

MINUTES
CITY COUNCIL MEETING - COLUMBIA, MISSOURI
JULY 5, 2005

INTRODUCTORY

The City Council of the City of Columbia, Missouri met for a regular meeting at 7:00 p.m., on Tuesday, July 5, 2005, in the Council Chamber of the City of Columbia, Missouri. The roll was taken with the following results: Council Members CRAYTON, JANKU, HUTTON, NAUSER, ASH and HINDMAN were present. Council Member LOVELESS was absent. The City Manager, City Counselor, City Clerk and various Department Heads were also present.

APPROVAL OF MINUTES

The minutes of the regular meeting of June 20, 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

Mayor Hindman noted that the Council would likely table all of the bills related to building code revisions.

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

SPECIAL ITEMS

None.

SCHEDULED PUBLIC COMMENTS

None.

PUBLIC HEARINGS

B187-05 Authorizing a development agreement with Property Development, Inc. and Billy and Glenda Sapp relating to annexation of property located on both sides of State Route WW, east of the present City limits.

The bill was read by the Clerk.

Mr. Teddy noted there was an error in the maps the Planning Department prepared as part of the slideshow. The maps showed a 160 acre tract, south of the south fork of Hinkson Creek, that was not included in the current request.

Mr. Watkins explained the purpose of the agreement was to identify the developer's responsibilities, the City's responsibilities and certain restrictions the developer had agreed to. The agreement also clarified issues brought up by the HARG group. Mr. Watkins noted it covered the land proposed to be annexed now and that a second agreement might be needed when the balance of the project was requested to be annexed. The first section of the agreement dealt with roads and access with the developer agreeing to pay for all improvements to WW, as recommended by the traffic study. These improvements would include improved and signalized intersections at Daniel Boone and Rolling Hills. Also included would be specific improved accesses to WW from the development. Mr. Watkins pointed out the improvements had yet to be formally approved by MoDOT, but added that he felt that they were in agreement with the proposals based upon a number of meetings. In addition, the developer was agreeing to dedicate a 106 foot right-of-way along his west property line and to extend in this right-of-way, at his cost, 28 feet improved width, Rolling

Hills from WW to his north property line. The City was agreeing to extend Rolling Hills from Sapp's north property line to Richland Road with a target date of 2010. He noted the date was subject to the availability of appropriated funds. He also noted that this extension was included, at this point, in the projects being discussed for the November ballot issue at a cost of \$2.4 million and that the Richland/Grace extension was the only road project in the area currently on the CATSO Plan. Water would be provided by Water District No. 9 and sanitary sewer would be provided as part of their agreement with the Boone County Regional Sewer District in the South Grindstone. The City was agreeing to extend the South Grindstone trunk sewer through the property to the east property line at City cost. In terms of trails, parks and green space, the developer was agreeing to donate approximately 18 acres for a public park. The donation was reviewed and supported by the City's Parks Department. The developer was agreeing to provide trail easements along the South Grindstone and around the golf course tract to end up at Grindstone Creek, which was on the east edge of the property line. Mr. Watkins noted the developer was not required to build the trails, only to dedicate easements. In addition, the developer was agreeing to impose a 100 foot building setback line from the centerline of Grindstone Creek, to construct no more than two residential units per acre and to provide a minimum green space requirement ranging from 25% to 40%, depending upon the tract. The developer would meet all of the City's land disturbance and stormwater regulations, including the use of BMP's in all stages of the development. The developer would also impose covenants on all residentially zoned land to include architectural design standards. Lighting standards would be in place to minimize off-site light pollution, particularly as part of the C-P planned area. Mr. Watkins stated, per Council direction, staff had continued to meet with the County to develop an agreement to construct paved shoulders on WW. The developer was committed to working with them toward that end. The City and County would contribute to the road improvement, but they had yet to determine an amount. He pointed out that it might be advantageous for the developer to elect to complete the work on the shoulders himself and have the City and County contribute funds to another part of the project because it might keep costs lower and benefit all concerned. He commented that it would probably require coming back with an amendment to this agreement.

Mayor Hindman opened the public hearing.

Bruce Beckett, an attorney with offices at 111 S. Ninth, spoke on behalf of the applicants. He explained that additional provisions had been inserted into the development agreement at the request of the neighbors to the east, the HARG group. He noted that the reach of this development went beyond the 804 acres because it touched all 965 acres of the developer's property in several respects. In regards to the 161 acres of his remaining land, which was south of tract 2 and south of the south fork of the Grindstone basin, the developer would be requesting R-1 zoning, if and when he annexed the property into the City. In addition, if and when annexed into the City, the 161 acres and the acreage zoned for residential purposes within the 804 acres would, in the aggregate, be limited to a residential density of two units per acre. He explained that if they were to overload the PUD areas, they would be doing so at the expense of the R-1 areas. The 100 foot building setback line would affect only the 161 acres and maybe a few tips of tract 2. Walking trail easements would be along the south fork of the Grindstone as it proceeded up to Route WW, just off the southern boundary of tract 2. The developer would dedicate 51 foot half widths from the centerline of both Rolling Hills and WW, which included the portion of Rolling Hills that was south of WW, which was entirely within the 161 acres. The purpose of that was to plan for the future expansion of Rolling Hills and WW into four lane roads. When the 161 acres developed, there would be sidewalk and pedway easements dedicated along Rolling Hills Road.

Mayor Hindman asked if the actuated traffic signals at Rolling Hills and WW would be both pedestrian and automobile actuated. Mr. Beckett replied that Mr. Sapp nodded his head in the affirmative indicating they would be pedestrian and automobile activated.

Mr. Ash noted the three entrances off of Rolling Hills Road had been crossed out in the revised agreement. Mr. Beckett explained that was because all of those entrances were along the portion of Rolling Hills Road that went into the 161 acres excluded from the annexation and zoning request.

Regarding page 6, item 3 (c), Mr. Ash asked why the easements for pedways and sidewalks were only to be on Rolling Hills instead of the previous version that had it both on WW and Rolling Hills, which had been lined out. Mr. Beckett explained that it was in two different places. He clarified that the pedways were to go all along WW on the developer's property. On the tract 3 development, the portion north of WW, it would go all of the way along WW to the east boundary line, the southeast corner of the part north of WW, and then directly to the north where it intersected with the Grindstone Creek as it passed through tract 3. The easements along Rolling Hills, north of WW, would be within 106 feet of dedicated right-of-way. South of WW, the revised agreement required them to dedicate sidewalk or pedway easements along the 161 acres that had been omitted. They were also agreeing to dedicate necessary easement along the WW boundary with tract 2. Mr. Ash asked where it was moved to within the development agreement. Mr. Beckett pointed out it had been outlined in subparagraph a of section 3.

Regarding subparagraph e of section 3, Mr. Ash noted the language saying the developer shall construct a six foot wide trail on one side of an interior street had also been stricken. Mr. Beckett explained the original agreement had anticipated that the walking trail would come down, not quite to the southeast corner of tract 3, and head up through the development until it hit the intersection of the east boundary and Grindstone Creek, but it had been moved, by agreement, to go all of the way to the southeast corner and then go due north to where the Creek intersected the eastern boundary. As a result, there was no reason to construct a six foot pedway interior to tract 3.

Renee Richmond, 6960 E. Summers Lane, spoke on behalf of the HARG group. She stated that on June 29, she and another representative of their group and Mr. Sapp had signed the statement of intent. She noted there had been a minor change to Section 1-A since the version available at the June 6th meeting. Instead of asking that shoulders be put all of the way to Olivet, they requested that they definitely be put to the edge of tract 3 and, if possible, to Olivet because they realized it might not be possible. By signing the statement of intent, Ms. Richmond commented that they felt they had come to the best resolution of their opposition to the annexation. She stated they would continue to monitor the development as it occurred to make sure the development agreement was upheld. She asked the Council to honor the statement of intent and the items they referenced in the development agreement that pertained to the negotiations they had with Mr. Sapp.

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

Mr. Hutton explained an amendment sheet was prepared and that it would add the new development agreement to the ordinance.

Mr. Hutton made the motion that B187-05 be amended per the amendment sheet. The motion was seconded by Mr. Janku and approved unanimously by voice vote.

B187-05, as amended, was read with the vote recorded as follows: VOTING YES: CRAYTON, JANKU, HUTTON, NAUSER, ASH, HINDMAN. VOTING NO: NO ONE. ABSENT: LOVELESS. Bill declared enacted, reading as follows:

B188-05 Voluntary annexation of property located on both sides of State Route WW, east of the present City limits; establishing permanent R-1, PUD and C-P zoning.

The bill was read by the Clerk.

Mr. Beck explained this would annex the 804 acres previously discussed on both sides of Route WW.

Mr. Teddy reiterated the inaccuracy in some of the maps having to do with the 161

acre tract, which he pointed out using the overhead. He noted the request was for 804 acres and the proposed permanent zonings included R-1, several types of PUD developments and C-P. Neighborhood parkland was needed in this area according to the Parks Master Plan and the developer was proposing the donation of at least 18 acres within tract 1. The south fork of the Grindstone Creek greenbelt went through the site and defined the southern boundary of tracts 1 and 2. The developer proposed easements for greenbelt and trails through the property. He noted a 100 foot riparian buffer from the centerline of the Creek that had been agreed to. The Metro 2020 plan designated this area as neighborhood district and open space. Staff recommended approval of the voluntary annexation and the requested zoning, as did the Planning and Zoning Commission with some restrictions on the uses. He displayed a list of excluded uses pertaining to the C-P or planned business district portions of the subject property and noted the Commission had added a race track, fairground and motels to the list of exclusions.

Mayor Hindman opened the public hearing.

Bruce Beckett, an attorney with offices at 111 S. Ninth, spoke on behalf of Billy and Glenda Sapp and Property Development, Inc. The statements of intent required for the PUD zoning districts provided for large variations in the types of housing, including single family detached housing, single family attached duplexes, townhouses, apartment style condominiums and small patio style homes. Mr. Beckett felt there was a purposeful correlation between this zoning request and the provisions of the Metro 2020 Plan. As staff indicated, the 2020 Plan designated this area as a neighborhood district. Within the provisions of the 2020 Plan relating to a neighborhood district, there was a neighborhood market. The plan indicated a neighborhood market should be part of a neighborhood district. He listed the criteria and felt the C-P, PUD and R-1 districts surrounding WW and Rolling Hills Road fit within the neighborhood market concept inside a neighborhood district. He noted they were requesting the right to make any C-3 permitted uses in the C-P districts with a list of excluded uses. He passed around the list of excluded uses and pointed out it was a product of a lot of talking with staff and the neighbors.

Mr. Ash asked why they left out the 161 acre portion. Mr. Beckett replied that they had been stopped on two occasions for prior annexation requests and could not come back with an identical annexation request to the prior requests, so they simply excluded the part of the development that would have been south of WW and the south fork of the Grindstone. He noted it was the developer's intention, in the future, to come back and ask the Council to annex the property. He clarified that it was a geographical boundary line that was convenient for them to exclude.

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

Mr. Ash commented that even though this had been a long and painful process, he thought the end result would be a good thing. He reiterated his concern about WW and stated he felt it was good that they were going to work on it. He noted he did not expect it to be solely the developer's responsibility and was hopeful they could work toward the 50% number to enhance the chances of getting it on MoDOT's radar.

B188-05 was read with the vote recorded as follows: VOTING YES: CRAYTON, JANKU, HUTTON, NAUSER, ASH, HINDMAN. VOTING NO: NO ONE. ABSENT: LOVELESS. Bill declared enacted, reading as follows:

B189-05 Voluntary annexation of property located on the northeast side of Strawn Road (State Route ZZ), north of West Worley Street; establishing permanent R-1 zoning.

The bill was given second reading by the Clerk.

Mr. Beck noted the request on this small tract had been recommended for approval by both the staff and the Commission. The location was displayed on the overhead.

Mayor Hindman opened the public hearing.

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

B189-05 was given third reading with the vote recorded as follows: VOTING YES: CRAYTON, JANKU, HUTTON, NAUSER, ASH, HINDMAN. VOTING NO: NO ONE. ABSENT: LOVELESS. Bill declared enacted, reading as follows:

B190-05 Voluntary annexation of property located on the east side of Wyatt Lane, north of Thompson Road; establishing permanent R-1 zoning.

The bill was given second reading by the Clerk.

Mr. Beck described this as a four acre tract located in northeast Columbia. The tract contained two single family dwelling units and some out buildings. Both staff and the Commission recommended approval of the request.

Mr. Teddy noted that street access was off of Wyatt Lane and Thompson Road. He thought there was a more recent street, Cottonwood, which also had some frontage just east of this tract.

Mayor Hindman opened the public hearing.

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

B190-05 was given third reading with the vote recorded as follows: VOTING YES: CRAYTON, JANKU, HUTTON, NAUSER, ASH, HINDMAN. VOTING NO: NO ONE. ABSENT: LOVELESS. Bill declared enacted, reading as follows:

B191-05 Voluntary annexation of property located on the north side of Prairie Lane, east of Creasy Springs Road; establishing permanent R-1 zoning.

The bill was given second reading by the Clerk.

Mr. Beck described this as a very small tract located in northwest Columbia. Both the staff and Commission recommended approval of the request.

Mayor Hindman opened the public hearing.

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

B191-05 was given third reading with the vote recorded as follows: VOTING YES: CRAYTON, JANKU, HUTTON, NAUSER, ASH, HINDMAN. VOTING NO: NO ONE. ABSENT: LOVELESS. Bill declared enacted, reading as follows:

B192-05 Approving the Woodland Springs Lot 101A C-P development plan.

The bill was given second reading by the Clerk.

Mr. Beck noted this lot was slightly over one and one-half acres. Staff recommended approval subject to some sign restrictions and the Commission recommended approval with a variance allowing one pole sign along the Interstate.

Mr. Teddy explained this to be the site of the proposed China Garden Restaurant. The discussion of the sign, he stated, involved it being a freestanding sign that would be allowed, if the site had expressway frontage, which it did not. Staff recommended the sign meet the ordinary C-3 standards.

Mayor Hindman opened the public hearing.

Neal Slattery, A Civil Group, and Kevin Kearns, Woodland Springs Properties, addressed the request for additional signage. Mr. Slattery stated they were requesting a taller freestanding sign and a little more square footage on the wall signs. He explained the site was about four or five feet below the elevation of the curb on Clark Lane. That and the visibility, coming from the east and the west, was why they were asking for more. He noted they wanted one 30 feet tall, but they understood that to be excessive, so they were requesting something compatible with what was next to it at the Hampton Inn. Mr. Slattery noted that sign was approximately 25 feet tall with the square footage being around 100 square feet. He reiterated the site was depressed and that it dropped off significantly to the

south.

Mr. Hutton understood sign height to be based on the street next to it. Mr. Teddy replied it was a function of the zoning and the distance from that street. Mr. Hutton asked if this 21.5 foot measurement was from the site or from the road. Mr. Janku thought sign height took into account the adjacent roadway and that it was determined based on its relationship to the roadway. Mr. Beck replied it was the average elevation.

Mr. Slattery explained the way they were required to present a freestanding sign on the plan was from the top of the sign to the base of the pole. It did not account for the elevation difference.

Mr. Hutton understood they were asking for a 21.5 foot sign at its location, which was four or five feet below the curb elevation. Mr. Slattery stated that was correct and added that it was compatible with what they requested on the project to the east. It would also be about five feet lower than the Hampton sign to the west.

Mayor Hindman asked if they were talking about 21.5 feet from the base of the sign, which was four feet below the road. Mr. Hutton felt the proposal was that the sign from the roadway would be about 15 feet to just under 16 feet. Mr. Slattery replied that the top of the sign would be about 15 feet above the roadway. Mr. Hutton asked about the size. Mr. Slattery replied the size was 98 square feet, which was more than the minimum allowed with C-3 zoning, but compatible with what was granted on the Gas Mart a few weeks ago. It was also about the same size as the Hampton Inn sign to the west. Mayor Hindman thought they had been told that the face of the sign was within the C-3 requirements. Mr. Slattery stated in regards to the one at the Gas Mart, the restriction approved was that the top 98 square feet would be usable area and the sign height would be 21.5.

Mr. Janku thought they were comparing apples to oranges because they had to figure out the setback of the three signs being referenced. The City's sign ordinance was set up so that the closer the sign was to the road, the sign had to be lower and smaller. If they wanted a taller or bigger sign, they would have to move back. He explained the theory to be a fairness issue for all the businesses lined up along the road. If someone were to move a bigger sign up to the street, the lower signs down the road would be blocked. He commented that the Hampton sign might be taller and bigger because it set back further. Mayor Hindman noted he was comparing it the one passed two weeks ago. Mr. Janku replied it might have also been set back further.

Mayor Hindman referred to the sign passed at the last meeting and stated his impression was that they approved it because it met the requirements of C-3. Mr. Slattery stated it was approved to allow a little more square footage than what was allowed under C-3 based on its setback off the property line. He noted that at 10 feet behind the property line, C-3 would have allowed it to be 12 feet tall and 64 square feet in size. Mayor Hindman stated that was not his understanding and reiterated that he thought they approved it because it met the requirements.

Mr. Ash noted the Planning and Zoning minutes reflected concerns about its closeness to the Creek at the back of the parking lot. He understood they were meeting the ordinance, but did not think the ordinance normally assumed there was a creek so close by. He asked if they had given any thought as to what they could do differently to alleviate the concern. Mr. Slattery stated that at the time of the discussion, Mr. Barrow thought the end of the pipe was 10 feet off the creek. He checked and found that it was 25 feet. He explained that it was located where it was because of the conditions on the site as it sloped severely from Clark Lane down to the existing creek. He pointed out they sloped the parking lot as much as they could to reduce impact on the stream. They would also have retaining walls on the down hill side. Mr. Ash asked if something could be done about retention, noting that extra things had been done in other cases. Mr. Slattery assumed he was referring to Bass Pro and the Philips tract and pointed out that those were large tracts of land. This site was pinched between the existing roadway and the creek bed. He commented that they had done everything they

could to make it a buildable site.

Mr. Janku asked about stormwater filters on the pipes. Mr. Slattery replied there were some measures that could be used where they put screens inside the filter boxes, but pointed out these plans fit the regulations currently used by the City of Columbia.

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

Mr. Janku asked about the sign being measured from the street, but the plan showing the actual height. Mr. Glascock stated the zoning regulations did not talk about where the height was measured from. He assumed it to be from the base. Mr. Slattery commented that it had been explained to him by Protective Inspection that a freestanding sign was measured from the setback behind the right-of way-line, which, in this case, was a 10 foot minimum. The wall signs were explained to be measured off the roadway, off the edge of curb and the elevation of the curb.

Mr. Janku stated he thought they should be required to meet the C-3 standards.

Mr. Janku made the motion to amend B192-05 to require the signage to not exceed the C-3 standards.

Ms. Crayton asked if bigger lots were regulated differently than smaller lots. Mr. Hutton explained it was not based on lot size, but on setback and the type of street on which it fronted.

Mayor Hindman seconded the motion made by Mr. Janku. Mr. Hutton asked for clarification regarding the motion. Mr. Boeckmann clarified the motion would add a section that stated approval of the C-P development plan was subject to the condition that freestanding signs would comply with the size and height limitations in zoning district C-3. Mr. Janku noted his motion included the wall signs as well and thought it best to say all signs. Mayor Hindman agreed and seconded the clarified motion.

The motion stating approval of the C-P development plan was subject to the condition that all signs would comply with the size and height limitations in zoning district C-3, which was made by Mr. Janku and seconded by Mayor Hindman, was approved by voice vote.

Mr. Ash commented that he had voted no at the last meeting because of full access on to Clark Lane and stated this one shared that issue. For access and stormwater reasons, he was not in favor of the request.

Mayor Hindman was also concerned about stormwater, but thought they were in an awkward spot since the ordinances allowed it. He felt they had been quite successful in making major improvements in stormwater situations, but also felt the little areas added up to larger areas.

Ms. Crayton felt problems should be taken care of up front. Mayor Hindman noted that because this was planned, they could reject it, but would be doing so in face of the ordinances that basically indicated it was ok. Mr. Janku noted that both Wal-Mart Supercenters agreed to stormwater filters, but he thought that was because it was a condition of the rezoning. Mr. Hutton pointed out that they approved one two weeks ago, which would have stormwater going into the same little creek. Mr. Janku thought it would be helpful if they had the stormwater task force report and felt this issue should be broken free from other issues they were having difficulty with. Ms. Nauser stated she did not like the stormwater issue either, but asked how they could deny something when it fell within the ordinances. Mr. Boeckmann pointed out this was not like a subdivision plat where if someone came in and met all of the requirements, the Council had to approve it. The C-P plan approval was part of the zoning process, so the Council had some flexibility.

Mr. Slattery explained there were two storm drainage structures on the site. One was shown as a flume and the other was shown as a curb inlet. He stated they could use a shield, an oil-grit separator, which would keep the grit inside the inlet along with the oil. Someone would have to maintain it down the line, but the developer was okay with installing it. They would change the structure shown as a flume to a curb inlet and pipe and put the oil-grit separator inside the inlet box.

Mr. Janku made the motion to amend B192-05 by adding the condition that both storm drainage structures on the site would be curb inlets and oil and grit separators would be included in the curb inlets. The motion was seconded by Mayor Hindman and approved unanimously by voice vote.

B192-05, as amended, was given third reading with the vote recorded as follows: VOTING YES: CRAYTON, JANKU, HUTTON, NAUSER, HINDMAN. VOTING NO: ASH. ABSENT: LOVELESS. Bill declared enacted, reading as follows:

B193-05 Approving the Woodland Springs Lot 104 C-P development plan.

The bill was given second reading by the Clerk.

Mr. Teddy described this one and one-half acre site as being one lot removed from the previous one at the south terminus of Woodland Springs Court. A Hooters Restaurant just under 5,000 square feet in size was proposed. Sidewalks were to be developed along the Clark Lane frontage, which was probably more applicable to the lots in the subdivision that had direct frontage on Clark Lane. He noted they were building 110 parking spaces, which was far in excess of the minimum requirements. Landscaping and stormwater management plans had been approved. The freestanding and wall signs conformed to the standards. This lot had expressway frontage as well as the frontage on Woodland. There would be six single and one double pole mounted lights. No neighborhood associations were involved and parkland was not an issue. Staff recommended approval of the C-P plan. The Commission also recommended approval and indicated their recommendation included a freestanding pole sign adjacent to I-70 with a surface area of 130 square feet and 30 foot height. It was amended from 125.5 square feet in size.

Mayor Hindman opened the public hearing.

Neal Slattery, A Civil Group, 1010 Fay Street, noted the signage was within C-3 regulations and offered to answer any questions.

Mr. Hutton asked about the seating capacity. Troy Bartlett, Hooters Operations, replied there would be 236 seats. Mr. Hutton inquired as to staff size. Mr. Bartlett replied that they would have 75 to 100 total on staff, including management. Mr. Hutton asked how many staff would be there at any given time. Mr. Bartlett replied approximately 20. Mr. Hutton explained his questions were generated by the number of parking spaces being requested. He noted it was slightly over double than that required by the City. He explained it was a concern because it was in the same drainage area they were concerned about and he felt adding more impervious area than necessary would add problems to the drainage area. He asked if they were convinced they needed that much parking. Mr. Bartlett stated they expected anywhere between 1,000 to 1,500 guests per day during their 12 hour open period. Page Wood with LMHT, the architectural engineering group working for Hooters of America nationwide, noted the numbers were based off of development guidelines for operating 400 plus stores over a 22 year period. He commented that there was a lot of turnover in guests.

Mr. Slattery noted they had 25% open space, which was 10% more than the minimum required. He explained that experience had taught them to want to have enough because if they did not, there could be overflow down in the street, which was something they wanted to avoid at all costs.

Mayor Hindman asked about the drainage system with the extra impervious surface and how they planned to handle it. Mr. Slattery explained that there was currently an existing pipe system at the south portion of the cul-de-sac and an existing curb inlet that went all of the way down near the arch pipe where the road crossing was. He stated that they were proposing an underground stormwater piping system.

Jay Gebhardt, A Civil Group, explained the stormwater system connected into the existing street network. It drained into the pipe, collected water from the cul-de-sac and went

down. Mr. Hutton understood none of it would go toward I-70. Mr. Gebhardt replied it would not. They would catch it all and bring it down the other way. That was why the site sloped away from I-70.

Mr. Ash asked about the possibility of shared parking. Mr. Gebhardt replied that anything was possible, but that was not what Hooters wanted. He stated that they wanted to control it and if they needed additional parking, they could talk to the hotels. His experience was that national chains wanted to provide everything they needed for themselves and not have to rely on others. He noted they would not have bought an acre and one-half, if they thought they would not need it.

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

Because this one came in off its own street as opposed to having another access for Clark Lane, Mr. Ash stated he did not have near the problem with it as he did on the last two in the same area.

B193-05 was given third reading with the vote recorded as follows: VOTING YES: CRAYTON, JANKU, HUTTON, NAUSER, ASH, HINDMAN. VOTING NO: NO ONE. ABSENT: LOVELESS. Bill declared enacted, reading as follows:

B194-05 Approving the Eastport Center (Lot 10) C-P development plan.

The bill was given second reading by the Clerk.

Mr. Teddy described the location of this site as east of Port Way and south of Bull Run Drive. The property size was 3.29 acres with the proposed development consisting of a 52,987 square foot building with the primary occupant being a furniture store. Both were local, non-residential streets and there was a traffic circle where the two streets came together. He noted a corner lot, which was not part of this development, but did include some cross access illustrated on the site plan. This plan provided for 157 vehicular parking spaces and 12 bicycle parking spaces. If the entire floor area consisted of furniture store the required parking, he felt, would compute to less. The landscape and stormwater management plans had been approved. The freestanding sign being proposed met City regulations, but the proposed wall signs exceeded what would be allowed under C-3. Because this was C-P, he noted the developer could request a greater maximum standard. Staff circulated a memo indicating the totals on the wall signs were different than originally reported. He explained 612 square feet of wall signs was requested. In the original report to the Commission, 800 square feet was reported. On-site lighting was summarized as nine pole lights, 20 feet in height, 15 building mounted lights and 2 in-grade lights. There were no issues involving parkland or greenbelts. Staff recommended approval subject to reduction of the proposed wall sign sizes so they would meet C-3 standards. The Commission recommended the proposed C-P plan with no restrictions on the signage.

Mayor Hindman opened the public hearing.

Chad Sayre, Allstate Consultants, 3312 LeMone Industrial Boulevard, noted there had been a reduction in the proposed signage following the Planning and Zoning meeting through a revised design parameter letter dated June 15, 2005.

Mr. Janku asked how the signage was calculated. Brian Connell, an architect with offices at 800 Highway 63 North, replied that because of the geometric configuration of the Ashley Home Store signage, they asked Planning and Zoning to look at how they calculated the area in square feet. He explained City ordinances required that they draw a rectangle around the sign and because of the unique nature of their signage, they asked them to consider allowing them to calculate a reduction. The Commission agreed to that. Mr. Janku asked about the unique nature. Mr. Connell explained that the "A" in Ashley was rather exaggerated and it forced the rectangle around the entire sign to capture a lot of blank area. Mr. Connell stated they calculated the signage in accordance with City ordinances and it

turned out the original consideration was exaggerated, so they simply noted to staff and the Commission that the actual calculation for the rectangular areas was less than what was originally represented.

Mayor Hindman asked what the difference was between that allowed in C-3 and what they were proposing. Mr. Glascock replied that they would be allowed one wall sign per street frontage. Mr. Sayre stated staff calculated it, but he could not locate it. He noted the signage for this building was concentrated in the one main sign on the angled portion that was towards I-70. The 612 square feet was actually calculated the way the ordinance required with the exaggerated A. The reduction in signage was done for a more exact calculation during staff review. Mr. Hutton calculated the one Ashley Furniture Home Store sign that was 12.5 x 25 would be 312.5 square feet. He asked if the other 10 x 10 sign was also a wall sign. Mr. Sayre replied yes. Mr. Hutton stated that to get to the 612.5, they had three of one and one of the other. Mr. Hutton asked about the locations. Mr. Sayre explained the locations using the overhead. Mayor Hindman asked what the C-3 zoning would allow. Mr. Hutton noted the staff report indicated that under C-3 zoning, wall signs with access on a local, non-residential street could have a maximum area of 64 square feet. He noted this site had access on two such streets, therefore they would be allowed two 64 square foot signs, which was 128 feet total.

Mr. Sayre pointed out I-70 was the focus of the signage on at least two sides and that Bull Run Drive was being looked at as an additional outer road.

Mr. Ash asked if he knew what size pole signs they could have at this location if they were going with pole signs instead of wall signs. Mr. Sayre replied he did not, but he knew the height of the pole sign and the look of the pole sign would be quite extreme. Mr. Hutton understood the sign was not based on I-70, but on Bull Run or Port Way. Mr. Glascock stated it would be based on the frontage street. Mr. Sayre pointed out, when laying out the concept, they tried to focus lighting and signage toward I-70.

Mr. Janku asked if they could have had more than one pole or monument sign in open C-3 because of the two streets. Mr. Sayre stated there were other components of the ordinance and he did not come prepared to talk about this relative to C-3. He reiterated that they focused the entire project as a planned project as far as stormwater, landscaping, etc. and the focus of the signage was towards the road. He thought that was why it came with a unanimous vote from the Commission. He noted there was a sign on the east side, which was one of the smaller signs that was not a high priority to them. He stated it was questionable that it would ever be constructed.

Mayor Hindman asked if part of the space would be used for other things. Mr. Sayre replied that there were some complimentary uses that could work, like a coffee shop. Mayor Hindman asked if they would be facing more signage issues when those came along. Mr. Sayre noted that could not be done without a revision to the C-P plan. He pointed out that on retail strip centers, if they looked at the actual amount of signage put in, it would not total per frontage in a C-3. On large frontage buildings, he felt they were fairly restricted in the amount of signage, if they tried to concentrate signage in one designed location.

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

Mr. Ash stated he did not have a problem with the wall signs because he felt it looked better than using pole signs.

Mr. Janku stated it was true that wall signs did not have the same impact as pole signs. He understood this was the first of many plans they would be seeing for this development. He recalled giving Restaurant Row more wall signage as well as having their monument signs in front. He wondered if they were setting the tone and felt it might be difficult to restrict anyone else.

Mr. Ash thought Mr. Sayre had made a good argument about the number of signs they could have if this were a strip center. He felt they were being penalized, in a way, for being a

big building because they were allowed only one small sign on each side.

Mayor Hindman was concerned about them coming back when other businesses opened up with requests for more wall signage. He pointed out that if 128 feet was what they would be entitled to, they were asking for five times that and he thought that was a substantial increase.

Ms. Crayton asked about the rule for this particular zoning. Mayor Hindman explained that because C-P was planned the Council could approve anything, but that they tended to use C-3 uses as a guide.

Mr. Sayre pointed out the actual square footage, not the squared off calculation, was 395 square feet in aggregate, if they actually counted the geometric area. He noted the wall sign on the east and reiterated they would be willing to remove it, which would reduce 100 square feet off the total aggregate of signage. He explained that if they had three 80 foot buildings or four 60 foot buildings in this location, their aggregate signage would exceed what they were proposing in C-P under C-3 regulations. He pointed out they did not feel the signs were offensive, but were willing to remove the sign on the east, which would reduce the square feet to 500 square feet, plus or minus.

Mr. Janku made the motion the B194-05 be amended to remove the east wall sign. The motion was seconded by Mayor Hindman and approved unanimously by voice vote.

Mayor Hindman made the motion that B194-05 be further amended per the amendment sheet. The motion was seconded by Mr. Ash and approved unanimously by voice vote.

Mr. Janku recognized that they were doing some innovative things with regards to stormwater and felt that was a positive.

B194-05, as amended, was given third reading with the vote recorded as follows:
VOTING YES: CRAYTON, JANKU, HUTTON, NAUSER, ASH, HINDMAN. VOTING NO: NO ONE. ABSENT: LOVELESS. Bill declared enacted, reading as follows:

(A) Voluntary annexation of property located on the southwest corner of State Route K and South Nursery Road.

Item A was read by the Clerk.

Mr. Teddy pointed out there was no change in use contemplated at this time. It was an existing garden center. He noted the tract contained approximately 2.78 acres and that this was recommended for approval by staff.

Mayor Hindman opened the public hearing.

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

(B) Construction of sanitary sewers in Sewer District No. 148 (South Garth Avenue).

Item B was read by the Clerk.

Mr. Glascock explained this sanitary sewer would serve properties located along the east side of Garth Avenue between Stewart Road and Broadway. The district would consist of 20 parcels. The resolution project estimate was \$92,000 with tax bill amounts ranging from \$1,800 to \$3,200. In accordance with the private common collector sewer policy, he pointed out the sewer utility would fund 50% of the total cost, which was approximately \$46,000. Staff was proposing to convert the existing private collector sewer into public sewer with the conversion being accomplished by installing eight new manholes and rehabilitating about 950 linear feet of existing private common collector with a cured in place pipe. Staff was recommending the rehabilitation option because it would cost \$23,000 less.

Mayor Hindman opened the public hearing.

Jason Becking, 108 S. Garth, spoke in favor of the plan saying he recognized the need for the project, particularly for his neighbors to the south. He noted that the jet out had been

installed at his request and at his expense. They built on to the back of their house and installed a new sewer line about 20 feet back. During a meeting with the staff, Mr. Becking stated they were told the entire jet out would not be rehabilitated as part of this project. He felt he had already paid for it without the 50% benefit, which was on issue, although minor. The other was the recommendation of eight manholes, two of which would be in his back yard and two of which would be in his neighbor's yard to the south. He was hopeful another way could be investigated. He pointed out that his neighbor to the south was on vacation this week, but that they would largely agree with his comments.

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

Mr. Janku asked if the City would be able to tie into the new sewer. Mr. Glascock responded that they would be using their manholes and taking their sewer into our system for maintenance. When tax billing was done, Mr. Janku asked if that could be taken into account so Mr. Becking did not have to pay for his sewer twice. Mr. Boeckmann replied that could be taken into account.

Mr. Ash asked if the neighbors would then have to pay a little bit more to make up the difference. Mr. Boeckmann replied it was a question of whether or not that was calculated into how much the people would get charged.

Mr. Hutton asked about the manholes. Mr. Glascock explained that a manhole was required at each bend. It would be difficult for them to get rid of the manholes with the four jogs there. Mr. Hutton asked if it would be a full size manhole for each one. Mr. Glascock replied it was a state requirement and thought it was 6 inches. He explained the problem was that it was a brand new line in the middle of a bad system. If they did not fix the whole problem, there would continue to be problems.

Mr. Becking asked if a manhole could be put on the outer bend somewhere in his yard or his neighbor's yard and then one on the inner bend somewhere in his yard or his neighbor's yard. Mr. Glascock explained that it was a state requirement that any time there was a change in direction there be a manhole.

Mr. Ash the motion that staff be directed to proceed with final plans and specifications for Sewer District No. 148. The motion was seconded by Mr. Hutton and approved unanimously by voice vote.

OLD BUSINESS

B195-05 Approving the Phoenix View PUD site plan.

The bill was given second reading by the Clerk.

Mr. Teddy described the site location as the south side of Clearview Drive between a new proposed street named Baseline Place and Autumn Drive, an existing street to the east. He noted the parcel extended for some distance beyond the frontage on Clearview and was behind several lots in the Clearview Subdivision. The established zoning was PUD-6 and the proposed development included 10 two-family structures making a total of 20 dwelling units. Access would be off of the proposed Baseline Street, which would be classed as a local residential street. It would also have a private drive serving the site off Baseline Street. Five foot sidewalks were proposed on both sides of Baseline and an internal walkway was proposed along the south side of the private drive. Parking was in compliance with City standards and future parking spaces were also indicated on the plan. Landscaping and stormwater management plans had been approved. Boone Electric Cooperative would serve the area and all other City utilities were available to this site. According to the Parks Master Plan, there was a need for additional City parkland in this area. Staff recommended approval of the PUD plan. The proposed plan, he pointed out, was, in essence, a PUD-5 rather than a PUD-6. After the public hearing at the Planning and Zoning meeting, the Commission by a vote of 6 to 3 recommended denial of the PUD site plan. He noted a protest petition had

been received, but it was determined to not meet the letter of the law for a legal protest.

Jay Gebhardt, A Civil Group, introduced John Payne, owner of the property, and the contract purchaser, Josh. He explained the zoning had previously been approved for the attached units they were proposing. Using a rendering, he pointed out another connection out to Providence and then to Brown School Road. Mr. Gebhardt stated he was also working on the Chow tract owned by Mr. Kelly and the Council recently revised the Major Thoroughfare Plan, which would impact that and provide a third access point for Clearview. Currently they had only one. He noted they staked Forest Ridge today for clearing and added that it would be under construction shortly. Using the drawing, he pointed out the location of sidewalks and the six foot privacy fence for screening. Mr. Gebhardt understood there were use issues noted at the Planning and Zoning Meeting. He felt the use had already been decided when it was annexed and zoned. He stated this would be one lot under one ownership and that all units would have two car garages, which counted as four parking spaces, two in the garage and two in the driveway. They would not allow parking in the 24 foot wide area. If this was a public road, he noted it would fit under the new City access road standards because it was less than 150 feet long. City standard would allow parking on one side and this plan would not, which he felt allowed more clear space for emergency vehicles than a public street.

Mr. Hutton asked how the no parking would be enforced. Mr. Gebhardt responded that because it was under one ownership, it would be a management issue and that cars would be towed. It would be part of the lease that if one parked where one was not allowed to, their car would be towed. He noted additional parking on the plan, so if they had people parking in the street and it became problematic, they could add on the pull off parkings in the three locations for people to park off the street in order to keep the street clear. In addition, if turning around became a problem, they could add it in and people could flip in and out without any problem.

Regarding the connectivity issue, Mr. Ash asked if the road would, for sure, connect to something and if they were working with the property below it. Mr. Gebhardt reiterated that they had staked it today for clearing and he talked to PGS Development, the owner to the south, who indicated they were authorizing Emery Sapp & Sons to begin construction on it. They planned on having streets in this fall, so the lots would be ready for spring. He pointed out that they would not develop this until the PGS tract was developed because they would be bringing the sewer and water to them.

Mr. Hutton asked to have the green space pointed out. Mr. Gebhardt explained it was essentially one lot, but because the public street cut the property into two, there would be one small lot that would be common. Everything else in green would also be common area and all maintained under one management. Mr. Hutton noted discussion at Planning & Zoning about a garbage and fire truck turn around at the east end. Mr. Gebhardt explained it was a driveway like in a parking lot at the Mall or anywhere else. It was just a place to pull in the driveway and turn around. He pointed out that a fire truck could not turn around on a public street. He stated he could put in a cul-de-sac, but the trucks could not use it because they were too big. He pointed out the area proposed for a dumpster on the rendering and noted trash access off of Baseline Drive. It would be screened with fencing and landscaping.

Mr. Hutton noted they would be hearing from some people not terribly happy with this plan. From reading the concerns, most should have been presented at the time of the zoning hearing as opposed to now. He felt there were some things that could be done to appease them. In his opinion, the entire north side could be a landscaped berm that would separate the two areas. Mr. Gebhardt replied they chose to do fencing, but if the Council preferred a landscaped berm, they would entertain the idea. Mr. Hutton asked what type of fencing they were planning. Mr. Gebhardt replied that it would be a minimum 6 foot ornamental fence to achieve 80% opacity. He noted that to be the zoning regulations requirement for a parking

area. They chose the fence because it would be more immediate.

Jason Chastain, 337 E. Clearview, explained that he lead the protest petition that was considered improper. His understanding was that he should have gone to each house with a notary, which he felt to be ludicrous. Mayor Hindman pointed out that the requirements were a matter of state law. He asked Mr. Chastain if he had obtained the form from the City. Mr. Chastain replied that he had and added that the way it was written made it appear that the petition only needed to be notarized by one person. Mr. Boeckmann interjected that they were not required to have a notary go with the circulator. He read from the directions, which was attached to the petition packet and clearly stated each signature on the petition must be acknowledged by a notary public in order to be counted. He stated they did not have to go door-to-door with a notary, they could have had a meeting or done it another way. He explained that the notary had to see each person sign it and state that it was signed in his or her presence. Mr. Chastain also argued that County requirements for rezoning were that everyone within 1,000 feet had to be notified within 15 days. He noted staff had gone by City regulations of 185 feet. Mr. Chastain pointed out there were a lot of young families living in this area of mostly owner occupied homes, although there were some rental. He felt this would be an island of duplexes in the middle of single family residences. He asked about the private drive where they would supposedly have another access out of their subdivision. Mr. Ash explained that the only part that would be private was where they would turn to go down to all of the duplexes. The part that connected Clearview down to the subdivision below was a public street. Until it was built, Mr. Chastain felt their traffic would only be increased along with the danger to their children. He referred to the common lot as a drainage ditch and stated it was an unbuildable lot. Mr. Chastain believed people from the neighborhood were not present at the rezoning public hearing because of ignorance due to improper notification.

Mr. Janku asked if he had any comments about the plan itself. Mr. Chastain stated he would like to see single family there. He felt the rezoning was a mistake. Mayor Hindman asked him about the opaque fence along the north boundary line as opposed to a landscaped berm. Mr. Chastain did not think either would help their situation much. He noted a lot of their kids played back there and it had served as their park over the years.

Wes Cunningham, 314 E. Winter, stated he was the Treasurer of the Clearview Neighborhood Association and passed around copies of the original plat map of the Clearview Subdivision. He noted the area in question was originally planned for single family dwellings and pointed out the parkette. He stated that they petitioned for a neighborhood improvement district over 10 years ago to improve their streets. At that time, only one notary was required after they gathered the signatures. He understood a protest petition might be different.

Kelly Hughes, 329 E. Clearview Drive, explained her home to be directly across from the subject tract. Her main concern was that it was not single family and she felt it would not fit within the neighborhood.

Ricky Remus, 32 E. Clearview Drive, pointed out the homes that had only one intersection to use. He felt the roads should be built first due to the traffic issues. He noted the number of children in the neighborhood and spoke in favor of single family homes rather than rental. As a contractor, he saw how renters took care of things as opposed to how owners took care of their own homes. He felt this would not be consistent with the single family homes in the neighborhood.

Randy Hughes, 329 E. Clearview Drive, spoke in favor of single family dwellings. Currently, they had green space directly south of them. On the west end of this property was the drainage and he believed with construction, all of the water would go straight to the drainage. He commented that it was pretty much backed up now and they got a lot of water in the street when it rained hard.

Wendy Remus, 32 E. Clearview Drive, stated she enjoyed the neighborhood and

wanted to see the integrity of it remain. She indicated there were rental duplexes in the area and had she been a part of the neighborhood when they were developed she would have stood in opposition. Because of those, they had seen some deterioration in the quality of individuals in their neighborhood. As they added more rental units to their subdivision area, she felt they would see more decline. She preferred to see more improvement and not things that would add to the deterioration of the neighborhood. She was disappointed she had not been made aware of the rezoning request.

Mr. Remus suggested, if this was approved, that they focusing attention to making one of the new, wider streets in Forest Hills the main entrance rather than going through the older subdivision.

Sandy Cunningham, 314 E. Winter, resident of the Clearview Subdivision for 25 years, commented that her concern was for the kids. She stated she would have spoken up sooner had she been notified. She could understand single family, but not duplexes.

Mayor Hindman commented that as far as the single family requirement was concerned, this was a PUD-6 zoned property, and therefore the developer had the right to develop more densely than single family. He stated that they would have to start from that point.

Although it might be the developer's right, Ms. Crayton asked if he would be around when it was done to deal with the problems that would come up. She felt the neighbors also had a right to not have a lot of added traffic. Mr. Gebhardt displayed the drawing again and pointed out a street which would come through and connect to Providence and come back down. It was his opinion, although he did not live there, that more people from Clearview would be driving through the other subdivision to get out. He showed where people would be coming out on new, wider roads. Ms. Crayton asked if the new, wider street would be built at the same time the subdivision was built. Mr. Gebhardt replied it would be built before it or with it. Regarding where people would be after this was built, he noted Josh was building this and that he would own it. People experiencing any problems would only need to call Josh and no one else.

In terms of street construction, Mr. Janku asked Mr. Gebhardt if the Council could make the occupancy contingent upon the connection being made. Mr. Gebhardt asked if he was referring to Baseline being built to the south and connecting to the south and Forest Ridge Plat 3. Mr. Janku replied he was and that it would connect into Providence Road. Mr. Gebhardt had no objections and stated it would not be a problem. He noted that Forest Ridge Plat 2 was already built and the pavement was already out there. There was probably about 500 or 600 feet of pavement needed to be built to make the connection. Mr. Janku thought it was conceivable that people would use Clearview to go west. Mr. Gebhardt felt the traffic patterns would change in the area. When the Chow property connected, Hackberry would change and the flow of traffic would change.

Mr. Remus asked what the potential was of someone being able to subdivide the four acres in the future. Mr. Hutton replied that they would have to come back through the Council and go through the entire process again. Mr. Boeckmann thought they could build the duplexes and then someone could come in with a subdivision plat in order to put it into individual lots, so they could sell them off individually. Mayor Hindman pointed out they would have to go through the subdivision process. Mr. Boeckmann replied that was correct, but asked on what basis the Council would deny it, if they met all of the subdivision ordinance requirements. Mr. Gebhardt noted the statement of intent and the plan did not show those lot lines. His understanding was that they would have to come back and revise the PUD to show the lot lines, if nothing else. Mr. Hutton agreed and pointed out the road was private. Mr. Boeckmann agreed the private road would be the deal killer.

Rodney Arens, 384 E. Hackberry, stated he was about 160 feet from the northern edge of the subject property. He had no problems with what was being built, but did have a

problem with the road. He stated it would cause a bottleneck for the drainage coming down the east side of Clearview behind Winter Street. He did not see how access out of the subdivision would be made easier. He saw Hackberry going to 763 and the proposed Providence Road being the only control on traffic in the area. He commented that had been in the 20 year plan for 30 years. He indicated there were two incidents within the last year where fire and ambulance blocked off Clearview. In addition, he noted that where this section would come in was right at a curve where kids played waiting for their school bus. He was concerned about the traffic.

Mr. Chastain asked if the Council was going to discuss the improper notification issue. Because they were not notified originally, he did not feel the rezoning to PUD was legal. Mayor Hindman explained that City policy requires notices to be sent to all property owners within 185 feet of the boundary of the land to be rezoned and added that Mr. Chastain was free to check the records to see who was sent notices. Mr. Chastain felt, because it was County property, notification should have been done according to the County notification guidelines of 1,000 feet. Mr. Hutton explained that it was based on City regulations.

Mr. Janku made the motion that B195-05 be amended by adding the wording that no occupancy permit shall be issued until there was a continuous public street connection in place from Baseline Place to Providence Road. The motion was seconded by Mr. Ash and approved unanimously by voice vote.

Mr. Ash explained that he had originally been in favor of the PUD because he thought the trade off of the extra connection was worth putting the higher density next to the existing neighborhood. Besides connectivity, they often talked about mixed use housing, infill development and making the highest and best use of land. He understood the neighbors liked the vacant field. At the Commission level, they were told it was not creative enough and that there were other things that could have been done besides this. Mr. Ash noted Mr. Gebhardt sent a letter in which he brought up a very valid point in that they presented almost the exact design back when the rezoning was done. He noted there had been no bait and switch. Because it was a little area and because it was already built up, more was not going to propagate around it. He felt it was a valid trade off to do the upzoning because it was all going to be planned. He was hopeful the single ownership issue would be a more positive result for the neighborhood than the experience they had with the duplexes in their neighborhood. He stated he was planning to vote in favor of it.

Mr. Hutton commented that the density was moot because it was already in place. He preferred to see something other than a standard duplex development, but noted the density was down to five from the six it could be. He wished the developer would have worked at appeasing the neighborhood some and thought there were still things that could be done that would help. If it were his neighborhood, his preference would be a berm and landscaping as opposed to a board fence for screening. He thought there was no question that the connectivity was an important positive. Mr. Hutton noted that Clearview was developed with 200 lots in 1970 with only one way in and out. People bought or rented out there knowing there was only one way in and out and had lived with it, but there was more traffic out there than there once was so it became more of an issue on Brown School Road. He felt the plan could be more creative.

Mr. Janku agreed with Mr. Hutton with regards to the screening. Mayor Hindman asked, since the plan called for a fence, if the developer was obligated to put one in. Mr. Boeckmann stated it would take a plan amendment to change it, but it might be minor enough that it would not have to come back to the Council. Mayor Hindman thought it would be nice to leave them the flexibility.

Mr. Chastain commented that if the Council was going to approve the request, he felt the bigger the fence, the better.

Mr. Janku stated that he had voted against the original rezoning and had even called

somebody at the time to see if they would testify. Unfortunately, they did not. For a variety of reasons, he wished it would have been left R-1. He felt it more appropriate for an R-1 to abut an existing R-1 development. He liked the two car garages and the single lot ownership, which he thought might help avoid some of the problems experienced in other duplex developments. Even though the neighborhood did not want landscaping, he was hopeful the developer would work with them on it. Mr. Boeckmann pointed out the Planning Director would have the authority to make that change.

B195-05, as amended, was given third reading with the vote recorded as follows: VOTING YES: CRAYTON, JANKU, HUTTON, NAUSER, ASH, HINDMAN. VOTING NO: NO ONE. ABSENT: LOVELESS. Bill declared enacted, reading as follows:

B196-05 Approving the Seasons Brook Estates Planned Unit Development.

The bill was given second reading by the Clerk.

Mr. Teddy described this site as being west of Brown Station Road and northeast of Highway 63 and consisting of about 12 ½ acres of land. Existing zoning on the tract was PUD-10. What was proposed was a development of 96 apartment dwelling units grouped in buildings ranging from 2 to 10 units per building, with most of them being 6 or 8 units. Access was off of Brown Station Road, an improved major collector street, and there was also one internal driveway. Staff determined, due to expected traffic generation and site line conditions on Brown Station, that a northbound left turn lane was needed. There would be a sidewalk constructed on the west side of Brown Station Road across the frontage of the property and there would be an internal walkway system along the private drives. Parking had been determined to meet City standards and the landscaping and stormwater management plans had been approved. The Neighborhood Association was The Oaks and the surrounding area was generally zoned R-2. There was also some RMH zoning nearby. No neighborhood parkland was needed, nor was there a greenbelt on the site, although there was a creek way running through the middle of the property. Staff recommended approval of the site plan subject to construction of a northbound left turn lane on Brown Station Road. The Commission recommended approval subject to the developer doing a traffic study in cooperation with City staff and a northbound left turn lane being constructed on Brown Station Road as part of the development, if it was deemed necessary by the City.

Mr. Ash wanted to make sure the Fire Department had seen this. Mr. Hutton stated they had because it was part of the staff review process. Mr. Ash also asked about the fire flow and Mafee's Meadow connecting from the north, which was questioned in the Planning minutes.

Ron Shy, 5600 S. Highway KK, spoke on behalf of Jimmy Pounds and stated he was of the understanding, based on a staff meeting he had last week with Richard Stone, that there was adequate site distance to eliminate the left turn requirement. He noted they had sent a memo in regards to that.

Regarding Mr. Ash's question relating to the Mafee's Meadow development, Mr. Shy explained there were actually three properties that adjoined this, other than the public road. He noted no preliminary plats had been filed adjacent to this property, so they could not address having agreements with any of them. They did however have provisions to extend the parking areas into all three of the properties if they became available. They were also very cautious about saying they would do every one of them because of the possibility of cut through traffic through their development.

In regards to the left turn, Mr. Ash recalled discussion in the minutes about there being more than one entrance and thought they stated the line of sight was such that there was only one spot where they could put in an entrance. Mr. Shy replied that was correct. He explained there was only one location where there was sight distance in both directions to

have entry into the subdivision. Mr. Ash felt that seemed counterintuitive to the idea that line of sight was fine and no left turn in was needed. Mr. Shy explained that the line of sight issue with regard to the left turn in had to do more with stopping sight distance on Brown Station Road itself, not necessarily entering into the subdivision or leaving it. There was adequate sight distance for that. Mr. Ash asked about the traffic study. Mr. Shy stated they knew what the counts were. It had to do with the sight distance measurement itself. A memo was sent into the City last week following the meeting with Mr. Stone. He did not know where the memo went from there, but reiterated that it was sent. He added that Mr. Stone agreed with their conclusions, which were their conclusions prior to the P & Z meeting. It was never brought out at that time either. He stated he was okay with leaving the condition in to make sure staff agreed with it. To say a left turn lane would be required, he commented, was not what they wanted to do.

Mr. Ash asked how the ordinance was currently written. Mr. Boeckmann pointed out there were two conditions in the ordinance. One was that the developer at its expense, shall have a traffic study done in cooperation with City staff and the other was the developer at his expense shall construct a northbound left-turn lane on Brown Station Road as part of the development if deemed necessary by the City. In addition, the left-turn lane would be constructed before any occupancy permits were granted for the PUD. Mr. Ash understood it would be in the ordinance unless they were to remove it. Mr. Boeckmann replied that was correct.

Mr. Ash understood nobody wanted to build a left turn lane if it was not needed because it cost money, but, he noted, this went from A-1 to a PUD-10. That was a significant increase in density with the whole trade off, in theory, being one would get the higher density and the City would get off-site improvements. He thought they should at least do the traffic study and make sure it was not needed. Mr. Hutton noted the ordinance called for that and Mr. Janku commented that Mr. Shy stated he was okay with it being left in.

B196-05 was given third reading with the vote recorded as follows: VOTING YES: CRAYTON, JANKU, HUTTON, NAUSER, ASH, HINDMAN. VOTING NO: NO ONE. ABSENT: LOVELESS. Bill declared enacted, reading as follows:

B197-05 Approving the Final Plat of Commerce Bank Plat 1; granting a variance to the Subdivision Regulations; authorizing a performance contract.

The bill was given second reading by the Clerk.

Mr. Teddy described the location of this site as being southeast of Rangeline and Brown School Road. The property consisted of 4 ½ acres and was zoned C-3. There were two existing buildings on the property and according to the plat, the two buildings, the concrete drive and the parking areas that served them were within a single lot. The drive was designed to be shared and served all three lots. Access to and from Brown School Road would be through the common location. There would be right-in/right-out access only on Rangeline. The existing drive would be the only access to Brown School Road. There were no internal streets as part of this subdivision. The variance request had to do with Rangeline. As an arterial street, 53 feet was required from the centerline. They were requesting a 40 foot dedication. There was a note on the plat indicating a reservation of property for additional right-of-way purposes; however it was not a dedication of right-of-way as he understood it.

Mr. Watkins explained that several years ago, he worked with the property owner to annex this particular site. After quite a few discussions, the City assured the owner this was a legal lot and that platting would not be required. He noted that was put in writing and he signed it himself. With that in mind, they annexed and helped solve part of the sewer problem at Boone Industrial Park, just to the south. About two years ago, the City changed

the definition of a legal lot. While it improved a number of lots and made it much smoother, this was one of the exceptions that fell through the cracks. Because of that, they were required to plat this lot prior to getting a building permit. With the exception of the dedication along 763, there was nothing unusual about this. His feeling was that they came in under one set of conditions, the City changed the rules in the middle of the game, and he was not sure the fair thing was to require them to give us the additional dedication. He noted the right-of-way would be needed for 763 and the property owners were aware of that. He commented that they had agreed not to build within that right-of-way. With the variance, the City would leave it up to MoDOT to acquire the additional 11 feet.

Mr. Janku understood there was no variance request to the sidewalk requirements. Mr. Watkins replied that was correct.

B197-05 was given third reading with the vote recorded as follows: VOTING YES: CRAYTON, JANKU, HUTTON, NAUSER, ASH, HINDMAN. VOTING NO: NO ONE. ABSENT: LOVELESS. Bill declared enacted, reading as follows:

B201-05 Amending Chapter 6 of the City Code relating to adoption of the 2003 International Building Code.

B202-05 Amending Chapter 6 of the City Code relating to adoption of the 2003 International Code Council Electrical Code Administrative Provisions.

B203-05 Amending Chapter 6 of the City Code relating to adoption of the 2003 International Plumbing Code.

B204-05 Amending Chapter 6 of the City Code relating to adoption of the 2003 International Mechanical Code.

B205-05 Amending Chapter 6 of the City Code relating to adoption of the 2003 International Residential Code for One and Two Family Dwellings.

B206-05 Amending Chapter 6 of the City Code relating to adoption of the 2003 International Property Maintenance Code.

B207-05 Amending Chapter 6 of the City Code relating to adoption of the 2003 International Fuel Gas Code.

B208-05 Amending Chapter 6 of the City Code relating to adoption of the 2003 International Existing Building Code.

B209-05 Amending Chapter 9 of the City Code relating to adoption of the 2003 International Fire Code.

Mr. Janku made the motion that B201-05, B202-05, B203-05, B204-05, B205-05, B206-05, B207-05, B208-05 and B209-05 be tabled to the September 6, 2005 Council Meeting with the idea being to discuss the code amendments at a work session. The motion was seconded by Mr. Hutton and approved unanimously by voice vote.

B210-05 Amending Chapter 14 of the City Code to prohibit parking along a section of Southridge Drive.

The bill was given second reading by the Clerk.

Mr. Beck explained this would prohibit parking for a distance of 75 feet on both sides of Southridge Drive, west of Woodland Drive, to improve sight distance near the school.

Mr. Hutton noted that the problem had been pointed out to him by a constituent. He encouraged the Council to vote in favor of the amendment.

B210-05 was given third reading with the vote recorded as follows: VOTING YES: CRAYTON, JANKU, HUTTON, NAUSER, ASH, HINDMAN. VOTING NO: NO ONE.

ABSENT: LOVELESS. Bill declared enacted, reading as follows:

B215-05 Amending Chapter 5 of the City Code relating to animals and fowl.

The bill was given second reading by the Clerk.

Ms. Browning noted seven main changes were being recommended as well as a lot of small changes, which would clean up the language. The Animal Control staff and the Prosecutor's Office worked Mr. Boeckmann to put the ordinance together. She felt the ordinance would help them with their daily operations in actually carrying out the duties of an animal control officer. Ms. Browning provided an example of how this would assist in carrying out their duties.

Mayor Hindman commented that he been told at his veterinarian's office that few people were obtaining dog licenses. Their suggestion was that a fund be set up to have the license fee go into some sort of neutering program for more enthusiasm. Ms. Browning stated they could look into it. She noted that veterinarians receive no remuneration for selling the licenses and it was also suggested a \$2.00 administrative fee or something they could tack on that would cover the cost of them filling out the forms and getting them to the licensing department be provided. Ms Browning offered to look into what they were doing in other cities that were fairly progressive to see how they could get the numbers up.

Ms. Crayton stated a constituent had talked to her about a cat problem. She asked why Animal Control would pick up dogs, but not cats. Ms. Browning explained that the ordinance pertained to dogs. She realized feral cats were a huge problem and pointed out that they loaned out cages for people to pick them up, but added they did not have the staff resources, with six officers to cover all of Boone County, to handle every dog and cat call they received. She explained the priority as a public health department had to be where rabies came from. She commented that they would always respond when someone had a bat in their home. She noted there was also the potential for dog bites. When maximizing resources, they had to consider where the greatest risk potential was, even though the most annoyance was from cats.

Mr. Hutton understood it was not illegal for cats to run loose. Ms. Browning agreed. He asked how they could justify picking them up. Ms. Browning noted there was a wild cat population and that they were delivered to the Humane Society. Animal Control was not involved. Mr. Hutton understood that if they wanted something done about it, they would need to pass an ordinance making it illegal for them to run around.

Referring to page 6, section 5-10 (b), Mr. Ash noted the penalty had been struck. He asked if had been replaced with something. Mr. Boeckmann explained there was a general penalty section and what was struck had been redundant.

B215-05 was given third reading with the vote recorded as follows: VOTING YES: CRAYTON, JANKU, HUTTON, NAUSER, ASH, HINDMAN. VOTING NO: NO ONE. ABSENT: LOVELESS. Bill declared enacted, reading as follows:

B216-05 Amending Chapter 2 of the City Code to change the name of the Finance Advisory Committee.

The bill was given second reading by the Clerk.

Mr. Beck explained this was responsive to the Council request that an ordinance be prepared based on the Committee's request that their name be changed to include auditing. This would rename the Committee as the Finance Advisory and Auditing Committee.

B216-05 was given third reading with the vote recorded as follows: VOTING YES: CRAYTON, JANKU, HUTTON, NAUSER, ASH, HINDMAN. VOTING NO: NO ONE. ABSENT: LOVELESS. Bill declared enacted, reading as follows:

CONSENT AGENDA

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

- B198-05** Approving the Final Plat of Providence Court Plat 1; authorizing a performance contract.
- B199-05** Approving the Final Plat of Maryland Heights Subdivision; authorizing a performance contract.
- B200-05** Approving the Final Plat of Heritage Woods, Plat No. 1; authorizing a performance contract.
- B211-05** Appropriating funds to allow for fiber optic connection to the Eighth and Cherry parking garage.
- B212-05** Confirming the contract with Andritz-Ruthner, Inc. for replacement of two centrifuges at the Columbia Regional Wastewater Treatment Facility.
- B213-05** Accepting conveyances for utility purposes.
- B214-05** Accepting and appropriating grant funds for the purchase of computer hardware equipment for the Police Department.
- R132-05** Setting a public hearing: voluntary annexation of property located on the southeast corner of Bethel Church Road and Old Plank Road.
- R133-05** Setting a public hearing: construction of water main serving Cross Creek, Plat 1.
- R134-05** Authorizing a contract with the Missouri Department of Health and Senior Services for the summer food service program.
- R135-05** Authorizing an agreement with the Missouri Department of Health and Senior Services relating to West Nile Virus Mosquito Surveillance.
- R136-05** Authorizing an agreement with the Missouri Department of Health and Senior Services for worksite wellness programs.

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

NEW BUSINESS

- R137-05** Approving the Preliminary Plat of Chapel Hill Meadows.

The resolution was read by the Clerk.

Mr. Beck explained the location to be on the north side of the future extension of Chapel Hill Road, east of Louisville Drive, extended, in southwest Columbia. The property consisted of 38 acres and would create two R-1 lots.

Mr. Teddy noted that one of the two lots was to be a church site and the other was unspecified at this time.

Mr. Beck stated approval was recommended by both the staff and the Commission.

The vote on R137-05 was recorded as follows: VOTING YES: CRAYTON, JANKU, HUTTON, NAUSER, ASH, HINDMAN. VOTING NO: NO ONE. ABSENT: LOVELESS. Resolution declared adopted, reading as follows:

R138-05 Officially recognizing the Timberhill Road Neighborhood Association.

The resolution was read by the Clerk.

Mr. Beck noted that the request met the guidelines established by the Council.

Mr. Ash congratulated the group on following through and noted it was useful to have a neighborhood association in place ahead of any issues that might crop up.

Mr. Janku asked if the City would recognize a County neighborhood association. Mr. Boeckmann thought they could recognize one in the County, but he did not know that the resolutions setting up the associations contemplated that. He noted that could be changed if the Council wished.

Ms. Crayton asked about renters and if they could form a group. Mayor Hindman thought that people could form neighborhood associations of almost any size, which could include residents and not necessarily home owners.

The vote on R138-05 was recorded as follows: VOTING YES: CRAYTON, JANKU, HUTTON, NAUSER, ASH, HINDMAN. VOTING NO: NO ONE. ABSENT: LOVELESS. Resolution declared adopted, reading as follows:

R139-05 Authorizing a request for proposal for consultant services relating to the City Manager search process.

The resolution was read by the Clerk.

Mr. Beck explained that the Human Resources Department worked with the Purchasing Division to put together a request for proposals.

Mayor Hindman asked if anyone wanted to talk about the scheduled deadlines. He noted July 19 was the deadline for receiving the RFP's. Mr. Ash noted the dates mentioned at pre-Council did not apply here.

Mr. Janku understood the specifics of screening, ranking, etc. would be worked out as they went along and after a consultant was hired.

Mr. Beck commented that he felt ranking was a very bad idea. He noted he did not allow it when doing department head searches because a number of years ago a headline read "2nd best applicant hired" because the one ranked first had dropped out for some reason. He did not think this was fair to the applicants.

Mr. Janku made the motion that this wording on page 3 be struck from the proposal.

Mayor Hindman pointed out this was not asking them to rank candidates, but only that the consultant be experienced in it. He did not think they needed to change anything. Mr. Janku agreed.

Referring to page 5 and the schedule, Mr. Janku asked if it would make a difference if they did not meet the August 1 deadline. Mr. Ash pointed out the wording was "anticipated". Mr. Boeckmann stated it would not make a difference.

The vote on R139-05 was recorded as follows: VOTING YES: CRAYTON, JANKU, HUTTON, NAUSER, ASH, HINDMAN. VOTING NO: NO ONE. ABSENT: LOVELESS. Resolution declared adopted, reading as follows:

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

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.

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.

- B219-05 Rezoning property located on the northwest corner of St. Charles Road and Dorado Drive from R-1 to PUD-6.
- B220-05 Rezoning property located on the west side of Louisville Drive, extended, from R-1 to PUD-5.8.
- 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.
- B222-05 Rezoning property located west of Silvey Street and north of West Worley Street from R-1 to PUD-3.6.
- B223-05 Approving the Culver's Frozen Custard and Butter Burgers C-P Development Plan.
- B224-05 Approving the Final Plat of Cross Creek Plat 1; authorizing a performance agreement and development agreement.
- B225-05 Approving the Final Plat of Corporate Lake, Plat No. 14; granting a variance to the subdivision regulations; authorizing a performance contract.
- 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.
- B232-05 Authorizing application for FY 2006 transit operating and capital assistance grants.
- B233-05 Calling for bids for the South Grindstone Outfall Sewer - Phases 2 and 3.
- 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.

- B240-05** Authorizing construction of water main serving Cross Creek, Plat 1; providing for payment of differential costs.
- 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 Heath Adventure Center, Inc.
- B244-05** Authorizing acquisition of land currently leased for the Daniel Boone Building.

REPORTS AND PETITIONS

(A) Radio tower acquisition and land lease.

Mr. McNabb explained the City would soon be losing its current tower site in the Rocheport area. While looking for other tower space to lease for their equipment, they contacted Zimmer, owners of a tower in that area, who indicated that they did not want the tower any more and wanted to donate it to the City. He described it as a \$45,000 proposition. They would have to make lease arrangements for the land it sat on, which was owned by a farmer. He thought it would be fairly reasonable since Zimmer's lease rate over the past years had been reasonable. That would be the only expense.

Mr. Janku made the motion that staff be directed to pursue donation of the tower and negotiate a lease agreement with the property owner. The motion was seconded by Mayor Hindman and approved unanimously by voice vote.

(B) C-2 Zoned Property along Providence Road.

Mr. Beck explained this was in response to the Council request regarding landscaping along the Providence Road corridor.

Mr. Ash stated that even though C-2 was exempt from the landscaping section, the parking areas were not exempt and were still required. He felt it was not as wide open as some of them were afraid of. If the Council still wished to press forward with the issue, he argued they needed to focus it as narrowly as possible for two reasons. One was the law of unintended consequences and the other was that he was uncomfortable about changing the rules for anyone's existing zoning. He'd rather take small steps at this point and add to it later, if need be.

Mr. Janku wanted to go forward with the changes to require landscaping. He noted they had changed landscaping requirements on existing zoning before. He felt it was not uncommon. If anything, he thought the report indicated this was not as significant a change as he thought beforehand.

Mayor Hindman stated he would like to do both one and two, but asked about the difference between the overlay plan and the Providence Road Corridor Plan. He noted Report C called for a possible corridor plan. Mr. Ash thought that in a way, they were related, but they were also different because the corridor plan was going to say that everything should be planned zoning, if more commercial was added. In this case, they were talking about existing C-2 zoning.

Mr. Ash asked if Mr. Janku which option he was most in favor of. Mr. Janku's opinion was that the second option would be the easiest. He thought they might want to forward it to Planning & Zoning for their recommendation.

Ms. Nauser stated she also had a problem with changing the requirements on current

owners.

Mr. Ash pointed out that his business was on C-2 zoned land and it would have been triggered for him even if he were to remodel. If they did make changes, he wanted to know what would trigger it.

Mr. Janku noted the remodeling completed by Best Buy did not trigger landscaping. He also agreed with taking small steps.

Mr. Janku made the motion that it be referred to the Planning and Zoning Commission to discuss different options under number one and if they so choose, to come back with an ordinance. The motion was seconded by Mayor Hindman and approved by voice vote.

(C) Providence Road Corridor.

Mr. Ash voiced strong disagreement with the notion of building to the street and putting the parking lot behind. He did not think that was a good idea on Providence Road. Even if trying to limit driveways and having all traffic come through intersections, he felt having large multi-story buildings built right up to the street line could be dangerous for people trying to pull out around them. He noted that Mr. Land, at the time they were discussing demolition, had felt it did not make sense for C-2 properties along Providence to build to the street line. Mr. Ash recommended taking that portion out. He also suggested expanding to Vandiver and Stadium, rather than just Business Loop to Broadway. He thought the current focus was narrow.

Mr. Janku noted that the Burden video shown on Channel 13 was very much directed toward buildings right at the street.

Mayor Hindman thought they should encourage them being built up to the street. He suggested that everyone be given a copy of the Burden presentation to see the theories behind it.

Mr. Janku agreed with the suggestion to extend the length, but wanted staff to consider the differences in terms of the issues of building to the street. As they moved further away from downtown, he noted it might not be as appropriate. He thought they should ask for the Commission's ideas on it.

Mayor Hindman liked the idea of a corridor plan and stated he would be in favor of them going ahead based on what they presented, but understood the Council had arguments about it. Mr. Ash stated he did not want them to waste time on something he saw as an inherent safety problem. If everyone had heard what he said, but still thought it was a good idea to press forward, he felt that was what they should do. He was sure Mr. Land or someone else would debate it when P & Z was working on it.

Mayor Hindman made the motion that they follow the suggested Council action. The motion was seconded by Mr. Ash and approved unanimously by voice vote.

Mr. Janku suggested they say enhanced pedestrian crossing opportunities instead of enhanced pedestrian crossing opportunities north of Worley/Rogers on the plan itself. Mayor Hindman agreed to accept that.

(D) Re-routing 763 to College Avenue.

Mr. Beck noted a letter from the North Central Columbia Neighborhood Association had been received suggesting this be included in the City's Plan. The Association asked that 763 be redirected to connect directly with College Avenue, thus eliminating the jog at the Business Loop. Staff looked at a cost estimate of \$5.5 million to make the connection. A map was displayed on the overhead showing how the connection might be made.

In the absence of any realistic funding, Mr. Janku stated he did not want to start drawing lines on people's property.

Mayor Hindman thought there was merit to the proposal and that it would provide a

significant amount of relief. However, he also felt that it would tend to funnel everything over to College, which would involve Route B traffic and could eventually overwhelm College Avenue. He noted the suggestion of Rangeline going down to Walnut Street, but thought that would be difficult to do as well. He did not think it was a bad idea to find out more about this, but was not sure they wanted to advertise that they were promising to do this.

Mr. Beck felt they needed to make sure that whatever they listed on the ballot was doable. He did not think it would be a good idea to put this on the ballot as a named street. Mr. Janku noted the neighborhood had not been talked to about this yet and before they started down the CATSO road, he thought they should have input. He reiterated that he did not think they should move forward without identified funding.

Mayor Hindman felt it was not a good idea to get people stirred up about threats to their neighborhood. On the other hand, he also felt that if they did not tell people enough in advance, they would think they were being snuck up on.

Mr. Ash thought it was brought to their attention because they were thinking about the ballot issue. He thought they all agreed it was not a ballot item. He asked if there was an intermediate step before going to CATSO where they could get a report and think about it more.

Ms. Crayton commented that she wanted to see a report come back. She was concerned about the residents it would affect.

Mr. Hutton stated the drawing they had was just a concept and he thought it was too early to know who this would affect. He thought it was a great idea, but agreed it would not make the ballot list because they had been cutting projects that had been on the list for years. He did not want to stir up a neighborhood for something that might never happen and could affect the marketability of any property in the area. He agreed it had to be brought up sometime and also wondered if there was an intermediary step that could be taken.

Mr. Ash felt that if they could get 763 going, it could be an impetus to work on this. If the I-70 issue moved, it would make more sense. He asked if they should hold it for a while or do something preliminarily.

Having served on CATSO, Mayor Hindman commented that he noticed that when it came to open discussions, people would come down and complain about there being no sign of this when they built their house. He noted if those had been put on a CATSO map because they were theoretically sound, then that could have been a response. Mr. Hutton felt the common home owner would not know there was a CATSO Plan.

If it was close to being funded by someone, Mr. Janku would agree with initiating the public discussion, but the fact they were doing a 10-year ballot plan that did not include it meant it was unlikely it would be built by the City for 10 years.

Mr. Ash though if it truly was a good idea, it would come back to them at a later date. Mayor Hindman agreed.

BOARDS AND COMMISSIONS

None.

COMMENTS BY PUBLIC, COUNCIL AND STAFF

John Clark, 403 N. Ninth, President of the North Central Neighborhood Association, explained they sent the letter regarding the jog because someone on City staff asked them to do it. He understood it was likely it would never be a City funded project. He stated that if it made sense, it would get MoDOT funding because they were talking about MoDOT roads. The reason he was okay with sending the letter was because of the major safety, aesthetic, access and gateway problems with the intersection at Business Loop 70. He did not know that the proposed alignment was a perfect solution, but felt this was a way to look at some of

the problems. He commented that the people in the neighborhood were the one's getting hurt trying to cross the Business Loop. If the Council was not going to consider putting it on the list, Mr. Clark suggested they push MoDOT to consider redoing the intersection. Mr. Clark commented that it would be helpful to have Mr. Burden look at the situation. He noted College was a five lane road and if it was done right, it would not be overburdened.

Mr. Janku reiterated his thoughts about renaming Providence Road, north of Bear Creek, to North Providence Parkway. He asked for a status update and noted that, at this point, there were no addresses on that section.

Mr. Janku commented on a rezoning currently pending before P & Z. It was a small property on Smiley, very close to 763. He felt the area needed to be looked at and thought an area plan similar to that on Grindstone should be done. He stated that they could come up with a plan for the street connections and how the properties could be accessed before doing all of the rezonings. He did not want to see another Clark Lane in this area.

Mr. Janku made a motion that staff report back on the possibility of developing an area plan for the area on Smiley, west of 763, as far as Derby Ridge. The motion was seconded by Mr. Ash and approved unanimously by voice vote.

Mr. Janku noted that B236-05 would be coming up at the next meeting. He stated that it dealt with the improvements made along I-70 Drive near the Business Loop. Parks and Recreation was going to landscape the small area where I-70 Drive came into the Business Loop. He asked for an update on their plans and whether anything needed to be done by the Council at this point to keep things moving. He wanted to make sure it could be implemented soon.

Mr. Janku made the motion that staff be directed to report back on the status and on what needed to be done. The motion was seconded by Mr. Ash and approved unanimously by voice vote.

Mr. Janku commented on the signage issue of signs being less than or equal to open zoning. As an example, he stated freestanding signs in commercial areas could not exceed the signage they could get in C-3 zoning.

Mr. Ash thought valid points had been made about how limited the Ashley Store was. Mr. Janku noted he was limiting it to freestanding signs. Mr. Janku stated there was a provision he wanted to continue to exist that where if there was a true hardship, they could go to the Board of Adjustment. Mayor Hindman suggested making it a Council policy that they not exceed the C-3 requirements so there would be some flexibility. Mr. Ash asked about putting standards in planned zoning. Mr. Janku stated his suggestion was that the standards on freestanding signs be a maximum of the open zoning, but that he was willing to go with the Mayor's suggestion.

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

Mr. Ash asked about the status of the nuisance committee appointments. Mayor Hindman stated he was very close to having it done.

Mr. Ash noted several things coming to them from the Planning & Zoning Commission where one Commissioner voted in the minority, but did not say anything during the conversation. He commented that they were a recommending body and if somebody was against something, he wanted to know why. He asked that his concern be passed along to the Commission.

Ms. Crayton asked that somebody look into the intersection of College and 763. She asked for a report back as to what could be done without disturbing the neighborhood.

Ms. Crayton voiced several complaints about the Greyhound Bus Station property. She noted a large hole in the parking lot, garbage lying around, standing water and windows knocked out in both the front and back of the building. She commented that people coming into the City saw this, which reflected badly on Columbia. She asked if an inspection could be made and if a letter could be sent to the property owner about getting it cleaned up. Mr. Beck stated he had made a note of her concerns.

Mayor Hindman commented that he would like to have the dog tag situation looked into to see if there was some way to encourage people to license their dogs.

Regarding the recent issue about the sign ordinance and churches, Mayor Hindman noted it had been found that churches were not required to comply with the sign ordinance. He thought the exception should be looked into to see if it should be removed. Mr. Janku pointed out that federal law was involved. Mr. Boeckmann clarified that the law may or may not apply to this, but explained the basic problem to be the zoning enabling statute had been interpreted as not applying to churches. Mayor Hindman asked if we could correct that. Mr. Boeckmann stated we could not and added that it would take legislation. Mayor Hindman understood it was not a City ordinance issue.

Mr. Beck commented that he had received a copy of a letter sent to the Council from Ken Midkiff on behalf of the Sierra Club. The letter was about the City taking ownership of Philips Lake. He pointed out that the City did not have public ownership of the Lake. He noted the City was working with the developer on getting the Lake fixed up and had done some grading in the process to fix the damn. He explained the City was using some of the dirt from the area to grade some ball diamonds. Mr. Midkiff sent indication to DNR that it was deeded to the City and he was requesting that the Lake be classified and assigned beneficial and designated uses as waters of the US and the waters of the State. He noted this would possibly make a difference as to how the City had been handling the aquatic areas, such as Stephens Lake. He was hopeful the City could add Bristol Lake to the two aquatic areas it now had. Mr. Beck wanted the Council to understand that the City had not taken the deed to the property at this point, which was contrary to what was written in the letter. He noted, however, that they were working on it.

The meeting adjourned at 12:18 a.m.

Respectfully submitted,

Sheela Amin
City Clerk