we also should have some signs, not that we have any power on that. So I'm -- if there's no objection, I'm going to make a motion that we recommend approval of the request and the accompanying development plan as well as the zoning.

MR. TILLOTSON: I second.

MR. WHEELER: Motion has been made and seconded. Any discussion on the motion?

Roll Call Vote (Voting "yes" is to recommend approval.) Voting Yes: Mr. Lee, Dr. Puri, Mr. Stanton, Mr. Strodman, Mr. Tillotson, Mr. Wheeler. Motion carries 6-0.

MR. WHEELER: Recommendation for approval will be forwarded to City Council.

13-141 A request by the City of Columbia to amend Section 29-26 (Height and Area Exceptions) of the City Code as it relates to balcony encroachments into or over public sidewalks, streets, and alleys.

MR. WHEELER: And I'm assuming this has something to do with our lovely college student housing. May we have a Staff report, please.

Staff report was given by Mr. Tim Teddy of the Planning and Development Department. Staff recommends approval of the proposed ordinance amendment.

MR. WHEELER: Are there any questions of Staff?

MR. STRODTMAN: So the eight foot is the first height that you --

MR. TEDDY: Yeah. It's -- the International Building Code says that beginning at eight feet above grade, you can go out one inch for every one inch above eight feet. So when you get to 12 feet, you can have a four foot balcony. You can have a three-foot at 11 feet, you know, so that's how it goes. It's kind of an imaginary plane that, you know, progressively widens. The International Building Code will allow actually greater encroachments. We didn't adopt the section that says above 15 feet you can -- there's no limitation. We didn't adopt that in our local building code, but we do

have the provision that says you can go out an inch beginning at eight feet for every inch up, up to four-foot balcony.

MR. WHEELER: You know, I don't want to muddy this, but it would appear to me that an alley should be the exception to the rule because if you come out four feet at 12 feet, you have eliminated the ability of a delivery truck to be in an alley. And so I really think that that needs to be thought of, but I'm not going to hold this up.

MR. TEDDY: Well, in fact, Mr. Wheeler, we did think of it and the language does read that, Alley, provided that such projection does not cause a disruption to any city service or maintenance to the underlying improvements. So it's still discretionary with the Council. They're going to consider these case by case as right-of-use agreements. So that -- yeah. They can look at that issue. And also overhead utilities, we don't want to fry anybody on their balcony.

MR. WHEELER: Are there any other questions of Staff?

PUBLIC HEARING OPENED

PUBLIC HEARING CLOSED

MR. WHEELER: Commissioners?

MR. TILLOTSON: Sounds good to me.

MR. WHEELER: That's a motion?

MR. TILLOTSON: That's a motion.

MR. WHEELER: Motion's been made to approve.

MR. STANTON: Second.

MR. WHEELER: Motion has been made and seconded. Any discussion on the motion?

Roll Call Vote (Voting "yes" is to recommend approval.) Voting Yes: Mr. Lee, Dr. Puri, Mr. Stanton, Mr. Strodman, Mr. Tillotson, Mr. Wheeler. Motion carries 6-0.

MR. WHEELER: Mr. Lee, appreciate you being here.

V.) COMMENTS OF PUBLIC

There were no comments from the public.

VI.) COMMENTS OF STAFF

MR. MACINTYRE: Yes. We do have agendas -- preliminary agendas, I should say, for two upcoming Planning Commissions. The next one is on August 22nd and then that will be followed by a meeting on September 5th. So going through your August 22nd agenda, we have four items for public hearing, no subdivisions. And first item would be the CVS Pharmacy's request to rezone property on the southeast corner of Broadway and Providence from a mixture of M-1 and C-2 to a C-P, planned business district, and that includes a C-P development plan for the site. On the right side of your screen, we've got a housekeeping type item where the building -- the Performing Arts Center by Corporate Lake is split zoned C-1 and C-3 currently, and they are requesting to rezone the small strip which bisects the building from C-1 to C-3 to accommodate -- well, to really create a consistent zoning over the property and accommodate a potential use within the building that they

could not otherwise have, small retail accessory use, I believe. Third item is an annexation and permanent zoning to R-1, just off of South Howard Orchard Road, which is across from Steeplechase. And that is for reasons of sewer connection. Zoning is consistent with Steeplechase and the urban style city development there -- suburban, rather. And then, the fourth for the August 22nd agenda is another PUD in the same watershed that flows into Rock Bridge Park, which is a similar sidewalk variance request. And this is a request near Phillips Lake. It's on the northeast corner of Gans Road and Bearfield Road for a 21-lot single family development there with similar types of stormwater provisions. And this is another request by Crockett Engineering, so we'll see some similarities in that one. Moving along to the September 5th agenda, we've got upcoming items including a sidewalk variance request on the south side of Richland Road near Grace Lane, and then two public hearing items. And I'll flip to the slides here so you can get your bearings. We've got this bare bones locator map showing the Lake George Plat 2 site where the applicant is requesting a sidewalk variance for their frontage on Richland Road. And the residences at Old Hawthorne is what you agreed to table tonight, luckily for me this slide is correct. And finally, a PUD request. I believe it's a PUD-8 rezoning on the north side of Broadway just west of Pershing Road. So that should be quite interesting. And actually if you'd like to make a comment or decision on whether or not you'd like to go routine or complex on any of the upcoming items for September 5th. I'm not sure that we've been consistent about doing that lately.

MR. WHEELER: Do you see any reason for us to go complex on any of these items?

MR. MACINTYRE: Not so far, and I don't believe that we've been doing it lately. So, you know, if you got through tonight without it being complex, I'd say this is less complex.

MR. WHEELER: Well, complex is very hard for the Chair, so we're going to stay with routine. Everybody in agreement, say aye.

(Unanimous voice vote for approval.)

MR. WHEELER: So that's what we're going to do.

MR. MACINTYRE: On all items. Great. Thank you.

MR. WHEELER: Yes, on all items. Unless you can give us a real good reason why.

MR. MACINTYRE: I'm not going to.

MR. WHEELER: I meant the applicant.

MR. MACINTYRE: All right.

MR. WHEELER: Is that it?

MR. MACINTYRE: That's it.

VII.) COMMENTS OF COMMISSIONERS

MR. WHEELER: Appreciate everybody making an effort to be here. I know you drove in, cut your vacation short to be here this evening. We appreciate it. See everybody on the 22nd.

VIII.) ADJOURN

The meeting adjourned at 10:47 p.m.

(Off the record.)

Bill Tillotson – Secretary

Doug Wheeler - Chair