

MINUTES
CITY COUNCIL MEETING - COLUMBIA, MISSOURI
JULY 18, 2005

INTRODUCTORY

The City Council of the City of Columbia, Missouri met for a regular meeting at 7:00 p.m., on Monday, July 18, 2005, in the Council Chamber of the City of Columbia, Missouri. The roll was taken with the following results: Council Members JANKU, HUTTON, LOVELESS, NAUSER, ASH, HINDMAN and CRAYTON were present. The City Manager, City Counselor, City Clerk and various Department Heads were also present.

APPROVAL OF MINUTES

The minutes of the regular meeting of July 5, 2005, were approved unanimously by voice vote on a motion by Mr. Ash and a second by Mr. Janku.

APPROVAL AND ADJUSTMENT OF AGENDA INCLUDING CONSENT AGENDA

The agenda, including the Consent Agenda, was approved unanimously by voice vote on a motion by Mr. Loveless and a second by Mr. Hutton.

SPECIAL ITEMS

None.

SCHEDULED PUBLIC COMMENTS

None.

PUBLIC HEARINGS

B167-05 Rezoning property located on the east side of West Sexton Road (713 W. Sexton Road) and on the west side of Jackson Street (610 Jackson Street) south of Business Loop 70 West, from R-2 to C-3.

Mayor Hindman explained the Council received a request to withdraw this bill.

B217-05 Rezoning property located on the south side of Clark Lane, east of Crump Lane from R-2 and O-P to C-P.

The bill was given second reading by the Clerk.

Mr. Teddy explained the tract consisted of 16.35 acres and was annexed into the City in 1969. He noted several requests for rezoning had been received in the 1990's and the year 2000. The Metro 2020 showed this property as being within a future employment district. Access was off of Clark Lane, an unimproved minor arterial street, and City utilities were available. Staff recommended approval of the C-P zoning subject to conditions. The Commission recommended denial of the zoning because of issues concerning the current state of the roadway system adjacent to the tract.

Mayor Hindman opened the public hearing.

Craig Van Matre, an attorney with offices at 1103 E. Broadway, provided copies of his slide show presentation and noted photos of the area illustrating the changing nature of the area. He referred to two letters they sent to neighbors with houses along Crump Lane, which described their interest in the rezoning and offered to meet with them. Subsequent to that meeting, they were offering to make substantial concessions to them by way of permanent limitations incorporated in the ordinance that would restrict the use of the property in a way to protect the residences along Crump Lane. He noted a letter to the Council in his handout

information, which removed other issues that came up at the Planning and Zoning Meeting. The letter and the restrictions promised in it, he felt, would protect everyone's interests satisfactorily.

Tim Crockett, Crockett Engineering, 2608 N. Stadium, explained the site sloped from the southeast to the northwest. With the extension of Ballenger Lane and the Ballenger Lane overpass, a significant amount of traffic and noise would be generated from I-70 and the Ballenger Lane overpass. He felt this detracted it from being anything other than a commercial development. He noted his client was committed to performing a complete traffic study at the time of the C-P development plan, which would identify the appropriate improvements needed to handle the additional traffic this site would generate. The reason they were not doing the study at this point was because they were unsure of the uses. The concerns expressed by the one couple that showed up at their meeting dealt with lighting that was generated from a commercial development, the amount of traffic from this site that would access Crump Lane and the amount of noise that would be generated by a commercial development. They discussed the use of fixtures, shielding and lighting placement, which seemed to satisfy their concerns. In regards to traffic, their proposal was to restrict any access from the site to Crump Lane until such time those residential properties became something other than residential. Regarding noise, their proposal was to eliminate bars, taverns and those type uses while the residences were there. They would also restrict evening deliveries from 11:00 p.m. to 6:30 a.m. He pointed out there would also be a landscaped berm.

Mr. Van Matre felt the existing properties on Crump Lane would be much more adversely affected by the construction of duplexes and the accessing of Crump Lane than they would by a berm that would shield the area and not allow any access to the commercial development from Crump Lane. He understood the Ballenger Lane overpass had not been planned yet and noted their letter committed them to no construction until the final alignment of Ballenger and the overpass was finally agreed upon per the traffic study that would be paid for and furnished by the developer. Mr. Van Matre pointed out there would not be any cost of acquiring right-of-way for Ballenger, if the zoning was granted, because they would not charge the City or MoDOT for the right-of-way. He asked the Council to look at the information he passed out and felt they would see no real argument against this rezoning that they had not addressed or rebutted.

Mr. Hutton asked about the minimum width of the buffer area they were committing to. Mr. Van Matre replied their letter to the neighbors indicated they would build a berm that would be at least five feet high and, assuming the normal slope requirements, at least 20 feet with landscaping on top of it. Mr. Hutton asked about the hurry to rezone if they would not be able to do anything until the location of Ballenger was finalized. Mr. Van Matre explained there had to be a financial incentive to justify the substantial up front costs of the traffic study and they wanted to reasonably, be able to assure a tenant, such as a grocery store, that when the planning process was over with, they would be able to locate there. If the contingencies, the grocery store faced in locating there, was not only an acceptable plan, but the zoning as well, the fear was that they would not sit still that long because the process tended to take up to a year or longer depending upon the nature of the request. He felt it would be different if there was an equally acceptable land use for this property, but, in their opinion, it was not usable for anything other than commercial.

Mr. Janku asked when the traffic study would be triggered and on what information would the study be based. Mr. Van Matre noted that until the alignment of Ballenger Lane was fixed, it would not be possible to attract any tenants, so it would not be possible to do any kind of pre-development work on the site. Although there was no time frame specified, as a practical matter, he felt nothing could be done without the traffic study. He pointed out the study benefited the developer more than anyone else in the area, except for the City in its desire to get Ballenger in, so there was a major incentive to work immediately towards getting

it done. He explained his client felt that once the zoning was in place, it would be relatively easy to interest somebody in helping with the traffic study. He felt there were adequate safeguards without specifying at date. Mr. Janku noted, in other rezonings, there were up-front agreements where there would only be so many fast food restaurant equivalents and etc. He felt there was nothing in the information that could be the basis for a traffic study. Mr. Van Matre pointed out they specified the number of square feet. He explained the logical and best tenant was a grocery store with ancillary retail trades and they understood that to be sufficient for a traffic study to be done with reasonable certainty. In addition, he noted that regardless of whether the tract was developed or not, the City had already established that it wanted an overpass at that location, so the issue was not what the traffic study would show, visa vie a need for the overpass, but where the best location to put the road was. It would hook up in one of two places. It would either come right down Crump Lane and hook up to existing Ballenger/Clark Lane or come over further to the east and hook up with Ballenger Lane going due north.

Judy Johnson, 1516 McKee, stated she was speaking on behalf of the Neighborhood Association. They felt this was too premature at this time and wanted to see more improvements made as far as traffic, roads and conditions. She noted neither Clark Lane or Ballenger had shoulders or sidewalks and the curve was very dangerous. The neighbors were not for C-P zoning. Ms. Johnson stated she had seen the list of excluded uses and thought it would be better to cut it down further. She commented that a grocery store sounded appealing, but pointed out there was no guarantee that it was what would go in there. She was concerned about a commercial development creating a lot of entrances and exits and felt O-P would have less traffic in and out. If they went with a strip mall, Ms. Johnson noted they would experience problems with empty stores. On behalf of the neighborhood, she asked the Council to deny the request.

Harold Lawson, 5405 Clark Lane, noted talk about property value going down, but explained his had gone up and he lived directly across the street from a business, had another business three doors east of him and had a shopping mall in the other direction four doors down. He stated that instead of his property taxes going down, they had gone way up. He felt it was not true property taxes would go down because of a business nearby.

Mr. Loveless asked Mr. Lawson if he meant his property value or property taxes. Mr. Lawson replied that his taxes were going up, so he assumed the value of his property was going up also.

Christine Clay, 1209 Crump Lane, was concerned about traffic and the safety of children in the area. She was also bothered by the fact they would not be guaranteed a grocery store, which she felt opened up the possibility of having a gas station across the street.

There being no further comment, Mayor Hindman closed the public hearing.

Mr. Hutton referenced two letters, one provided tonight and one provided previously, and thought some of the stipulations the developer agreed to were referenced in the ordinance, but not all. He noted the ordinance called for a berm at least 15 feet in width, whereas tonight they were told it would be 20 feet. He asked how to incorporate the stipulations and concessions into the ordinance without making multiple amendments. Mr. Boeckmann thought they could be incorporated by reference.

Mr. Hutton made the motion that B217-05 be amended to incorporate concessions referenced in the April 29, 2005 and July 18, 2005 letters from Mr. Van Matre. The motion was seconded by Mr. Ash and approved unanimously by voice vote. Mr. Hutton felt the berm, either 15 or 20 feet, to be insufficient. His personal preference was buffer zoning, something on the east side of Crump Lane for 100 feet or so. In addition, he did not see the hurry on the rezoning. He noted there was already a fair amount of commercial property just to the north and thought it was logical that a fair amount of this property should be commercial at some point in time, but he was not sure all of it should be commercial. His

intention was to oppose the request.

Mr. Janku understood, for these types of properties, the City did not require a plan for the entire property prior to individual parcels being planned, potentially sold off and developed. Mr. Teddy noted they would have to go through the subdivision process. Mr. Janku wondered how they would learn where the various access points on Ballenger Lane or whatever was extended, plus Clark Lane, would be. He assumed it would be part of the traffic study. He asked if that was where they would state there could only be so many access points and the locations. Mr. Glascock replied, yes. Mr. Janku asked if that would precede any potential subdivision. Mr. Glascock assumed it would. Mr. Janku explained he was trying to avoid multiple points as there were on Clark Lane.

Mr. Ash asked staff to explain the history of the opposition and wondered if it was due to the unusual roads intersecting. Mr. Teddy stated Clark Lane consisted of two lanes and met Ballenger Lane at a curve where there was a 50 mph speed limit. He noted that to be at the northwest corner of the subject property. There was also a dog-leg intersection comparing Crump Lane to McKee Street that was to the north. The centerlines of those two streets were not in alignment, which caused there to be an intersection where complicated turn maneuvers would be required onto the high speed road. Staff's recommendation to the Commission was that the request be denied as presented. He noted they would recommend C-P zoning only east of Ballenger Place extended. Mr. Teddy noted that Clark Lane was in the 2025 Transportation Plan to be upgraded. He also noted the Ballenger Lane overpass that was discussed. Staff felt the access system was not quite there yet and that the zoning was not wrong, but was premature for the infrastructure currently there.

Mr. Ash saw this as the chicken and egg argument and felt both had validity.

Mayor Hindman commented that if Ballenger were to be extended to go across I-70, it would probably go through the panhandle of this property east. He felt the right-of-way this particular owner would have control over would be pretty limited.

Mr. Ash stated he saw some logic to putting the zoning in place, but was nervous about not having enough restrictions to keep it from being developed until the roads were in place. If there were enough restrictions, he did not have a problem with the rezoning. He agreed approving this with bad roads would be a mistake. In the applicant's favor, he thought, was the current open R-2 zoning, which was unpopular.

Ms. Nauser agreed that when trying to attract a national anchor store, the developer would need to have something concrete to present. To wait until someone came with a bank or store before granting the zoning, she thought, seemed to be a detriment in the applicants favor. She agreed that road improvements needed to be in place and if they were, she thought the development should continue. She explained she felt it would be a good development for the area.

Although there was no plan required, Mr. Janku thought it would be nice to have a sense of what was going to happen in an area. He asked if the statement of intent could tie them down in terms of what the buffer would be. He noted if the grocery store backed up to the neighbors on Crump Lane, they might not like the noise, traffic and etc., but if it was moved further to the east, they might not be as concerned. He felt it was kind of like trying to figure out what uses would be appropriate in the area near Crump Lane, in addition to a buffer, that had less intense commercial uses than the major tenant. He stated he would feel better if he had a sense of what it would look like.

Mr. Van Matre offered to table the issue and bring back a comprehensive ordinance that had the restrictions or variables depending upon the alignment of Crump Lane.

Mr. Janku commented that he could see a different level of commercial use on the western side of the tract from the eastern side. Mr. Hutton agreed and stated that was his problem with it. Commercial on part of it would be appropriate, but without knowing the location of the road, he was not sure commercial would be appropriate everywhere on the site.

Mr. Loveless stated he agreed that much of this was well sited for commercial and, in particular, a neighborhood support commercial as opposed to what was further to the west, which drew more from along the Interstate and included the big box stores and fast food. Despite the developer's cooperative efforts to give right-of-way for the road and concessions to protect the neighbors, he did not think the timing was right. He pointed out it went against the long standing policy they had of buffering residential with office between commercial. He was also concerned about traffic being generated by a 250,000 square foot commercial development and dumping onto what we already knew to be a serious traffic problem.

Mayor Hindman felt the intersection called for commercial because they knew it was going to be a major intersection, although he was not sure how long it would be before that happened. Even though it was not ready to be developed as far as the infrastructure was concerned, there were arguments for saying it was a good idea to go ahead and recognize what appeared to be good planning in a sense and say this was an area that should be zoned commercial because this was where the major intersection was going to be. That would give everyone interested in developing around it notice that this was what it was going to be. On the other hand, Mayor Hindman was also concerned about whether or not the development could be prevented or what the development should be like until they knew more about the intersection.

Mr. Ash suggested they take Mr. Van Matre up on his offer to table this and see if it came back with enough assurances to suit everyone. He asked Mr. Van Matre about how long they would like this to be tabled. Mr. Van Matre stated he was agreeable to what the Council wanted.

Mr. Ash made the motion to table B217-05 to the September 19, 2005 meeting. The motion was seconded by Ms. Nauser and approved unanimously by voice vote.

B218-05 Rezoning property located on both sides of Glenstone Drive, south of the intersection of Glenstone Drive and I-70 Drive Southeast from A-1 to PUD-9; approving the Creek Pointe PUD site plan.

The bill was given second reading by the Clerk.

Mr. Teddy noted the property consisted of 6.5 acres and went down to northern boundary of the Richland Heights Mobile Home Park. The proposal included the development of six 4-unit structures totaling 24 dwelling units on the east side of Glenstone and fifteen 2-unit structures totaling 30 dwelling units on the west side of Glenstone. The property was annexed into the City in 1969. He noted a plat was filed in 1997, which divided the subject property into several lots. Street access was on Glenstone, an improved local residential street that ran through the proposed development. Hunting Field Drive was presently a stub street with an extension planned some distance to the east. He noted a street connection might be made upon redevelopment of the tract directly east of Creek Pointe. Sidewalks would be required along Glenstone Drive and Hunting Field Drive. The landscape and stormwater management plans were approved by the Public Works Department. He displayed photographs showing the interior streets that already existed. He pointed out the large utility line belonging to Central Power and lower level electrical lines beside it that were owned by the City. He explained there to be a substantial utility easement along the west boundary. One monument sign, 32 square feet in size, was proposed and was actually twice the size allowed in an equivalent R-3 zoning district. Staff recommended that no parking be allowed along the entire length of the east side of Glenstone Drive and along both sides of Glenstone Drive within 750 feet south of the intersection of I-70 Drive Southeast and Glenstone Drive. The applicant indicated he was willing to agree to the recommendation of no parking. Staff's recommendation was for disapproval of the request, although they indicated support for something of a lesser density. He noted the layout and the utility easement limited the usable rear yard area. He pointed out the Commission,

however, unanimously recommended approval of the PUD as proposed.

Mr. Janku asked if the sidewalk required to be built on the west side would go all of the way to I-70 Drive. Mr. Glascock replied yes and clarified there was a lot 20 that was part of the plat and even though it was not part of the zoning, it was part of the plat. He added that they would have three years to build it. Mr. Teddy explained there was one undivided lot on the west side of Glenstone all the way up to I-70 and as part of the subdivision process they would ordinarily be required to put the sidewalk in unless they requested a variance. Mr. Janku understood without a variance they would be required to build the sidewalk within three years. Mr. Glascock replied that was correct, for the west side. Mr. Janku asked if the utility area would be available for any type of recreational use. Mr. Teddy stated they had not identified any uses and noted the applicant was going to buffer it with a tall, solid fence and tree plantings. Mr. Janku wondered if it could be put to some sort of use given its density and the lack of a close neighborhood accessible park.

Mayor Hindman understood they were interested in doing a zero lot line so they would be closer to the street, but there had been a problem with the utilities in the front and asked for clarification. Mr. Teddy thought it was requested, as part of the concept review, that they provide a 25 foot setback in front with utility considerations being part of it. Mayor Hindman felt being closer to the street would have been a fairly good solution to the problems.

Mayor Hindman opened the public hearing.

Dan Simon, an attorney with offices at 203 Executive Building, spoke on behalf of Fred Overton, the contract purchaser of the property owned by Jack Overton. He pointed out this was coming to the Council with the affirmative recommendation from the Commission for unanimous approval with respect to the PUD-9 zoning and one dissenting vote on the development. He stated he did not know why the one commissioner voted against the plan, but in favor of the rezoning. He noted staff recommended against approval of the zoning because they felt that a PUD-6 or 7 would be more appropriate. He thought the Commission believed that the conclusion on staff's part was based on some erroneous assumptions and possibly some misplaced concerns. Although the interior street was already present, the land subject to the street easement was today owned by Jack Overton. If they had submitted this under the new PUD standards and included the land area within that street, this would be a PUD-7.3 and not a PUD-9.

Staff's primary concerns, he felt, were based on traffic. Staff concluded there would be 535 average daily trips and local residential streets were to carry no more than 500 average daily trips. Under current street construction standards, Mr. Simon pointed out, this was not a local residential street. It would be classified as a residential feeder street because it was 32 feet wide as opposed to 28 feet wide and residential feeder streets of 32 feet in width were designed to carry traffic of more than 500 average daily trips. He thought staff had some concern that part of this property might eventually receive some commercial traffic, primarily on the north part where there was now an automobile towing operation. He noted there was not any now and he did not think there would be in the future. If there was, however, he felt the street was of sufficient width to satisfy the requirements for commercial traffic, particularly if they did what they said they would in eliminating the parking on the north 750 feet of this street as well as on the entire east side of the street.

The concerns about lot formation, he thought, had to do with the requirements that they show a building envelope. Mr. Simon passed around an exhibit and stated the building envelope on the PUD plan included the entire improvement, to include the wood decks. In this case the rear yard, from the rear of the building to the fence, was not three feet, but was 13 feet. The developer was sheltering the residents from the power line and providing screening from this development for Woodridge by agreeing to install an eight foot solid wood fence. Mr. Simon pointed out the developer moved it four feet inside his line from the easement line so he could install two eastern red cedar trees. For this piece of property, which transitioned from a commercial and automobile towing operation on the north to a

mobile home park on the south and from the highest kilowatt power line in the City of Columbia on the west to an automobile junk yard and industrial land on the east, Mr. Simon asked what other use would be more suitable.

Mr. Hutton noted the statement of intent indicated a 20 foot front yard setback, but exhibit B showed a 25 foot setback and asked for clarification.

Chris Sander, project engineer with Crockett Engineering, 2608 N. Stadium, stated they were trying to pull away from the power line as much as they could, while still providing as much rear yard as possible. They proposed a 20 foot front yard setback as shown on the plan. In review of the PUD site plan, the Water & Light Department stated they would require a 25 foot front yard. He explained the sanitary sewer was going to have to be installed in the front yards because of grades and the elevation of the sewer. In addition, Central Power Cooperative was very particular about having storm sewer or sanitary sewer facilities under their lines due to safety concerns of people coming back in the future to maintain the lines and operate within them. With electric in front and back and sewer in the front, they wanted the additional building setback to allow them the room to install the electric service to the front yard. They talked about putting four-plexes on both sides of the road, but found the slope would make it necessary for basements on the west side of the road to meet the grade elevation. He pointed out a four-plex building would require the use of a retaining wall rather than a basement, which was not feasible.

Mr. Hutton understood exhibit B was correct and the 25 foot minimum setback on the front would still leave a 13 foot backyard to the fence and an additional four feet on the other side of the fence to the easement line. Mr. Sander replied that was correct.

Mr. Janku understood the statement of intent referenced 61% open space, but 21% of it was the easement area. Mr. Sander believed that was so. Mr. Janku asked whether or not the area would be available to anybody for recreational or other uses. Mr. Sander explained that when they laid out the fence for screening behind the buildings, they left a gap of maybe 6 feet centered on the property line between each of the duplex buildings. It was a narrow enough gap that there would not be a lot of visibility for Woodridge, but they were not building a wall all of the way across the back side, so it was not completely inaccessible. Mr. Janku asked if he was saying the people living in the duplexes could access that area. Mr. Sander replied, yes. Mr. Janku asked if they would have a legal right to be back there. Mr. Sander replied yes and added the property was owned by Mr. Overton and would become part of the lot the duplex was sitting on. As part of their lease to occupy the structure, they would be occupying that tract of land as well, much in the same way the Woodridge neighbors' yards extended under the power line.

Mr. Ash asked who would mow the property. Mr. Sander replied that each structure would be responsible for the area behind them. Mr. Ash noted under the new rules, this would actually be a PUD-7.3 and asked if they had zoning of 7.3 instead of 9, if they could still have built this. Mr. Sander replied that if the request was made for the density of 7.3 and the area included in the ordinance included the area under the right-of-way, the mathematics of it would be the area times the density and would yield the 54 units. The description, as it was written for the area that was being zoned with the PUD-9 designation, did not include the land area that was in the right-of-way. Mr. Ash understood they would need to adjust both the PUD number and the land that was included on it. Mr. Sander replied that was correct.

David Rogers, an attorney with offices at 813 E. Walnut, spoke on behalf of Jack Overton and stated this was the roughest piece of ground he had seen. It was covered with rocks, scrub trees and lots of trash. He noted Mr. Overton laid it out carefully so he could build a full 32 foot wide curb and gutter street accessing from I-70 Drive Southeast to the mobile homes. His idea at the time of laying it out was to put some rental housing on either side. He thought it would be a good project and thought that was the reason the Commission approved it.

Jack Overton, 1908 S. Prairie View Road, explained that he owned this property as

well as the mobile home park, which was at the south end of the property in question. He was proud of the mobile home community and wanted this property to be developed in a manner that would not only buffer Woodridge Subdivision, but the Richland Heights Mobile Home community also. After considering several plans, he thought this one would do the best job.

There being no further comment, Mayor Hindman closed the public hearing.

Mr. Janku stated he had focused on the area behind the fence because even though it might not be the most desirable spot, people might want to plant a garden or something. He noted he was in favor of granting increased density and flexibility in terms of development plans, but wanted a trade off for some amenities as well. He thought they were not seeing that in many cases.

Mr. Hutton commented that Mr. Overton indicated to him that the only concern the Woodridge neighborhood had was that the duplex development not necessarily look the same and that they be different colors. Mr. Overton indicated he was willing to do that, but he did not think that was stipulated anywhere. Mayor Hindman suggested making it part of the record. Mr. Boeckmann stated they could make it a condition of the site plan approval, but recommended going with Mayor Hindman's suggestion of making it part of the record. Mr. Hutton stated he wanted it made part of the record that the duplexes be different colors. He also stated he wanted a commitment in regards to the heavily wooded area on the west side. Because of the elevation, he knew it might not be possible to save any of the trees, but felt it would be nice to have a commitment that they would save what trees were possible to save. He did not want to see the entire site bulldozed. Mr. Simon stated that they did commit to that and that Mr. Overton had already committed to the Woodridge neighbors to do that.

Mayor Hindman was not bothered by the density. He was disappointed they could not move the building closer to the street. He understood the street was already there and that there really was not another alternative, but suggested exploring the possibility of people being able to move closer to the front in order to get a little more back yard when situations like this came along.

Mr. Ash was concerned that once they shifted from the old PUD standards to the new PUD standards, they were magically granting everyone a higher density because now all of a sudden a 9 was really a 7.3. He asked if that meant a 9 was really an 11.1. He understood Mr. Sander to say that it all depended on what land was included and in the old way the road was not part of the calculations. He was concerned that 20 years from now no one would know if it was approved under the old or new standards. He asked how staff would be able to tell, truly, how many units somebody would be able to build. Mr. Teddy stated that was something they would have to look into.

Mr. Hutton agreed and thought it would be difficult for them in the future because all of a sudden something seemed less dense but it really was just as dense or more dense than it was under the old standards.

B218-05 was given third reading with the vote recorded as follows: VOTING YES: JANKU, HUTTON, LOVELESS, NAUSER, ASH, HINDMAN, CRAYTON. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

B219-05 Rezoning property located on the northwest corner of St. Charles Road and Dorado Drive from R-1 to PUD-6.

The bill was given second reading by the Clerk.

Mr. Teddy described the property as 8.6 acres with an existing house and a number of mature trees on it. Originally, the request was for PUD-10, but was since changed to PUD-6. The property was annexed in 1964 at which time it was zoned R-1. The Metro 2020 Plan has designated this as a neighborhood district. Access would be off of St. Charles Road, an unimproved major collector street, and Dorado Drive, an improved local residential street.

The Woodridge Neighborhood Park would serve this area. The predominant zoning around the subject property was residential, either PUD or R-1, with some A-1 and O-1 southwest of the site. Mr. Teddy explained staff initially recommended denial of the request, but would support something in the area of a PUD-6 zoning. The PUD-6 recommendation was subject to payment in lieu of street construction for St. Charles Road. The applicant went on record amending the request from PUD-10 down to PUD-6. Within this zoning request was also the request to operate a pre-school out of the existing house.

Mayor Hindman opened the public hearing.

Steve Wendling, 2012 Chapel Ridge Road, explained he was the contract holder of the property and confirmed that he did decide to lower his request to a PUD-6. His intention, for the next two or three years, was to maintain the 6,500 square foot home and convert it into a pre-school center. He explained he and his wife owned the Academy of Fine Arts and Early Childhood Learning and this would be the second facility of its kind. They were a nationally accredited child care center and were planning on working toward accreditation at this facility also. He noted there were no large centers in this area. In the future, Mr. Wendling stated his plan was to build condominiums in clusters to take advantage of the large oak and hickory trees on the property. He commented that he met with the owners of the neighboring properties. The neighbors to the north were almost on board and he was still working with them. He noted they were not present to oppose it.

Mr. Hutton noted the St. Charles Village Homeowners Association wrote a letter to Planning and Zoning regarding water runoff and asked Mr. Wendling to address the water flow situation on this site. Mr. Wendling pointed out a dry weather creek between the north side of the condominiums and the south side of the subject property and stated there was a substantial amount of trees in that area. He thought since this would be a PUD-6, the biggest part of their concern would be addressed then. He stated he did not want to create runoff because the PUD-9 above already dumped water on them. He understood that was something that needed to be addressed and stated if he needed to make a larger swale or something that was rock-lined, he was not averse to doing so. Mr. Hutton noted their second point had been the tree cover on the south end of the subject property and the north end of their property. They wanted to see it maintained. Mr. Wendling noted that was where the drainage was occurring and it was something they would have to work with when they got there.

Diane Green, 3417 E. St. Charles Road, explained she was one of the owners of the 12 St. Charles Village Condominiums. She stated they wanted tree cover for buffer, drainage so they did not drown when it rained hard, the PUD-6 and to make sure that this became condo-attached housing because it would compliment what they had in their area. She noted they had been satisfied in the dealing with Mr. Wendling and she was sure each party understood where the other was coming from. Ms. Green stated they had no objections to the school, but wanted their concerns on record regarding the housing development.

There being no further comment, Mayor Hindman closed the public hearing.

Mr. Ash wondered what future improvements to St. Charles Road would be seen with the \$25 per lineal foot. He asked if they would straighten, widen, add shoulders or smooth it out. Mr. Beck stated it would be brought from unimproved standards to improved standards. Mr. Ash noted that Mr. Wendling had graciously agreed to pay it at the Planning hearing because it was just a stub with very little street frontage on it. Because the pre-school would be a large traffic generator, he asked if it would make sense to do some widening in the area to make it safer given the increased density at the intersection. He asked if there was anything staff could envision that would help the situation or if it was just the road improvements in general. Mr. Glasock thought it was the road in general and added that he did not think adding a left turn lane would do much at this location because it was on a curve and would be unexpected for the driver to have to shift over and then shift back on the

outside of the curve. Mayor Hindman assumed this could be dealt with at the time of platting. Mr. Boeckmann asked if he was referring to dedications. Mayor Hindman stated he was. Mr. Boeckmann replied they could come later.

Mayor Hindman liked the idea of turning the house into a school and the idea of the clustered development, which left a lot of open space. He was bothered slightly by the statement of intent because none of the concessions were covered in it. He noted the child care center was covered as was the condominium attached housing, but the PUD number was still 10, which was in conflict with what they were told. Mr. Loveless noted the ordinance was written as a PUD-6. Regarding the minimum percentage of the entire site to be maintained in open space, Mayor Hindman noted it was a minimum of 15%. He asked if they accepted the statement of intent, if they would have to go with that. Mr. Boeckmann recommended that if they were going to do more, it would be better to have it in the statement of intent. Mr. Ash asked how they would incorporate what was stated and suggested tabling it for a revised statement of intent.

Mr. Wendling explained the reason for the 15% was because that was the standard required to get his request in on time in order to close on the property in a timely manner and have the pre-school open and functioning by the time school started. He asked if the statement of intent could be addressed at the time of the platting. Mayor Hindman explained the purpose of the statement of intent was to give everyone assurances that the plat would come in with certain minimum standards and the goal was to allow people to get their planned development with as much ease as possible by having a statement of intent they could rely on. In this case, the statement of intent was in conflict with what Mr. Wendling had indicated. Mr. Wendling stated it was not his intent to go with the minimum.

Mr. Janku asked Mr. Wendling if he would be comfortable increasing the percent at this time. Mr. Wendling replied he had no problem with saying 25%. He explained they had to have minimum standards for playground space, which was green. He also noted there was a pond, which took up quite a bit of space.

Mr. Ash commented that it was more than the open space and noted the PUD number also needed to be changed. Mr. Hutton stated the number of units would be 51 per his calculation. Mr. Boeckmann stated if Mr. Wendling was willing to change the statement of intent to read PUD-6 with 51 units maximum and a minimum of 25% open space, he did not see a problem. The Council could approve the ordinance conditioned on a revised statement of intent. Mr. Wendling stated he was willing to make those changes and would have his engineer provide a revised statement of intent.

B219-05 was given third reading with the vote recorded as follows: VOTING YES: JANKU, HUTTON, LOVELESS, NAUSER, ASH, HINDMAN, CRAYTON. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

B220-05 Rezoning property located on the west side of Louisville Drive, extended, from R-1 to PUD-5.8.

The bill was given second reading by the Clerk.

Mr. Teddy noted that the subject tract was irregular in shape. Using the overhead, he showed an existing street, which was in Georgetown, a Boone County Subdivision, and noted they would extend it into the City. He pointed out the same street farther south was under construction currently and there would be some continuity of the local street system. The request would allow for a maximum of one dozen units. He thought six buildings were intended. Internal street access would be recommended at the time of platting and development plan submittal. The site was within a neighborhood park service area. Staff and the Commission recommended approval of the rezoning.

Mr. Janku asked about the park nearby and whether Louisville Drive would eventually

connect to it. Mr. Teddy noted the engineer was nodding and indicated it was in the overall plan.

Mayor Hindman opened the public hearing.

Bruce Beckett, an attorney with offices at 111 S. Ninth Street, explained that Louisville proceeded north along the western boundary of the City park. The reason this piece of ground had been segregated from the rest of Quail Creek West, which was all R-1 and subject of a preliminary plat already approved, was because of a creek running along the northern boundary of these two acres. They felt a PUD was appropriate because just to the south of this property was a bunch of duplexes. He noted there would only be one driveway entrance on this property onto Louisville and it would be totally segregated both topographically and via the roads from the rest of Quail Creek West. He pointed out that Quail Creek West was the rest of the applicant's development and felt this to be an appropriate transition.

There being no further comment, Mayor Hindman closed the public hearing.

B220-05 was given third reading with the vote recorded as follows; VOTING YES: JANKU, HUTTON, LOVELESS, NAUSER, ASH, HINDMAN, CRAYTON. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

B221-05 Rezoning property located on the south side of Gillespie Bridge Road, east of the intersection of Limestone Avenue and Gillespie Bridge Road from R-1 to PUD-4.5.

The bill was given second reading by the Clerk.

Mr. Beck explained this 1.32 acre tract was part of the original Vanlandingham Farm where the City negotiated land for the wastewater treatment plant.

Mr. Teddy explained this to be an application of the simplified planned unit development procedure, which was something allowed only when a single family development was proposed under a PUD. It did not require submittal of a development plan, unlike PUD's in general. He noted they would have to plat the property. The tract was oblong and ran parallel to a private roadway, which was City property and access to the wastewater treatment plant. He explained the City would not allow dwelling access directly to that roadway, so they would build a private access to four additional lots. This was designated a neighborhood district and public street access would be off of Gillespie Bridge Road. There were existing structures on the property, which were to remain. All City utilities were available to the site and there was adequate parkland in this area. It would include a total of 6 dwelling units. Staff recommended approval as did the Commission.

Mr. Janku asked how people were supposed to access the park if the private access drive was not to function as a public street. Mr. Glascock thought they would come off of Lorane at the west side.

Mr. Loveless asked how a publicly owned roadway be considered a private drive. Mr. Glascock explained it privately accessed the wastewater treatment plant. Sludge trucks came in and out daily and they did not want to impact the safety of the public. If it was a street connection, that was another question, but they felt a driveway coming off of it was a safety issue.

Because it was a private drive, Mr. Janku asked if there were any sidewalk obligations. Mr. Glascock assumed there were none. If the City built the park, Mr. Janku thought people were going to want to walk down that street. Mr. Glascock stated it was something Public Works and Parks and Recreation would work out.

Mr. Ash felt we would be making the situation less safe by forcing all of the traffic to come out on Gillespie Bridge. Mr. Glascock replied they hoped to take a lot of traffic out of the area when they built Chapel Hill and made it a through route over to Scott Boulevard where it would be signalized.

Mayor Hindman opened the public hearing.

Jay Gebhardt, 711 W. Ash, A Civil Group, explained they could not use the existing R-1 zoning and just front the houses on the road since it was not a public road and they technically did not have street frontage. In addition, he noted this land sat quite a bit higher than the access road and to put driveways in would be very difficult and expensive. They already had an existing driveway that served the two existing homes. He showed on the overhead where the other four lots would be located and how they would access off a private drive in the back. He noted if this were R-1, they would still access this off a private drive in the back because of terrain issues. He pointed out they had a setback issue with one of the buildings, but were scheduled to appear before the Board of Adjustment on August 9 to get that resolved. They had to have a six foot setback and only had a 5.64 setback. After that was resolved, they would go forward with a minor subdivision plat.

Mr. Janku asked if they would have access to the park from that private drive. Mr. Gebhardt replied, yes.

Mr. Loveless was also concerned about access to the park and asked Mr. Gebhardt if he had any plans to build sidewalks along side their privately owned private road to assist in accessing the park. Mr. Gebhardt replied that they certainly could build a four or five foot sidewalk along the driveway, but that had not come up before now. Mr. Loveless encouraged him to do so. Mr. Gebhardt thought they could incorporate it to where it would not cost that much more.

Mr. Ash noted a concern with private drives was their maintenance. He asked how they could be assured the snow and etc. would be taken care of. Mr. Gebhardt replied, initially, these would be owned by Mr. Skrabal and he would have control over that kind of thing. If he decided to sell them, there would be an ingress/egress easement that would address the maintenance and ownership of the driveway and who decided when it needed to be fixed and how the money was collected to plow the snow and all of those kinds of issues. He clarified if someone did not hold up their end of the agreement, the other neighbors could sue them or pay for it themselves. Mayor Hindman noted that was the problem because the City got the blame. When it looked like a public street, Mr. Gebhardt thought people might have a claim against the City, but this one would not look like a public street. It would look like a driveway.

There being no further comment, Mayor Hindman closed the public hearing.

B221-05 was given third reading with the vote recorded as follows: VOTING YES: JANKU, HUTTON, LOVELESS, NAUSER, ASH, HINDMAN, CRAYTON. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

B222-05 Rezoning property located west of Silvey Street and north of West Worley Street from R-1 to PUD 3.6.

The bill was given second reading by the Clerk.

Mr. Teddy explained this approximate 57 acre tract was annexed in 1969 at which time it was zoned A-1 and R-1. The A-1 portion was subsequently rezoned to R-1. It was designated as a neighborhood district and access was off of Silvey Street, an unimproved neighborhood collector street. This was another case where staff was recommending a payment in lieu of street construction. He thought Silvey Street transitioned from blacktop to gravel going north from the site and went down a very steep bluff. All City utilities were available south of the site. He pointed out a street connection in the Villas development, which was under construction to the south. Staff's recommendation was to approve the rezoning with the condition of a payment in lieu of street construction for Silvey. The Commission also recommended approval subject to the payment in lieu of street construction and recommended it become a condition of the PUD development plan approval.

Mayor Hindman opened the public hearing.

Bruce Beckett, an attorney with office at 111 S. Ninth, spoke on behalf of the applicants, Greenwing Development and Burton and Colette Schauf. He commented this PUD-3.6 request was a continuation of Vintage Falls Villas single family attached zero lot line concept that was between this tract and West Worley Street, which these developers constructed. The existing Vintage Falls was a PUD-6 so this was a substantial step down from the density of the existing Vintage Falls. Mr. Beckett pointed out the 50% greenspace in their statement of intent and noted the developer was agreeable to making the payment in lieu of street construction along Silvey, but as with the request on Vintage Falls, they were requesting the Council inject into the payment requirement that the payment made in lieu of construction be refunded after seven years, if it was not in fact used to construct Silvey Street.

Mr. Ash how much money they were talking about. Mr. Beckett thought it was about \$15,000 to \$20,000. He thought it had been \$14,000 on Vintage Falls South, but noted that had a shorter boundary line along Silvey.

Mayor Hindman thought Scott Boulevard was shown going north on the CATSO Plan and asked if it would go through here. Mr. Beckett stated it went to the west of this property and did not see any possibility of Scott going through at this location.

Mr. Janku asked about the setbacks. Mr. Gebhardt, 711 W. Ash, replied they were the same as in Vintage Falls I, an 18 foot front, 20 foot rear and a five foot side. Mr. Janku asked where the 18 feet was measured from. Mr. Gebhardt replied it was measured from the front property line to the front of the building at the garage. Mr. Janku was concerned about cars parked in driveways hanging over the sidewalk. Mr. Gebhardt thought they had demonstrated in Vintage Falls I that the 18 feet was not a problem and noted these would all have two car garages.

There being no further comment, Mayor Hindman closed the public hearing.

Mr. Ash stated he was not receptive to adding the seven year stipulation to the ordinance. Mr. Hutton asked about the impetus for the refund as far as the first Vintage Falls plat. Mr. Boeckmann explained the concept was that this was an exaction and it had to be reasonably related to the project and the money had to be spent within a reasonable period of time. Mr. Hutton asked if Mr. Boeckmann recommended they refund it last time to comply with the laws. Mr. Boeckmann replied they had done a bunch of these without refunding, but in this case the developer wanted the City to spend the money within a reasonable length of time. Legally, that was what they had to do. He did not think they could take the money and do nothing for 50 years. Mr. Gebhardt stated Jack Daugherty, the developer, requested it. He felt he was spending a lot of money on infrastructure and did not mind giving the money, but wanted to see it done in a reasonable period of time. Mr. Gebhardt also pointed out the Atkins family built Worley Street, which was 3,000 feet of the collector street, and did not ask for any participation from the City. Even though the City had an obligation for a portion of the cost, they did not ask for it. In addition, he explained he was working with Public Works to try to see what they were going to do with Silvey Street. One of the things being discussed was to cul-de-sac it, just north of the church's last entrance.

Mr. Janku asked how far Silvey would have to be extended. Mr. Gebhardt replied there was 680 feet of unimproved Silvey Street in the first section of Vintage Falls and there was probably about that amount left. He clarified they were talking about 1,400 feet of street to the top of the steep hill. Mr. Janku understood the City would not have to go all of the way to the bottom to satisfy the conditions. Mr. Gebhardt replied no and pointed out there was an agreement about this with the Vintage Falls developer. The other thing it addressed was if they paid the City the money, the City could not come back and tax bill them when they built the street. He clarified that if the money was given back, they could be tax billed.

Mr. Beck asked if the engineers had look at another way down the hill. Mr. Gebhardt

stated they looked at it about four years ago. He stated that they talked about going down a big draw, which ended up with 8% grades and met the collector street standards, but noted it was a jurisdictional stream they would be impacting, so it would be difficult to get a Corps permit. Mr. Beck asked how anyone would get to the outer roadway from Worley Street. Mr. Glascock replied they would use Strawn Road. Mr. Beck noted that was a long distance to the east.

Mr. Ash asked if they took a gravel road and turned it into a curb and guttered road, what the approximate cost would be per linear foot. Mr. Glascock guessed it would be somewhere around \$300 to \$350 per foot. Mr. Ash understood the applicant was being asked to contribute \$25 of the \$300 or \$350. He stated he was in favor of the concept spending the money if it was being taken, but was uncomfortable promising it would get done in seven years.

Mayor Hindman stated the one saving grace was the City would be entitled to tax bill, but the problem was that we would be tax billing the people who built the lots, not the developer. He also thought seven years was too fast.

Mr. Janku asked Mr. Gebhardt if they would be comfortable with 10 years. Mr. Gebhardt replied, sure.

Mayor Hindman noted the ordinance did not address this and thought a motion was needed to add it. Mr. Boeckmann clarified it read that approval of this rezoning was subject to the condition that prior to any approval of any PUD development plan, the payment of \$25 per foot be made, so nothing needed to be done at this point. Mr. Hutton stated they could if they wanted and thought they could add onto Section 3 something about the money being refunded if it was not used to build Silvey within 10 years. Mr. Boeckmann agreed they could do it that way.

Mr. Hutton made the motion that B222-05 be amended by adding wording to Section 3 stating the payment shall be returned if construction of Silvey Street has not been started within ten years of approval of the PUD development plan. The motion was seconded by Mr. Janku and approved by voice vote with Mr. Ash and Mayor Hindman voting no.

B222-05, as amended, was given third reading with the vote recorded as follows:
VOTING YES: JANKU, HUTTON, LOVELESS, NAUSER, HINDMAN, CRAYTON. VOTING NO: ASH. Bill declared enacted, reading as follows:

B223-05 Approving the Culver's Frozen Custard and Butter Burgers C-P Development Plan.

The bill was given second reading by the Clerk.

Mr. Teddy explained the location to be on the northwest corner of East Broadway and Trimble Road with the parcel size being just over one acre. A 4,900 square foot restaurant, to include drive-thru service, was being proposed. Access would be off of Broadway Bluffs Drive, which was an improved local non-residential street along the north frontage. There would be no direct driveway access allowed from this site onto East Broadway. There was a five foot sidewalk shown along the Broadway Bluffs Drive frontage and a sidewalk would also be constructed along East Broadway as part of the construction improvements underway. There were 70 on-site parking spaces, not including the drive-thru, and only 57 were required. The stormwater management and landscape plans had been approved by Public Works and 17.8% of the site was in landscaping, which exceeded the 15% minimum. Both, freestanding and wall signs, were in conformance with that allowed in C-3 commercial zoning. On-site lighting consisted of four single and two double mounted pole lights. Staff recommended approval of the C-P Plan as did the Commission.

Mayor Hindman understood the back of the building would be facing Broadway. Mr. Ash noted that question came up in the Planning and Zoning minutes and the applicant

explained there really was no back side to the building. They understood they were on Broadway and were going to try to make it look nice from all sides.

Mayor Hindman opened the public hearing.

Matthew Kierte, Engineering Surveys and Services, with offices at 1113 Fay Street, spoke on behalf of the franchisee for Culver's. He stated the entrance was facing Broadway Bluffs Drive, but they would not be looking at an eyesore from Broadway.

Gary Barris, owner/operator, 840 W. Sunset Drive, Waukesha, Wisconsin, pointed out the dumpsters would not be facing Broadway. He noted their buildings were set up in such a manner that it was difficult to tell the front from the back. The customers would be coming in from the parking lot, mainly from the Trimble Road side, and that would be the main entrance for the building. The drive-thru would wrap around toward Broadway, but it would not look like it was at the back of the building.

Mr. Janku asked if the building was consistent with the other buildings in the shopping center.

Jay Lindner, 1400 Forum Boulevard, explained they saw this very much like the Broadway Shops development where they designed buildings that were very pleasing from any view point. This would be done the same way. He passed around photos of the building and explained it would be a masonry building with a nice appeal to it. He felt it would fit in very well with the rest of the area. Mr. Lindner stated everyone involved was committed to making this something very nice for Columbia.

There being no further comment, Mayor Hindman closed the public hearing.

Mayor Hindman stated his concern about the back of the building facing Broadway was somewhat alleviated by the good record of what had already been done at the Broadway Shops.

B223-05 was given third reading with the vote recorded as follows: VOTING YES: JANKU, HUTTON, LOVELESS, NAUSER, ASH, HINDMAN, CRAYTON. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

B240-05 Authorizing construction of water main serving Cross Creek, Plat 1; providing for payment of differential costs.

The bill was given second reading by the Clerk.

Mr. Beck explained that under City policy, the City paid the difference between the larger diameter pipes for community use. In this case, the pipe would be twelve inch rather than eight inch and eight inch over a six inch pipe. The estimated cost was approximately \$9,200 and would come out of Water and Light funds.

Mayor Hindman opened the public hearing.

There being no comment, Mayor Hindman closed the public hearing.

B240-05 was given third reading with the vote recorded as follows: VOTING YES: JANKU, HUTTON, LOVELESS, NAUSER, ASH, HINDMAN, CRAYTON. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

(A) Construction of the South Grindstone Outfall Sewer - Phase 1, 2 and 3.

Item A was read by the Clerk.

Mr. Beck explained the Council held a public hearing on this particular drainage area in February. It was divided into five phases. The purpose of tonight's hearing was for the construction of the first three phases and to satisfy the State Revolving Loan Fund Program financing requirements. The estimated cost was \$4,850,000 to be paid from the sewer utility in accordance with Council adopted policy. Part of the project would be in accordance with a territorial agreement with Boone County Regional Sewer District. The size of the line was about 38 inches in diameter and 20,000 feet in length for the first three phases. He added

that in accordance with development agreement with Property Development, Inc., et al., the developer was providing the engineering and property easements for phases 2 and 3. Mr. Glascock pointed out that the developer was also providing the design on phases 2 and 3. Mr. Beck noted the next bill was a companion to Item A. It would authorize the bid call for Phases 2 and 3 through the Purchasing Agent.

Mr. Glascock pointed out that the developer was also providing the design on phases 2 and 3.

Mayor Hindman opened the public hearing.

There being no comment, Mayor Hindman closed the public hearing.

Mayor Hindman asked if a motion was needed. Mr. Beck clarified a motion was not needed due to the companion bill.

B233-05 Calling for bids for the South Grindstone Outfall Sewer - Phases 2 and 3.

The bill was given second reading by the Clerk.

Mr. Beck explained the project involved phases 2 and 3 of the South Grindstone Outfall Sewer Project and was estimated to cost \$3,400,000. Mr. Glascock added that in accordance with the development agreement with Property Development, Inc., the developer was providing the engineering and property easements for these phases. The developer was also producing the plans and all of the property for both phases was under the developer's control. He noted the two phases would begin by the end of summer and that staff was recommending approval of the bill.

Mayor Hindman opened the public hearing.

There being no comment, Mayor Hindman closed the public hearing.

Mr. Hutton asked if phase 1 was already contracted. Mr. Glascock replied it was not and explained they still had to get easements and it was currently being designed. He thought it should be under contract by next spring.

Mr. Loveless understood that phase 1 was the phase that picked up El Chaparral. Mr. Glascock replied that was correct and added it would be from the confluence up to the lagoon.

Mr. Janku made the motion that B233-05 be amended per the amendment sheet. The motion was seconded by Mr. Loveless and approved unanimously by voice vote.

B233-05, as amended, was given third reading with the vote recorded as follows:
VOTING YES: JANKU, HUTTON, LOVELESS, NAUSER, ASH, HINDMAN, CRAYTON.
VOTING NO: NO ONE. Bill declared enacted, reading as follows:

(B) Voluntary annexation of property located on the southeast corner of Bethel Church Road and Old Plank Road.

Item B was read by the Clerk.

Mr. Beck described the property as approximately 14 acres located east of the City limits in the southern portion of the City. The applicant was requesting PUD-6.7 as permanent zoning.

Mayor Hindman opened the public hearing.

There being no comment, Mayor Hindman closed the public hearing.

OLD BUSINESS

B224-05 Approving the Final Plat of Cross Creek Plat 1; authorizing a performance agreement and development agreement.

The bill was given second reading by the Clerk.

Mr. Beck explained this 16 acre tract would create 45 R-1 and PUD-7 zoned lots. He

noted a development agreement, which related to Providence and Brown School Roads, was involved.

Mr. Janku asked about the common area and at what point they would make the evaluation of whether or not to accept it as a park. He asked if there were access easements to the common area. Mr. Hutton thought it looked land-locked.

Jay Gebhardt, 711 W. Ash, explained there was a force main easement that ran diagonally. Access was 20 foot wide and ran out to the street, on top of the easement. He stated they talked to Parks and Recreation and they were not interested in the area for park purposes because of the size. They were talking to Mike Kelley who owned property to the north of this to acquire a park there, just like they acquired one off of Smiley Lane from Mr. Bass. Mr. Janku commented that he appreciated the common area.

Mr. Ash understood they were not being required to build sidewalks because they had built more than their fair share on the street. He asked where those sidewalks would fall on the City's priority list. Mr. Janku noted that if it mirrored the south side, the developer built the sidewalks on the west side because the houses that were built abutted it. The area where the City picked up the responsibility was to the east where the road still had to be built. Mr. Gebhardt explained this development agreement was modeled after the one to the south for Forest Ridge. There were no sidewalks required on either side for Providence. Mr. Ash asked if they generally graded for the sidewalks when the road was built. Mr. Gebhardt replied they graded the whole 110 foot right-of-way. This section of Providence was built and had already been graded. Mr. Ash was hopeful the City would put it on a priority list.

Mr. Ash asked about the closeness of Silver Mill Drive to Providence Road. Mr. Gebhardt explained the minimum in the subdivision regulations to be 125 feet and that this exceeded that minimum.

B224-05 was given third reading with the vote recorded as follows: VOTING YES: JANKU, HUTTON, LOVELESS, NAUSER, ASH, HINDMAN, CRAYTON. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

B225-05 Approving the Final Plat of Corporate Lake, Plat No. 14; granting a variance to the Subdivision Regulations; authorizing a performance contract.

The bill was given second reading by the Clerk.

Mr. Beck explained there was a variance attached to this final plat regarding street curvature. The plat consisted of 21.4 acres and would create 11 lots zoned a combination of O-1, C-1 and C-P. The Commission recommended approval of the request.

B225-05 was given third reading with the vote recorded as follows; VOTING YES: JANKU, HUTTON, LOVELESS, NAUSER, ASH, HINDMAN, CRAYTON. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

B232-05 Authorizing application for FY 2006 transit operating and capital assistance grants.

The bill was given second reading by the Clerk.

Mr. Beck explained this was an ongoing program and the bill would authorize him to sign applications and execute documents for acceptance with the various Federal and State operating and capital grants available to the City each year for the transit system. He noted the State operating assistance was about \$100,000 and the Federal operating assistance was expected to be about \$950,000.

B232-05 was given third reading with the vote recorded as follows: VOTING YES: JANKU, HUTTON, LOVELESS, NAUSER, ASH, HINDMAN, CRAYTON. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

B244-05 Authorizing acquisition of land currently leased for the Daniel Boone Building.

The bill was given second reading by the Clerk.

Mr. Beck explained this would authorize staff to go ahead with the purchase of two tracts of ground, which had been under a long term lease. He noted one of the tracts was immediately under this building and the other was part of the parking area just north of this building. Staff's recommendation was that these purchases be made before doing any improvements in the block.

B244-05 was given third reading with the vote recorded as follows: VOTING YES: JANKU, HUTTON, LOVELESS, NAUSER, ASH, HINDMAN, CRAYTON. VOTING NO: NO ONE. Bill declared enacted, reading as follows:

CONSENT AGENDA

The following bills were given second reading and the resolutions were read by the Clerk.

- B226-05 Approving the Final Plat of Woodland Springs Plat 5.**
- B227-05 Vacating street right-of-way for Trimble Road.**
- B228-05 Vacating street right-of-way for East Broadway and Trimble Road.**
- B229-05 Vacating utility easements in conjunction with the proposed Final Plat of Broadway Bluffs Subdivision.**
- B230-05 Approving the Final Plat of Broadway Bluffs Subdivision; authorizing a performance contract.**
- B231-05 Vacating drainage and utility easements within Vanderveen Plaza, Plat No. 2.**
- B234-05 Authorizing a Right of Use Permit with Double R Squared, Inc. to allow the installation of landscaping, an irrigation system and lighting within a portion of the Chesterfield Drive right-of-way.**
- B235-05 Authorizing acquisition of easements for the Hope Place street improvement project.**
- B236-05 Authorizing Change Order No. 1 to contract with N-J Wilson Contracting, Inc.; approving the Engineer's Final Report relating to the I-70 Drive Southwest Improvement Project.**
- B237-05 Approving the Engineer's Final Report relating to the Grindstone Creek Outfall Sewer Extension Project (H-17 and H-17N).**
- B238-05 Approving the Engineer's Final Report relating to the Columbia Regional Airport Pressure Sewer Extension Project.**
- B239-05 Accepting conveyances for drainage, sewer, sidewalk, street and utility purposes.**
- B241-05 Accepting conveyance; authorizing payment of differential costs for water main serving Greystone Subdivision, Plat 1; approving the Engineer's Final Report.**
- B242-05 Accepting a conveyance for utility purposes.**
- B243-05 Appropriating funds for the YouZeum project; authorizing an agreement**

with Health Adventure Center, Inc.

- R140-05 Setting a public hearing: voluntary annexation of property located on the north side of Thompson Road, west of Cotton Wood Drive.
- R141-05 Setting a public hearing: voluntary annexation of property located on the southwest corner of State Route WW and Rolling Hills Road.
- R142-05 Setting a public hearing: construction of the EP-1 Trunk Sewer serving the Opal Smith property.
- R143-05 Setting a public hearing: construction of water main serving Heritage Woods, Plat 1.
- R144-05 Setting a public hearing: construction of water main serving CenterState, Plat 7.
- R145-05 Setting a public hearing: construction of water main serving CenterState, Plat 8.
- R146-05 Authorizing Amendment No. 1 to the contract with the Missouri Department of Health and Senior Services for Maternal and Child Health Services.
- R147-05 Authorizing various Adopt A Spot agreements.
- R148-05 Authorizing an agreement with Premier Home Health Care, Inc. for homemaker/personal care and respite care services.
- R149-05 Authorizing an amendment to the agreement with ThreeSixty Architecture for environmental assessments relating to the Wabash Station Refurbishment Project (Phase I).
- R150-05 Authorizing the University of Missouri to temporarily close a portion of Stewart Road to allow for boiler repairs.
- R151-05 Authorizing an amendment to the CDBG and HOME programmatic agreement with the Missouri Department of Natural Resources and Advisory Council on Historic Preservation.

The bills were given third reading and the resolutions were read with the vote recorded as follows: VOTING YES: JANKU, HUTTON, LOVELESS, NAUSER, ASH, HINDMAN, CRAYTON. VOTING NO: NO ONE. Bills declared enacted and resolutions declared adopted, reading as follows:

NEW BUSINESS

- R152-05 Officially recognizing the Westwinds Park Neighborhood Association.

The resolution was read by the Clerk.

Mr. Beck described the location as generally north of Stadium, west of West Boulevard, and south of Sunset. All requirements had been met and this was ready for Council recognition.

Mayor Hindman pointed out that he lived in this neighborhood and had proposed to the neighbors they form an association. He indicated that he intended to vote in favor. Mr. Boeckmann stated his opinion was that there would be no conflict of interest for him to do so.

The vote on R152-05 was recorded as follows: VOTING YES: JANKU, HUTTON, LOVELESS, NAUSER, ASH, HINDMAN, CRAYTON. VOTING NO: NO ONE. Resolution declared adopted, reading as follows:

R153-05 Officially recognizing the Longview Neighborhood Association.

The resolution was read by the Clerk.

Mr. Beck noted this association also met the Council guidelines and was ready for Council recognition.

Mr. Ash felt the meeting minutes were homeowner association related and not neighborhood association related. He understood there was no downside to forming the association, even if they did not know what they were doing. Mr. Loveless noted the only thing the neighborhood association did over the homeowners was register with the City to make sure they received all of the appropriate correspondence relative to them.

Mr. Ash was also concerned because they were collecting dues. Mayor Hindman explained that in order to form a neighborhood association a petition was required that must be signed by more than 50% of the property owners.

Mr. Ash suggested tabling the issue and making sure the group understood what they were doing. He clarified he was a proponent of neighborhood associations, but thought they should check the documentation.

Mr. Hutton pointed out that just because the Council recognized the neighborhood association did not mean they had a legal right to collect dues. Mr. Loveless added that they were not being given any power by the Council, they were simply recognizing them.

Mr. Ash made the motion that R153-05 be tabled to the August 1, 2005 Council meeting. The motion was seconded by Ms. Crayton and was defeated by voice vote with only Mr. Ash and Ms Crayton voting in favor of it.

The vote on R153-05 was recorded as follows: VOTING YES: JANKU, HUTTON, LOVELESS, NAUSER, HINDMAN. VOTING NO: ASH, CRAYTON. Resolution declared adopted, reading as follows:

The following bills were introduced by the Mayor unless otherwise indicated, and all were given first reading:

- PR154-05 Expressing the City Council's preferences relating to rezoning and development along the North Providence Road corridor.**
- PR155-05 Expressing the City Council's preference relating to freestanding signs in C-P zoning districts.**
- B245-05 Voluntary annexation of property located on the southwest corner of State Route K and South Nursery Road; establishing permanent C-P zoning.**
- B246-05 Voluntary annexation of property located on the southeast corner of Bethel Church Road and Old Plank Road; establishing permanent PUD-6.7 zoning.**
- B247-05 Rezoning property located on the west side of South Providence Road (2400 South Providence Road) from A-1 to O-P.**
- B248-05 Approving the Providence and Third Avenue C-P Development Plan.**
- B249-05 Authorizing an annexation agreement with residents of W. B. Smith Subdivision for property located south of the intersection of State Route K and State Route 163.**
- B250-05 Approving the Final Plat of Boone's Pointe; authorizing a performance contract.**
- B251-05 Approving the Final Plat of Phoenix View Plat 1; authorizing a performance contract.**

- B252-05 Approving the Final Plat of Madison Park Plat 1; authorizing a performance contract.
- B253-05 Approving the Final Plat of The North Woods, Plat No. 1; authorizing a performance contract.
- B254-05 Calling for bids for the C-3 trunk sewer project serving the Bristol Lake Development.
- B255-05 Calling for bids for construction of Sanitary Sewer District No. 150 (Mexico Gravel Road).
- B256-05 Authorizing an agreement with the Missouri Department of Natural Resources relating to a storm water education and public outreach program; appropriating funds.
- B257-05 Authorizing an agreement with the Missouri Department of Natural Resources for the purchase of recycling equipment; appropriating funds.
- B258-05 Authorizing construction of water main serving Heritage Woods, Plat 1; providing for payment of differential costs.
- B259-05 Authorizing construction of water main serving CenterState, Plat 7; providing for payment of differential costs.
- B260-05 Authorizing construction of water main serving CenterState, Plat 8; providing for payment of differential costs.
- B261-05 Appropriating funds for COLT Railroad fuel and car hire charges.
- B262-05 Accepting conveyance; authorizing payment of differential costs for water main serving Forest Ridge, Plat 2; approving the Engineer's Final Report.
- B263-05 Accepting conveyance; authorizing payment of differential costs for water main serving BGTM Subdivision, Plat 1; approving the Engineer's Final Report.
- B264-05 Accepting conveyances for utility purposes.
- B265-05 Accepting a donation from the Wal-Mart Foundation for the purchase of a digital camera for the Police Department; appropriating funds.
- B266-05 Appropriating funds for Share the Light Program.
- B267-05 Appropriating funds for late night recreation activities at the Armory Sports Center.
- B268-05 Appropriating funds for construction of the South Grindstone Outfall Sewer, Phase 2 and 3.
- B269-05 Appropriating funds for acquisition of property currently leased for the Daniel Boone Building.

REPORTS AND PETITIONS

(A) Intra-departmental transfer of funds.

Report accepted.

(B) Bow hunting on City property.

Mr. Beck explained that last year the City permitted bow hunting on four City-owned

tracts while working with the Conservation Commission to reduce the deer population in the City. He noted questions were starting to come in about what was planned for this year.

Mr. Watkins explained staff was looking for direction from Council for them to go ahead with orientation sessions, but wanted to make sure that the Council was still in agreement. If the Council wished to hold a public hearing, they wanted a motion directing them to hold one of if the Council wanted to change the ordinance, they needed direction. Mayor Hindman asked if they needed to provide direction if they were satisfied. Mr. Watkins stated they would go ahead and hold the sessions, if the Council was satisfied with the program.

Mr. Loveless felt the program had been generally successful. He was hopeful the program could be expanded by a couple of areas. He noted City property in the Longview area where residents had experienced quite a bit of deer damage. Mr. Watkins commented that staff concern related to less than a dozen calls received before the program started and did not want to charge on without getting Council approval. Mr. Loveless suggested staff come back with ideas of other areas close to the edge of town where the program could be expanded.

Mr. Loveless made the motion that staff be directed to report back with suggestions on others areas that might be included in the program, including the area along Perche Creek heading toward McBaine.

Mr. Ash remembered the area where people were most upset was along the Grindstone Nature Area. While looking at expanding the program, he suggested removing the controversial portion and substituting another area in its place, making it complaint proof.

Mr. Loveless stated he would accept the suggestion as part of his motion. The motion was seconded by Mayor Hindman and approved unanimously by voice vote.

(C) Co-Sponsorship of Walking Path Pilot Project.

Ms. Crayton commented that she had participated in the walk along with some of her constituents last week and was hopeful it would start a trend.

Mr. Beck explained that this would call for a partnership between the City and PedNet where the City would be providing material costs for paint and signage. The estimated cost was \$1,120 with the Coalition providing the labor.

Mr. Janku made the motion that staff be directed to provide the necessary materials and assistance. The motion was seconded by Mr. Loveless.

Mayor Hindman noted that the C.A.R.E. people had called and asked about working with the PedNet Coalition. The kids involved in the C.A.R.E. program would be doing the painting.

The motion, made by Mr. Janku and seconded by Mr. Loveless, was approved unanimously by voice vote.

(D) November 8, 2005 Ballot Issue.

Mr. Beck explained the Council talked about holding two public hearings prior to passing an ordinance establishing a November 8, 2005 election. He noted numerous work sessions were held in order to come up with a list of projects for the various areas in the way of streets, parks, fire and police. In addition, two public meetings were held last week along with two citizen surveys. If the Council wished to proceed with two public hearings, staff should be directed to advertise for the public hearing. They would also need direction from the Council as to what they would like to have included in the ordinance that would be drafted for Council consideration.

Mr. Janku made the motion that staff be directed to advertise a public hearing for August 1, 2005. The motion was seconded by Mr. Loveless and approved unanimously by

voice vote.

Mr. Janku understood that Mr. Boeckmann stated there could be one ordinance with multiple parts. Mr. Boeckmann thought there would be six propositions per Council discussion at this point. He stated if the Council did nothing on the parks sales tax, it would be reduced from 1/4% to 1/8%. The proposal on the 1/8% would involve two issues. One would be to extend it for 24 months on projects in the ARC area and the other would be to extend it for 8 years for all of the other park related issues in the Parks Master Plan, such as trails and etc. Another issue involved the proposal to extend the existing capital improvements tax, which would be a split between two issues. One involved streets and sidewalks and the other involved public safety, which included fire, police and replacing emergency sirens. He did not have the time periods. Mr. Hutton understood it would be a 70/30 split. Mr. Beck explained it would be 3 years for public safety and 7 years for streets. The fifth issue would be a sales tax increase for streets and sidewalks for 1/8 of 1% for 10 years. The final issue was a development charge increase from the current 10 cents per square foot of total floor area of new construction to 50 cents. This would be phased in over a five year period.

Mr. Janku made the motion that staff be directed to prepare an ordinance to be introduced at the August 1 Council meeting containing the ballot language as described by Mr. Boeckmann. The motion was seconded by Mayor Hindman and approved unanimously by voice vote.

(E) Landscaping of Business Loop 70 and I-70 Drive Southwest Intersection.

Mr. Beck commented that a great improvement had been made to the road situation, but there was no landscaping in it yet.

Mr. Janku made the motion that staff be directed to proceed with the proposed project per the three actions outlined in the report. The motion was seconded by Mr. Loveless and approved unanimously by voice vote.

(F) Stephens Lake Park Bath House.

Mr. Beck noted that questions had come up regarding the location of the bath house, its size and the site distance from Old 63. He noted five options.

Mr. Hood stated they outlined what they felt to be the pros and cons of each option for the bath house. Based on the way the swimming area was functioning and after further review of needs, staff felt the basic need was a restroom facility. The recommendation was to eliminate the bath house, to construct a restroom facility and to shift the location to a point where it did not obstruct the view of the lake to the extent that the bath house building would have.

Mr. Hutton made the motion that the Council direct staff to proceed with their recommended option, number 5. The motion was seconded by Mr. Janku.

Mr. Ash asked if the objection with the bath house was because it was big, would block the view of the lake or would be ugly. Mr. Hutton replied it was all of that. He noted it was a huge bath house and the recommended location was basically between the lake and Old 63 so it would block the view of the lake. If it was moved up to the north, the view would not be blocked from anywhere because the hillside already blocked the view of the lake. After seeing the size of it, 38 by 52 and 2,000 square feet, he felt it was huge. He noted some savings since the cost was based upon the square footage and asked that they use it to make it a little more aesthetically pleasing as opposed to a split face concrete block building.

Mr. Ash stated he disagreed with the report where it indicated the bath house was not really needed because everyone came dressed to swim. He felt they were coming dressed

to swim because they had no choice since there was no place to change. Mr. Janku thought most people came to swim already dressed that way in most places today and if they needed some privacy, they could use the restroom. Mr. Ash was not sure that was the case.

Mr. Ash liked the staff's baby-step approach to the issue by starting with a restroom facility and proceeding with a bath house if it turned out it was really needed.

In Mr. Hutton's opinion, where the bath house was going to be placed could dramatically affect the aesthetics of the lake view. He did not think it was worth taking that chance because once they built it, they would not tear it down. Mr. Hutton would rather live without a changing facility or have to change in a restroom than base everything on practicality as opposed to aesthetics.

Mayor Hindman stated they would save some money by making it smaller and he agreed the savings should go into architectural features on the building. He was willing to add a little more money into it, if possible, to make it particularly attractive. He asked that the motion include a review of the architectural features with the idea of trying to substantially improve it. Mr. Hutton and Mr. Janku agreed to include that as friendly amendment to the motion.

The motion made by Mr. Hutton, amended by Mayor Hindman, and seconded by Mr. Janku, was approved unanimously by voice vote.

When the gift was received from the Cosmopolitan Club, Mr. Janku noted he mentioned the possibility of doing some additional things at the day shelter, like a hard court area or something like it that might be useful for the day camp kids. In addition, he asked about the possibility of having one or more of the water play areas located in other parts of the park, away from the beach. He gave as an example, near play areas, Gordon Shelter or the day camp area. Mr. Hood stated he would look into it. Regarding the existing one, Mr. Hood noted the contract was awarded to provide the materials. They were hopeful to begin construction on it during this construction season, as soon as they finished the indoor shelter building.

BOARDS AND COMMISSIONS

Upon receiving the majority vote of the Council, the following individuals were appointed to the following Boards and Commissions:

BICYCLE/PEDESTRIAN COMMISSION

Ahrens, Gregory T., 1504 Sylvan Lane, Ward 3 - term to expire 7/31/08

Walthall, Chris L., 211 Bingham Road, Ward 5 - term to expire 7/31/08

BUILDING CONSTRUCTION CODES COMMISSION

Connell, Brian D., 801 Edgewood Ave., Ward 4 - term to expire 8/1/08

Creasy, Jay O., 911 W. Rollins, Ward 4 - term to expire 8/1/08

Miller, Erik C., 3619 Southland Drive, Ward 6 - term to expire 8/1/08

Shanker, Richard A., P.O. Box 10202, Ward 6 - term to expire 8/1/08

Weber, David C., 2604 Cardinal Drive, Ward 6 - term to expire 8/1/08

COMMUNITY DEVELOPMENT COMMISSION

Kelley, Patricia A., 1007 Grand Avenue, Ward 1 - term to expire 11/1/05

DISABILITIES COMMISSION

Boustead, Robyn S., 1309 Jean Rae Drive - Ward 1 - term to expire 6/15/08

INTERNET CITIZENS ADVISORY GROUP

Nielsen, Glenn L., 1901 Walnut St. #12, Ward 3 - term to expire 10/15/07

SPECIAL BUSINESS DISTRICT BOARD OF DIRECTORS

Puckett, Victoria J., 1125 Canterbury Place, Ward 5 - term to expire 1/1/08

COMMENTS BY PUBLIC, COUNCIL AND STAFF

Ms. Nauser commented that staff did a really good job of putting the ballot information together for the public information meetings. Mayor Hindman agreed.

Mr. Ash reminded the Mayor about appointments to the Nuisance Task Force. He understood he would be sharing his list with the Council. Mayor Hindman noted the resolution indicated he was to make appointments with consent of the Council. Mr. Loveless asked if they would see something in the next packet. Mayor Hindman was hopeful he would have the list completed soon.

Mr. Ash stated he had brought the street frontage calculation issue up several weeks ago, but was told we were bound by state law. He thought they had seen several instances where the linear feet of street frontage was not an accurate metric. He noted some had been too low and thought there were examples where it could be too high as well.

Mr. Ash made the motion that staff be directed to report back on other types of metrics that might be more fair and uniform. The motion was seconded by Mr. Janku and approved unanimously by voice vote.

Regarding the mechanics of the remainder of the Sapp property that was coming up for discussion, Mr. Ash wanted to make sure that the second development agreement coming with this property also had a first and second reading due to the changes made to the first development agreement. He asked if it was being worked on and negotiated by the staff. Mr. Teddy replied they were informed that a whole new development agreement was expected.

Regarding the rezoning off of Glenstone, Mr. Ash asked if staff could look into the issue of PUD density with the new rules and what kind of impact it would have.

Mr. Ash made the motion that staff be directed to report back on the PUD density issue. The motion was seconded by Mr. Janku and approved unanimously by voice vote.

Mr. Janku noted that the COLT Railroad was doing very well and asked if they paid a PILOT and if they did not, if they could. Mr. Beck replied that they were not paying a PILOT. Mr. Janku wondered if they should start thinking about it.

Regarding the North Providence Road and the question as to when the City would be putting in sidewalks, Mayor Hindman felt the City should hold itself to more or less the same policy as they held the developers to. He noted a developer was expected to have sidewalks in within three years of the time it was platted or when the lots developed. Mr. Janku agreed and gave as an example Brown School Road. He thought they should get the appropriation in this year's budget for Providence Road sidewalks. Mayor Hindman thought funding should come out of the streets because the reason it was being done this way was because the developer contributed substantially more for building the street than was normally required. He did not think it should come out of annual sidewalks.

Mayor Hindman made the motion that staff be directed to prepare a policy resolution to be drawn up for such projects. The motion was seconded by Mr. Janku and approved unanimously by voice vote.

Mayor Hindman noted they had heard from a group, The North Columbia League, who

was very interested in upgrading 763 from the minimal standards that had been talked about. Their letter proposed there be a committee formed and headed by the Chamber of Commerce to work with MoDOT and the City. He felt if such a committee was formed, it should be a committee appointed by the City and thought the Route AC Committee could be used as a model. He commented that he would like to see the Council authorize formation of such a committee and, if it appeared appropriate, to get it appointed.

Mr. Janku made the motion that the Mayor be authorized, with the advice and consent of the Council, to appoint such a committee.

Mr. Janku stated he agreed it should be a quality road and if there were going to be public funds involved, he thought it only right that it be a publicly appointed body.

Mr. Beck pointed out they needed to make sure the project was not delayed too much or the priority might go to another location.

Mr. Loveless asked if MoDOT was on board with having official committee representation. He noted that they recognized the AC group officially. Mr. Janku thought that was yet to be flushed out, but stated he did not think they would have the same role as the City did in the AC project. He felt it was a way for the people in Columbia to sit down and work through things. Mayor Hindman noted the North Columbia League might not be in favor of it. He was just asking for authorization in case they were. Mr. Loveless asked if the Mayor would be contacting Mr. Burnam. Mayor Hindman stated he had already talked to him and they were having a meeting this afternoon, but he had not heard how things had come out.

The motion, made by Mr. Janku, was seconded by Mayor Hindman and approved unanimously by voice vote.

The meeting adjourned at 11:26 p.m.

Respectfully submitted,

Sheela Amin
City Clerk