

MINUTES
PLANNING AND ZONING COMMISSION MEETING
January 23, 2014

COMMISSIONERS PRESENT

Dr. Ray Puri
Mr. Andy Lee
Mr. Steve Reichlin
Mr. Anthony Stanton
Mr. Rusty Strodtman
Mr. Bill Tillotson
Ms. Tootie Burns

COMMISSIONERS ABSENT

Mr. Doug Wheeler
Ms. Sara Loe

I) CALL TO ORDER

DR. PURI: The January 23, 2014 Planning & Zoning Commission Meeting will come to order, please. We have our new member today, Ms. Burns.

MS. BURNS: Yes.

DR. PURI: Welcome.

MS. BURNS: Thank you. Thank you. I'm pleased to be here.

II) APPROVAL OF AGENDA

DR. PURI: May we have approval of agenda? Anybody -- the Commissioners -- any problems or any issues?

MR. TILLOTSON: Approved.

DR. PURI: Mr. Tillotson moves to approve.

MR. REICHLIN: Second.

DR. PURI: Mr. Reichlin seconds. Thumbs up?

(Unanimous vote for approval.)

DR. PURI: So it is approved.

III) APPROVAL OF REGULAR MEETING MINUTES

DR. PURI: First -- I should have said Approval of Regular Meeting Minutes as well for January 9, 2014. Any issues with the meeting minutes?

MR. REICHLIN: I move for approval.

DR. PURI: Mr. Reichlin moves for approval.

MR. STANTON: I second.

DR. PURI: Mr. Stanton seconds. Thumbs up again?

(Unanimous vote for approval.)

IV) TABLING REQUESTS

Case No. 13-257

A request by ACC OP Development, LLC (contract purchaser) to rezone approximately 3.26 acres from R-3 (Medium Density Multiple-family Dwelling) to PUD-60 (Planned Unit

Development with a maximum of 60 du/ac) and variances to Sections 29-10(d)(5) and (7) and 25-43 of the City Code pertaining to PUD building height and perimeter setbacks and minimum required right-of-way width, respectively. The 3.26 acres contains 12 tracts of land located north of Turner Avenue, east of Providence Road, south of Stewart Road and west of Fifth Street. (Applicant requests that this item be tabled to the February 6, 2014 meeting).

DR. PURI: May we have a staff report, please.

Staff report was given by Mr. Pat Zenner of the Planning and Development Department. Staff recommends approval of the tabling request.

DR. PURI: Commissioners, any questions of the staff?

MR. LEE: I might have missed it, but this is the first request?

MR. ZENNER: This is the first request.

MR. LEE: Thank you.

DR. PURI: Mr. Zenner, do you think this is enough time for them to --

MR. ZENNER: I have advised the applicant that I don't believe it is enough time; however, I have not received any additional information as to changing the date that they have requested.

DR. PURI: You have explained to them the implications of the fact that -- if this would have to be tabled again?

MR. ZENNER: They are well aware.

DR. PURI: Okay. Any other questions, Commissioners?

MR. TILLOTSON: I have no questions. I say we table it and move on.

DR. PURI: Okay. Do I hear a motion?

MR. TILLOTSON: I motion to table.

MR. LEE: Second.

DR. PURI: Mr. Lee seconds. Mr. Tillotson first. May we have a roll call, please?

MR. STRODTMAN: A motion has been made to table this to the February 6th meeting.

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

MR. STRODTMAN: Motion to move to February 6th has been approved.

V) PUBLIC HEARINGS

Case No 13-222:

A request by P1316, LLC (owner) to rezone portions of property known as Discovery Park Subdivision (formerly Phillips Farm) from PUD-4, O-P, and C-P to PUD-4, O-P, and C-P development plan to be known as "Lots 5-17 Discovery Park Subdivision". The approximately 15.04 acre tract is located east of A. Perry Phillips Park, north of Gans Road, and west of US Highway 63.

DR. PURI: May we have a staff report, please.

Staff report was given by Mr. Pat Zenner of the Planning and Development Department. Staff recommends approval subject to no building permits being issued until full review of the stormwater/water quality protection plan has been completed by the Public Works Department and found to comply with the standards specified in the Ordinance 18043.

DR. PURI: Commissioners, any questions of Mr. Zenner? Mr. Reichlin?

MR. REICHLIN: Could you elaborate on the zoning -- why we have C-P and O-P zoning, and not a PUD request?

MR. ZENNER: That's an interesting question that you asked because I was going to put that in as a bullet point. Considering the nature of how the tracts are currently laid out and how the zoning exists on the property today, it was Staff's recommendation that we keep the zoning that is already in place there, but we specify it through the development plan and the statement of intent the limitations on the uses that could occur within those areas. Because we have other areas within the development that are still under the original tract zoning when it was annexed, from an accounting perspective for us and from a Staff perspective, we believed it would be easier to manage the project and do the deductions and the tracking over time by leaving the zoning classifications the same, but just redistributing their boundaries accordingly with each subsequent development plan.

DR. PURI: Anybody else for Mr. Zenner? I have a question, Mr. Zenner. This -- tying this building permits, you know, to compliance of -- I mean, tying this zoning to the building permits, you know, before the building permits are issued until the compliance of the stormwater requirements are met, you know, because of the ordinance, I mean, if the building permits are already going to take that into account, why do you want to add this to this approval?

MR. ZENNER: We, through a planned district plan -- when the action of the Commission will, one, rezone the properties and reallocate. Secondly, they will approve the development plan. In order for the applicant to pursue to the building permit side, the development plan will need to be attached to whatever building application. So when we review the building application, by including this condition as part of the site plan approval side of it -- the site plan aspect of it, we can verify, in fact, that the -- the condition of the stormwater being addressed is met before we acknowledge or allow the building permit to be issued. It's a safety net that we feel is important to just do a check and a balance to make sure that our building department doesn't issue the permit without us verifying, in fact, that the stormwater has been dealt with effectively. And it's just one of those areas that we find that it's best to be that way.

DR. PURI: But, I mean, the building permit department would automatically verify that anyway wouldn't they? Before they issue permits?

MR. ZENNER: When we deal with planned developments, the responsibility of the -- to associate that we have particular conditions addressed on a planned district normally come to us. Our stormwater staff will be engaged in the review of these commercial structures -- what we will consider commercial -- and they would be reviewing them, but we create as a check and a balance with our building staff through this type of provision that we are all -- we don't let our building staff get

ahead of us.

DR. PURI: Okay.

MR. TEDDY: -- (inaudible).

MR. ZENNER: As Mr. Teddy is pointing out, it also helps us verify that the special provisions of Ordinance 18043 have been addressed --

DR. PURI: Okay.

MR. ZENNER: -- prior to that building permit being issued.

MR. TEDDY: -- (inaudible).

DR. PURI: Okay. Commissioners, any other questions of Mr. Zenner? Okay. I see none.

This is a public hearing item, so please approach the podium if you have anything to say about this item, proponents as well as opponents. We'll open the public hearing.

PUBLIC HEARING OPENED

MR. HALL: Mike Hall, Columbia Civil Engineering Group, 3301 Berrywood Drive, here in Columbia. I'm the engineer for the project. As Mr. Zenner mentioned this evening, this is a very complicated complex issue because of the existing ordinance. And one of the things, just to kind of reiterate on the stormwater ordinance hatched with this, I feel like it -- because it is a highly complex situation, there needs to be that check and balance there in the off chance -- not to say they -- the what if scenario that the -- a portion or partial was sold off, then Brand X comes in from out of town and then they have no clue and a new City Staff engineer is reviewing plans, this is that worst case scenario catch-all for Staff to be able to have that provision in there. And so that's one of the things I just kind of wanted to make sure that that is one -- just we agree with that being put in that in this. This is not something that we are upset over anything. We know we have to comply and we want to make sure that should something happen down the road, everybody is following the same rules. So I actually -- unless there is any technical questions from an engineering or a site planning perspective, that's really the only point I wanted to make this evening.

DR. PURI: Commissioners, any questions of this speaker? Okay. Seeing none. Thank you.

MR. HALL: Thank you very much for your time.

DR. PURI: Anybody else wishing to speak on this matter? Okay. I see none. Close hearing.

PUBLIC HEARING CLOSED

DR. PURI: Commissioners, discussion?

MR. TILLOTSON: I don't really have any discussion. It seems to me that Staff has worked through all these issues pretty -- I was going to ask him to repeat that, but I thought I'd better -- I'm going to support it.

DR. PURI: Is that a motion?

MR. TILLOTSON: I make a motion to -- for approval of the proposed rezoning request, Case No. 13-222, and the proposed PUD-4, C-P and O-P development plan to be known as Lots 15 to 17 Discovery Park Subdivision, subject to no building permits being issued until full review of the

stormwater/water quality protection plan has been completed by the Public Works Department and found to comply with the standards specified within Ordinance 18043.

DR. PURI: Mr. Tillotson --

MR. STRODTMAN: I'll second.

DR. PURI: Mr. Strodtman seconds. May we have roll call, please.

MR. STRODTMAN: Let me change pens here. Just a second. A motion has been made for Item No. 13-222, and we'll not repeat all of the terminology.

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

MR. STRODTMAN: Motion carries.

DR. PURI: Okay.

Case No 13-223:

A request by P1316, LLC (owner) for approval of a C-P development plan to be known as "Lot 2 Discover Park". The subject 6.31 acre tract is located east of A. Perry Phillips Park, south of Phillips Farm Road (extended), and west of Ponderosa Street.

DR. PURI: May we have a staff report, please.

Staff report was given by Mr. Pat Zenner of the Planning and Development Department. Staff recommends approval subject to no building permits being issued until full review of the stormwater/water quality protection plan has been completed by the Public Works Department and found to comply with the standards specified in the Ordinance 18043.

DR. PURI: Commissioners, any questions of Mr. Zenner?

MR. STRODTMAN: I'm a little confused on how the -- how is there access to this site? Are they -- is that part of the road system that we saw earlier?

MR. ZENNER: Yes.

MR. STRODTMAN: Okay. So they're not coming from the north, they're coming from the south?

MR. ZENNER: No. They actually -- Ponderosa Street -- what you see is Ponderosa. To the northeast of the traffic circle that is on this plan --

MR. STRODTMAN: Correct.

MR. ZENNER: This is the existing Ponderosa --

MR. STRODTMAN: Okay.

MR. ZENNER: -- as it comes down from AC/Grindstone Parkway. The road will be reoriented into a traffic circle, come out of the traffic circle, and Ponderosa will then basically exist further down and then come into the traffic circle -- the first traffic circle that was part of Lots 5 through 17. Ponderosa then becomes basically a rearage road to a future development tract at the interchange and the main line road will basically be constructed by the developer as we move through Tracts 5

through 17 and further to the south toward Gans Road. It is a relatively ambitious road construction project that will occur with this, but will create an entirely new internal nonresidential collector street within the system.

MR. STRODTMAN: Thank you.

DR. PURI: Any other questions of Mr. Zenner, Commissioners? Seeing none. We'll open this item to Public Hearing.

PUBLIC HEARING OPENED

DR. PURI: Anybody wishing to speak about this, please approach the podium.

MR. HALL: Mike Hall, Columbia Civil Engineering Group, 3301 Berrywood Drive, here in Columbia. One thing, just as far as the -- you know, a little bit more on the access. Part of the project, like Mr. Zenner mentioned, is to reconstruct Ponderosa, essentially from the northern boundary of the property, which would be at the old Blue Acres gas station, south to where the last road improvements on TDD terminated. And those particular plans are actually in the City -- going through the City review process as we speak. One of the reasons it has taken us some time is, you know, we've taken a lot of review time with the traffic engineers at staff level to develop this roundabout that you see here to provide the -- good access flow to the future regional park as it develops by Parks & Rec. In addition, I would also -- I didn't mention this last time, but I -- this is -- both of these plans have been highly complex and complicated in nature, and I just wanted to take the time to offer my thanks to City Staff for their patience for the number of comments we have got back and forth, as well as their time and effort to work through a lot of these details on a development agreement that is ten years old that we are trying to make sure we are still in compliance with. So I just wanted to give thanks to them. Thank you.

DR. PURI: Are there any questions of this speaker? Mr. Tillotson?

MR. TILLOTSON: So this Philips Farm Road is going to come in, and it's just going to dead end at the back of that office complex?

MR. HALL: That is correct. It's going to dead end at the back of the office complex, and where it is dead ending is at the applicant's property line. The -- anything further to the west is City of Columbia Parks and Rec's land. So we're bringing it all the way up to as far as we can and be on our property, which is part of the requirements of Ordinance 18043.

MR. TILLOTSON: So there's going to be three roundabouts when this is all done?

MR. HALL: Well, yes, with this first phase. Future phases, which we've done, there will be -- on the big main road, there probably -- there will probably be at least one more roundabout internal.

MR. TILLOTSON: Thank you.

MR. HALL: You're welcome.

DR. PURI: Commissioners, any other questions of this speaker? Seeing none. Thank you.

MR. HALL: Thank you.

DR. PURI: Anybody else wishing to speak about this matter? Seeing none. Close public hearing.

PUBLIC HEARING CLOSED

DR. PURI: Discussion, Commissioners? It's pretty straightforward.

MR. TILLOTSON: I think it's pretty straight.

DR. PURI: Okay.

MR. TILLOTSON: Do you want me to do it again?

DR. PURI: Please go ahead.

MR. TILLOTSON: I'll recommend approval of the proposed C-P Development Plan 13-223 subject to no building permits being issued until full review of the stormwater/water quality protection plan has been completed by the Public Works Department and found to comply with the standards specified in Ordinance 18043.

DR. PURI: I'll second that. May we have roll call, please.

MR. STRODTMAN: Yes, sir. For Item No. 13-223.

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

MR. STRODTMAN: Motion carries.

DR. PURI: All right. Comments of the public?

VI) COMMENTS OF PUBLIC

DR. PURI: Seeing none. Comments of Staff?

VII) COMMENTS OF STAFF

MR. ZENNER: The next meeting will be February 6th for our one tabled item, and that is 13-257, ACC OP Development, LLC, the rezoning for PUD -- to PUD-60 with a development plan approval. And just so you can remember where it is -- (shows slide). That is all that we have for the February 6th agenda at this point. And it is my understanding that there may not be items for the February 20th agenda either. We will inform you of that as that is confirmed, which may possibly mean no meeting on February 20th. With that, that is all we have for you this evening. Thank you.

DR. PURI: Okay. I would like to back up on comments of staff -- or public. I imagine you wanted to speak?

MS. CAGE: I have a question.

DR. PURI: Yeah. Please approach the podium and state your name and address. And you can address the Commission.

MS. CAGE: Kendra Cage, 4818 East Schooner Road, Unit B. I drive on Peabody every day back and forth from my home, so my understanding is this is going to change -- make a lot of changes in that area. My question is is -- does -- is there going to be changes to the Discovery Parkway? And what is the tract of land that is south of Discovery Parkway that was cleared but I'm not sure what's happening, other than it has been cleared. What's happening on the south end by Gans Creek?

DR. PURI: Mr. Zenner, do you want to take a stab at that?

MR. ZENNER: Yes, if you can bear with me a moment. Let me go back to the graphic. Okay. The question that is being asked of me -- or being asked is what is going on with this parcel here. This consists of Tract 6 and 7 of the Discovery -- of the Discovery annexation and rezoning. It is zoned, if I recall correctly, C-P. Part of it is currently owned by The Insurance Group -- the back end of it here. The remaining portion of it was being used as a stock pile area for the mass grading that occurred on the subject tracts that we have been with this evening. At this point there is no development plan or development intention that has been presented to us at this point. Ultimately, you will notice that there is the interchange at this particular location and then there is the return at this location on Ponderosa. Those two components will be connected through a development plan submission that will be forthcoming at some point. There had originally been a development plan submitted for this particular project, and the concern related to the construction timing with the roadway, and it was subsequently withdrawn. And if I recall correctly, that was back in 2010. It may have been in 2011. As far as for reorienting traffic, Ma'am, can you ask that question again?

MS. GAGE: Will the Discovery Parkway be changed in any respect? Will there be --

MR. ZENNER: Interchange -- the interchange?

MS. GAGE: -- access --

MR. ZENNER: No.

MS. GAGE: -- to the interchange?

MR. ZENNER: No, it will not. In many respects part of what the original agreement was, if I recall correctly, the turning movements that are currently here, which are full access, would be -- if I recall correctly, limited. They would be coming right-in/right-out only, if I recall, and oriented more to the intersection that is currently signalized but not activated. And that's part of what the overall plan was. Now, how that may be facilitated over time is still yet to be determined between MoDOT and the City, and may likely deal with also the development that is proposed on the corner at the interchange to the north. To the south, at this point, we don't know. I doubt anything will change on the southern portion of the interchange or Gans, but no redesign of any of the interchange on or off ramps.

MS. GAGE: Thank you.

DR. PURI: Is that satisfactory?

MS. GAGE: Thank you. Uh-huh.

DR. PURI: Okay.

MR. HALL: -- (inaudible).

MR. ZENNER: Oh, the western roundabout?

MR. HALL: Yeah.

MR. ZENNER: That is correct. Mr. Hall mentions to me -- and this was an item that was on the actual plat for Discovery Park Plat 2A, there is a roundabout that will be installed or that we obtained right-of-way for that is down at the intersection of East Gans and a future internal roadway that was part of the supplemental road system for the Discovery Property that Trittenbach Development owns

at this point. That is yet to be determined. We do not have the property on the southern portion of Gans Road to mirror that roundabout at that point, but as many of you may be aware, the County had completed -- along with, I believe, participation by the City, an overall improvement program for Gans Road, which included a series of roundabouts at our major intersections along with the potential connection of Gans to Providence extended south. And that -- basically, that overall plan, the installation of the roundabout at Gans and the completion of the intersection in the middle of the segment between the interchange and Gans Road really is the beginning of that overall vision plan that was produced by the County with the roundabouts along Gans Road. A lot of that is a result of the elevation changes and vertical curves that we have along Gans Road and trying to keep the natural beauty of the roadway instead of blowing it out to a much more intense road right-of-way. The traffic circles were seen as a way of being able to maintain the rural character. I hope that answers the question, and if there is anything else, I'll be more than happy to try to help.

DR. PURI: Thank you, Mr. Zenner. Thorough as usual. Thank you. Commissioners, any comments?

VIII) COMMENTS OF COMMISSIONERS

DR. PURI: No comments. Meeting is adjourned.

IX) ADJOURN

(The meeting was adjourned at 7:47 p.m.)