

MINUTES
PLANNING AND ZONING COMMISSION MEETING
SEPTEMBER 6, 2012

COMMISSIONERS PRESENT

Mr. Andy Lee
Ms. Ann Peters
Dr. Ray Puri
Mr. Steve Reichlin
Mr. Karl Skala
Mr. Rusty Strodman
Mr. Bill Tillotson
Mr. Matthew Vander Tuig
Mr. Doug Wheeler

II.) APPROVAL OF MINUTES

MR. WHEELER: You've all, hopefully, had a chance to review the minutes from the August 23rd meeting. Are there any corrections needed? Motion --

MR. SKALA: Motion to approve.

MR. WHEELER: Mr. Skala.

MR. TILLOTSON: (Indicating.)

MR. WHEELER: Mr. Tillotson. Everybody in favor, say aye. Opposed, same sign.

(Unanimous voice vote for approval.)

MR. WHEELER: All right. We've had a request by Staff to shuffle our agenda this evening, moving Case 12-143 to the top. Everybody in favor, say aye. Opposed, same sign.

(Unanimous voice vote for approval.)

III.) SUBDIVISIONS

There were no subdivisions.

IV.) OTHER BUSINESS

12-143 A request by the City of Columbia to amend Section 29-28 of the Zoning Ordinance as it relates to property made legally non-conforming to zoning regulations by takings of land for public street projects.

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

Staff report was given by Mr. Tim Teddy of the Community Development Department. Staff recommends approval of the attached ordinance.

MR. WHEELER: Questions of Staff? Mr. Skala?

MR. SKALA: I just had one question. There is some language here in the part in the ordinance -- language itself in Section E when it deals with the Department of Transportation, and then on in paragraphs one and two, there's a distinction between the same configuration and

substantial redevelopment. Is that a with the discretion of the Community Development director? Is that how that is determined?

MR. TEDDY: Yeah. And the law department drafted that language. It's not something that we sought. We didn't seek discretion. We didn't really have a good alternative that would just simply make that decision for us. But what we're talking about here is, at some point you are going to have what I'd call voluntary redevelopment of certain properties along a corridor. In that case we do have to reset those development standards, I think. And to give a guideline, if a property is completely taken down voluntarily and replaced with another structure, that would have to conform to the new lot configurations.

MR. SKALA: But --

MR. TEDDY: And I'll give a recent example: The McDonald's on the Stadium corridor was recently completely rebuilt, so it was taken down completely. It rarely happens. Usually redevelopment means it's replaced with a different kind of use, but that was an updated use. If that happened again in the future, that would have to conform to the new lot configuration.

MR. SKALA: But doesn't the language make a distinction between that and some catastrophe happening and being able to rebuild in exactly the same configuration it was before that?

MR. TEDDY: Right. Right. And then, if there are some additions that are part of a planned project -- for example, if an existing building is remodeled, we can apply this ordinance as well, because essentially it's the same building, just with some adjustments to it. And we don't want to penalize them for something that really is beyond their control.

MR. SKALA: Thank you.

MR. WHEELER: Are there any other -- Mr. Strodtman?

MR. STRODTMAN: Mr. Teddy, can you expand -- kind of on the same note as Mr. Skala, can you expand the minor changes? Is there any kind of clarification as to what a minor change would be?

MR. TEDDY: Yeah. I mean, it could be -- you know, certainly a building addition could be a minor change. If there is redevelopment to the extent that, really, the majority of the value -- the replacement value of the structure is required to do that new project, I would call that -- I would call that substantial.

MR. STRODTMAN: But you could change the footprint or the square footage and that would still -- could fall under a minor change, assuming it's a --

MR. TEDDY: Yes.

MR. STRODTMAN: -- small addition?

MR. TEDDY: Yes. Uh-huh.

MR. STRODTMAN: Thank you.

MR. TEDDY: And to give a guideline, 75 percent of replacement value is what's cited elsewhere in that non-conforming section. That's what we consider to be a threshold. If something is

required to be built back and it requires 75 percent of replacement value of the building that was there to do that, then it has -- normally it has to conform totally. So we'd probably use that as the threshold --

MR. STRODTMAN: For the minor and the substantial.

MR. TEDDY: Yeah. Minor versus the substantial.

MR. STRODTMAN: Thank you.

MR. WHEELER: Mr. Tillotson?

MR. TILLOTSON: I just need a clarification because I didn't quite understand something you said. You made a mention about property acquisitions from Broadway to I-70 with Stadium, that's in the works with City and MoDOT?

MR. TEDDY: Yes.

MR. TILLOTSON: So what about from where Stadium is to Broadway, where Stadium dead-ends. You said from Broadway to I-70.

MR. TEDDY: Right.

MR. TILLOTSON: There is no Stadium at --

MR. STRODTMAN: He's talking west side.

MR. TILLOTSON: West side.

MR. TEDDY: Yeah. Yeah.

MR. TILLOTSON: I was thinking the east side.

MR. TEDDY: Yeah.

MR. TILLOTSON: That's good.

MR. TEDDY: Yeah.

MR. WHEELER: And this could be applied anywhere, I think.

MR. TEDDY: Yeah. And this does apply to any road project. It does apply to MoDOT, as well as City projects. So it is not just a law driven by the one example that's current. It would apply in cases -- we think it's going to have the greatest use in MoDOT projects, because these major roadways tend to have a less standardized dimension. Whereas, we can predict through our CATSO roadway planning process and our street standards combined, we can request the half-width of right-of-way that we need for city local streets, usually in advance of the road project in a lot of situations. And the City also has the capability to do street easements, where you can let the property owner kind of have their cake and eat it too. The underlying fee, it's still owned by the property owner in the case of a street easement, whereas MoDOT, by policy, acquires land for right-of-way fee simple, so they actually require the transfer of the title of the whole piece to MoDOT.

MR. WHEELER: Any other questions of Staff? I have one. I didn't read it with this in mind, but sitting here this made me think of this. If we were talking about a minimum lot size within a zoning classification, and the roadway took away a portion of that, is there provision within this, because that's not the way I read it. And, if not, should there be?

MR. TEDDY: Yeah. That's a good question. It does say when calculating area restrictions. I used the example of a ratio, but that could be lot area as well.

MR. WHEELER: Well, I read that as a density, not as a lot -- a minimum lot size requirement. So just a note: It would seem to me that there should be something in this to provide for that. Are there any other questions of Staff? All right. Oh, Ms. Peters?

MS. PETERS: I have one. At what point when taking someone's land, that it's so close to their property, does it then become the property needs to be purchased as well?

MR. TEDDY: Yeah. And that might be a good question for Ms. Lister. My own opinion, when it's residential, I think of the yard as being a very functional space, and you cut someone's backyard in half, it -- the usability of the property is going to be quite diminished. If it's commercial, as long as there's space for the commercial function, space for the parking that serves the commercial function, there's probably a little more tolerance for that. But I'd let Ms. Lister respond too.

MS. LISTER: Those --

MR. WHEELER: Ma'am, name, address.

MS. LISTER: Sorry. Wendy Lister; I work for the City of Columbia in the Public Works Department. I would say that those decisions usually evolve as the project is designed. So we know the impact that we're going to -- how we'll affect a property, and so it's done during the preliminary stages of the design. So we'll know whether we actually have to acquire a piece of property in advance of coming through with the roadway. Does that make sense?

MS. PETERS: It does, but my concern is if I were a property owner and I was losing part of -- and Stadium example -- part of my backyard --

MS. LISTER: Sure.

MS. PETERS: -- it's going to diminish the value of my property and possibly the saleability of it. So at some point I'm -- although I'm being compensated, I may be losing on the other end of usability and saleability. At what point --

MS. LISTER: It gets a little complicated, but there are many ways to compensate for properties. And so what we tend to do is -- or what the appraisers actually do is take approximate or proximity value, and actually pay you for the loss of how close the road is coming. In most situations, I don't usually have to -- or to date, haven't had to actually buy a house from someone. So I'm having a hard time answering the question.

MS. PETERS: Okay. Thank you.

MS. LISTER: Okay.

MR. WHEELER: Are there any other questions of this speaker? Thank you. Are there any other comments on this item? Seeing none, Commissioners, want to get it rolling? Mr. Skala?

MR. SKALA: All right. Let me bring up my thing and I'll make the motion. With regard to a request by the City of Columbia to amend Section 29-28 of the Zoning Ordinance as it relates to

property made legally non-conforming to zoning regulations by takings of land for public streets and projects, I would make the motion that we approve that change.

MR. WHEELER: Motion's been made. Mr. Reichlin?

MR. REICHLIN: Second.

MR. WHEELER: Motion's been made and seconded. Is there any discussion on the motion? Roll call please, when you're ready.

MR. VANDER TUIG: A motion's been made and seconded for Case No. 12-143, A request by the City of Columbia to amend Section 29-28 of the Zoning Ordinance as it relates to property made legally non-conforming to zoning regulations by taking of land for public street projects.

Roll Call Vote (Voting "yes" is to recommend approval.) Voting Yes: Mr. Lee, Ms. Peters, Dr. Puri, Mr. Reichlin, Mr. Skala, Mr. Strodman, Mr. Tillotson, Mr. Vander Tuig, Mr. Wheeler. Motion carries 9-0.

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

V.) PUBLIC HEARINGS

12-110 A request by A Civil Group, on behalf of 8 Ball Commercial, for rezoning from A-1 (agricultural) to C-P (planned business) and C-P development plan to be known as "Grindstone and Rock Quarry Break Time C-P Plan." The 2.05-acre site is located at the southwest corner of Grindstone Parkway and Rock Quarry Road.

Mr. Wheeler: May we have a Staff report, please?

Staff report was given by Mr. Matthew Lepke of the Planning and Development Department. Staff recommends denial of the rezoning request. Staff does not find the proposed commercial uses appropriate for this location, given the size of the parcel and its immediate proximity to residences. This finding is also based on the previous negative recommendation by the Commission for a C-P request on this site. At that time Staff suggested an O-P proposal may be better suited for the parcel. Should the Commission wish to approve the rezoning, Staff recommends revisions to the C-P development plan, such as (but not limited to) including more extensive screening and fencing for the residences to the south and east, as well as conditions on the hours of operation for the convenience store and fueling pumps.

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

MR. SKALA: I guess this is of Staff and maybe it's a procedural question also for the Chair, but in the past there have been -- some of these decisions have often been split into zoning decisions and plan decisions. Necessarily, I think you have to speak to both of those issues because they interact. But as you alluded to, depending on the rezoning question, it could be a moot point in terms of the C-P plan. Is this -- since I'm a rookie at this, again, and it's no longer a few years ago, is this customary to do this together? And if we do this together, to the extent to which we do that, do we make a determination on the rezoning and then on the C-P plan or is that all just -- the whole works?

MR. WHEELER: I'd say that what we'll do is we'll -- if, indeed, the Commission supports the rezoning, then we'll look at the -- it'll be inclusive of the rezoning and the C-P plan, with any recommendations that -- you know, I mean as Staff has clarified, or as the Commission would see fit to impose on that, is the way I would see that.

MR. SKALA: Thank you.

MR. WHEELER: Does that --

MR. SKALA: Yeah. I'll make some comments probably later on about that, but --

MR. WHEELER: Ms. Peters, you had a question of Staff?

MS. PETERS: Tell me how far Rock Quarry is from this intersection to the Sinclair station on Stadium.

MR. LEPKE: I didn't measure it. I'm sorry. I was thinking more of traffic going along Grindstone.

MS. PETERS: Thank you.

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

MS. PETERS: Yeah. Two more.

MR. WHEELER: Oh, sorry.

MS. PETERS: On the -- what I would call the stacking turn lane to go into the apartments, how deep -- how many cars can be stacked in that turn lane?

MR. LEPKE: You're saying the turn lane on southbound Rock Quarry?

MS. PETERS: Yes.

MR. LEPKE: Okay. I don't know for certain, honestly. I would guess a couple. I would let the engineer speak to that more precisely.

MS. PETERS: Okay. Thank you.

MR. WHEELER: Is there another?

MS. PETERS: Well, the follow-up to that would've been, what's the distance between the corner of Grindstone and the entrance/exit on Rock Quarry, where the turn lane is?

MR. WHEELER: We'll ask that question of the engineer.

MR. LEPKE: Okay. Thank you.

MR. WHEELER: Are there any other -- Mr. Strodtman?

MR. STRODTMAN: I have a quick question, and maybe it's for the engineer. Is the Break Time -- is the proposed Break Time building higher than the residential directly behind it, topography-wise? It looks on that cut-sheet, it looks to be taller; is that correct?

MR. LEPKE: Let me go to the third page for a second. I do see what you're saying. I would say, at first glance, the answer is yes; however, if the engineer wants to correct me, being that there is that three- or four-foot tall berm. As to visibility and some of those things, I guess I've not seen a rendering or something like that that would provide a point of view reference, as it were.

MR. STRODTMAN: And the berm is there for landscaping or is it there for some kind of buffering or -- I mean, I understand it's there for no parking, but --

MR. LEPKE: Kind of all of the above, I would say.

MR. STRODTMAN: But the height is related to that. Thank you.

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

MR. VANDER TUIG: I probably should've followed this a little closer after we sent it on to City Council, but did the scenic roadway ordinance, it passed as we proposed?

MR. ZENNER: Yes.

MR. WHEELER: Are there any other questions of Staff? Seeing none, we're going to open the public hearing. But before we do I want to remind everybody of our rules of engagement, and that will be that the applicant primary speaker will get six minutes. Every subsequent speaker will get three. The same with the opposition. Any organized opposition will get six minutes, and every speaker after that will get three. I will be keeping time. So with that, we'll open the public hearing.

PUBLIC HEARING OPENED

MS. LAMAR: Good evening. My name is Phebe LaMar, and I'm here on behalf -- I have offices at 111 South Ninth. And I'm going to be talking fast because I'm trying to fit a lot in. I apologize. I'm here this evening on behalf of MFA Oil. As you know my client is seeking to put a convenience store, the modern version of a neighborhood market, at the southwest corner of Grindstone Parkway and Rock Quarry Road. Let's look first at the zoning and uses of the property immediately surrounding this parcel. There is some single-family residential property located immediately behind the property and across Rock Quarry Road. As you can see, however, immediately adjacent to and/or across from that single-family residential property are actually student housing complexes. Adjacent to the property to the west is the Crossing Church, which is in the process of expanding. The auditorium, which was already large, had recently been expanded to seat an additional 350 people in each of the three services, and construction is ongoing to increase the space to be used for children and youth and other ministries, both on Sundays and at other times throughout the week. The church's property is essentially a commercial use, except that the largest majority of the people who use the property do so during evenings and on weekends when the neighboring property owners are more likely to be home rather than at work. As you can see from the rear corner of one neighboring owner's yard, the view is of a large parking lot and Grindstone Parkway. Across the street is property that is zoned C-P and has been designated as a park, as well as another church and the Grove Apartments. The area has changed substantially over the last few years, with the addition and later expansion of the Crossing, the addition of student apartment complexes, and before all of that the construction of Grindstone Parkway, which is now widely used to travel from east to west on the south side of town. Given all of these changes, it is disingenuous to compare this attempt to rezone the property to prior attempts. Rather, it is important to note that many of the people who now live in close proximity to this location are young and tend to be out and

about during later hours. Given this, and for reasons about which Jackie Maxwell will elaborate in a little bit, it's vital that this store be open for 24 hours. What we're proposing for your consideration this evening is that this growing neighborhood gain a market for the purchase of a variety of items that will substantially be more convenient for the neighbors than having to drive to Walmart or Hy-Vee or Gerbes. This will also provide a service for some of the people who travel the road daily and increase the safety of those individuals traveling from west to east and needing gas, who currently at this time have to make two left turns to cross a very busy street, unless they came from the other side of Nifong. Yes, there are two gas stations that are only a mile in each direction, but they're both on the other side of the street, which is a substantial difference in this business. There are actually several convenience stores here in Columbia that are located very close to residential property, including single-family residential property. There's one at Rollins and Stadium, another at Old Highway 63, between Stadium and Broadway, and one at Forum and Mills Drive, to name a few. There are also some locations that are barely outside the city limits that adjoin residential property, including one at Route K and Old Plank Road, one at Lake Wood Drive and Clark Lane, to name a couple. All these locations have some common characteristics that are shared with the site we are discussing this evening. They're located on high volume streets and frequently there is some varying density of residential property in the vicinity, with both single- and multi-family residential property located nearby and/or adjacent to the property, and sometimes some commercial property. While this issue comes down to whether it makes sense for the citizens of Columbia, as a whole, for a store like this one to be in this location, that does not mean that the concerns of the neighboring property owners should be ignored. In fact, in seeking your approval of this plan, we have attempted to not only ascertain what those concerns are, but also to find constructive methods of addressing them. In that endeavor we have met with the neighbors as a group twice, and individually with others. At those times there were concerns expressed regarding landscaping, traffic, lighting, and crime. Jay Gebhardt's going to address in more detail in a few minutes both landscaping and traffic, but it's fair to say that we've incorporated into our plans the improvements we could for this area to address the concerns of the neighbors, city planning, and traffic engineers. The remainder of the City and County Staff were actually in favor of this use at this location. We also, at the suggestion of one of the neighbors whose property is immediately south of this property requested on at least four occasions to meet with those property owners whose properties backed up to this proposed store to address any screening concerns that they have. They refused on all four occasions that we asked for them to set a date for us to have that meeting and, in fact, never responded with any concerns that they have regarding the screening. The plan for screening is well in excess of what's required by ordinance, and should shield these properties from any additional light and most noise. We've also included requirements in our statement of intent governing delivery times. We're screening the HVAC on the back of the building inside sound-deadening fence and located it on the ground instead of on the roof to prevent noise from carrying. We've also offered to work with the City to ensure that trash pickup

occurs during daytime hours. Considering that there is a trash truck already serving the church's property that was leaving at 8:15 this morning, that shouldn't be any real change for the neighbors. The property owners from Rock Quarry Road requested that we construct a fence on their property. Given the constraints included in the scenic overlay on Rock Quarry Road and the trees and locations of homes already present on the property, that is not workable. There have been concerns expressed about lighting. As you can see in this picture, there is little to no light projecting out toward any -- oops, sorry -- toward any neighboring property, since Break Time has started installing at their new locations, and some of the older locations in Columbia, LED lights that are directed straight down under the canopy and have essentially no spill out from the canopy. We're also addressing concerns that have been raised with regard to crime. The Crossing raised concerns, and to the extent that they might arise from our property and this shared driveway, we can address those concerns with video monitoring of the entrance to the church's parking lot. We also requested crime statistics for convenience stores in Columbia, and found that the vast majority of the crime at these stores is shoplifting and other forms of stealing, like drive-aways, that will not affect the neighboring property owners. The number of incidents reported at different convenience stores seems to indicate that the amount and type of crimes reported largely reflects the character of the neighborhoods around the store. At the locations with neighbors that are most similar to this particular location, the rate of crime is very low. At the Break Time on Forum, for example, which is surrounded by commercial and residential development, there have been only ten incidents of crime reported from 2008 through the present, all of which have been stealing type crimes.

MR. WHEELER: Are you about wrapped up?

MS. LAMAR: I'm almost done.

MR. WHEELER: Out of time.

MS. LAMAR: Yeah. Another one that I also checked on was the Bee Line that's located on Old Highway 63, between Stadium and Broadway, and actually there have only been ten incidents at that one as well, two of which were burglaries that occurred while they were closed between 10:00 and 6:00 in the evening. So as a result I think this is a perfect location for the C-P plan that has been proposed, and I would urge you to vote in favor of it.

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

MS. LAMAR: Thank you.

MR. GEBHARDT: Good evening. My name is Jay Gebhardt; I'm a civil engineer with A Civil Group here in Columbia. And I'm not as formal as Phebe, so I kind of winged this a little bit, but I wanted to talk to you about the traffic. Starting on the west side on Grindstone Parkway, the existing church driveway was built -- MoDOT allowed them to build that without extending the decel lane for Grindstone onto Rock Quarry. They are correcting that oversight with us, and we're adding 350 feet of decel lane to the west of the driveway now. So we're adding decel lane, so the idea, people can get over at speed and slow down to turn in and not interrupt traffic on Grindstone. So that is part of

your plan and part of our statement of intent. We're also widening, for the church -- at the church's request, we're widening the existing driveway to allow a pocket for a left turn in the driveway there. That would allow someone to come in, stop, turn left into the Break Time and not block the driveway for people, so that people don't back up onto Grindstone. So that is being done. We're widening Rock Quarry Road on the west side to allow the dual left turns, which was requested by MoDOT and the city engineer, to not only keep our impact the same level service for that intersection, but to improve it. So we're leaving it better than we found it. We're also maintaining the bicycle lanes by creating that widening. We could live with the pavement that's there, but we would lose the bike lane, so we're actually doing the widening to maintain the bike lanes. The intersection itself doesn't have a complete set of pedestrian heads on it, so we're finishing that traffic signal by installing all the pedestrian heads on that so that it's a fully functioning pedestrian signal. We're building sidewalks along Grindstone and along Rock Quarry. I mention the one on Rock Quarry, it's not in your standard location and that's because -- if you're curious -- if we put it in a standard location -- which we're allowed to do in the scenic overlay district, we're allowed to build sidewalks, but if I was to do that, because of the grading there, I would lose all the trees -- existing trees that are there. So I've moved the sidewalk up on top. If you guys have driven by the site, it sits higher than the road, so I've moved the sidewalk up onto the top of that to preserve those trees. The existing pavement is wide enough for the northbound lane into the Break Time site without blocking the through traffic, so if someone's heading north on Rock Quarry and wants to turn left into the store, that pavement there is about 33-feet wide at the narrowest point, where that car would be sitting. So there's three lanes there of traffic, so you could have all movements and no one would be blocked.

MR. WHEELER: You about wrapped up?

MR. GEBHARDT: Not quite.

MR. WHEELER: Well --

MR. GEBHARDT: Let me talk about the landscaping then. The berm that you were asking about, actually we are building a wall in the back of the building and burying the building with the berm so that we're reducing the height of the building that people see, and then putting the fencing on top of that berm to further reduce the height of the building. So that's an expense we're doing to keep it so it's not all the building height there. There's landscaping in the scenic overlay district that we've enhanced. Some of that is being done at the request of the neighbors with plant materials that the neighbors have requested.

MR. WHEELER: Mr. Gebhardt?

MR. GEBHARDT: Yeah?

MR. WHEELER: Sorry.

MR. GEBHARDT: All right. Any questions.

MR. WHEELER: Are there any questions of this speaker? I have several.

MR. GEBHARDT: All right.

MR. WHEELER: So let's talk about the stacking distance.

MR. GEBHARDT: Okay.

MR. WHEELER: You added 350 feet. Approximately how many cars are we talking about stacking?

MR. GEBHARDT: We can stack from -- on the through lane we can stack about 11 cars before we get to our entrance.

MR. WHEELER: Is that on Nifong -- or AC? Sorry.

MR. GEBHARDT: On Rock Quarry.

MR. WHEELER: On Rock Quarry.

MR. GEBHARDT: Yes.

MR. WHEELER: So you can stack 11 cars before you get -- to make a right-hand turn movement if you're headed south on Rock Quarry, just to make sure I'm understanding. So Ms. Peters asked the question earlier about the distance from the driveway to the intersection. Is that what we're talking about?

MR. GEBHARDT: Are we talking about Grindstone or Rock Quarry?

MR. WHEELER: I was talking about Grindstone actually.

MR. GEBHARDT: Yeah. I was talking about Rock Quarry.

MR. WHEELER: Okay. I thought we there was a little -- so let me go back. Let me clarify my question. The entrance into the Crossing and the proposed Break Time, you're adding 350 feet of deceleration lane or --

MR. GEBHARDT: Right.

MR. WHEELER: -- as I call it, stacking. So how many cars are we talking about?

MR. GEBHARDT: Sixteen to seventeen cars.

MR. WHEELER: Okay. And then the distance between the entrance on Rock Quarry, going south on Rock Quarry, and the intersection is approximately --

MR. GEBHARDT: 210 feet.

MR. WHEELER: So eight cars?

MR. GEBHARDT: Eleven.

MR. WHEELER: Eleven cars.

MR. GEBHARDT: Uh-huh.

MR. WHEELER: Okay. And if there's a car making a left-hand turn movement coming north on Rock Quarry into this site, there's enough room to go around it?

MR. GEBHARDT: There's about 33 feet there. So, yeah, someone could sit in the middle --

MR. WHEELER: Three cars.

MR. GEBHARDT: Three cars.

MR. WHEELER: Approximately.

MR. GEBHARDT: Yes.

MR. WHEELER: Or two and a half. Okay. Seems like I had one other question. Oh, lighting. I'm surprised Mr. Skala wasn't on this. But tell us about the lighting on the back of the building because I know --

MR. GEBHARDT: There is no lighting on the back of the building except for a motion detector light, and that's for security purposes, so that there's light -- there's a motion detector camera. We need light for the camera, so if someone is back there, the light will come on and they'll be recorded on video with any kind of motion, but other -- without the motion, there would be no -- and that would be an LED type light, downward and inward directed, just to capture who's behind the store.

MR. WHEELER: Full cutoff, basically. I mean, that won't be on unless there's motion.

MR. GEBHARDT: Right.

MR. WHEELER: All right. I think that answered my question. Are there any other questions of this speaker?

MR. STRODTMAN: I have a --

MR. WHEELER: Mr. Strodtman?

MR. STRODTMAN: I have a couple. Mr. Gebhardt, can you explain the privacy fence? Does it go -- it just goes along the residential in the south? Does it go anywhere on the west side, along the church, or does it just end in that corner?

MR. GEBHARDT: It ends in the corner, and that's because the Crossing's church already has pretty extensive landscaping on their property, between the property line and their parking, and then we're adding this row of arborvitaes -- six-foot arborvitaes, ten-feet tall -- or six-feet tall, ten-foot spacing, so we didn't think the fence was necessary because we can meet our screening requirement with just the trees. The fence is the belt and suspenders.

MR. STRODTMAN: And then, the same fence going the other direction, east, does it go all the way to the overlay line or does it go past that into the corner of the --

MR. GEBHARDT: We will do what you would like us to do. We are showing it all the way to the right-of-way line. There is an issue about the scenic overlay, whether you can build a new fence within the overlay. So if we're not allowed to, we would be happy to with a variance, but we can remove that from the scenic overlay barrier too.

MR. STRODTMAN: I think one of my last questions: You have the two light poles on either side towards the rear of the building. Would those be built on that berm or would they be -- I assume that parking lot is lower than the berm?

MR. GEBHARDT: Yes.

MR. STRODTMAN: And would those light poles be on the parking lot grade or would they be on the -- so the -- and they're 28 feet, all of them are currently proposed?

MR. GEBHARDT: We put 28 feet because the mechanical engineer hasn't designed them yet, but we'll keep them as low as we possibly can.

MR. STRODTMAN: That's all I have.

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

MR. GEBHARDT: Thank you.

MR. SIMON: John Simon, offices at 13 South Sixth. We were responsible for preparing the imagery associated with the building. As a result of meeting with the neighbors -- they had made some recommendations about the exterior finishes -- we made adjustments in our building plans to put rock on the outside of the building rather than brick, and make a few other adjustments in the structure. With respect to the parking lot lighting, those are intended to be LED high cutoff fixtures also. I just want to stress that, that we're going to limit our spill-off to an absolute minimum. But if there are any questions associated with the building, I'd be happy to answer them.

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

MR. SKALA: It might have been specified, but how tall are those separate lighting units?

MR. SIMON: On the site?

MR. SKALA: Yes.

MR. SIMON: I think right now, I believe the plan indicates a maximum height of 28 feet, but the intent is to reduce that height as necessary to do the minimum amount of lighting for the property. They haven't been designed yet specifically.

MR. WHEELER: Mr. Strodtman?

MR. STRODTMAN: Mr. Simon, you made reference -- or someone made reference the HVAC units are on the rear and on the ground. Is there nothing else on the rooftop? No vents, no large exhaust?

MR. SIMON: No large exhaust. There's no real cooking equipment associated with the store, be it a hood or something like that, so there would probably be bathroom fans, but similar to a residential fan. They'd be very quiet and I don't think that would be a problem. We placed that mechanical unit on the ground. It's more cost-effective to place it on the roof because it limits ductwork and that sort of thing. We placed it on the ground so that we could more effectively block that noise from the residential area.

MR. STRODTMAN: And it's proposed some kind of enclosure to kind of continue to help isolate it?

MR. SIMON: Yes.

MR. STRODTMAN: Thank you.

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

MS. MAXWELL: Good evening. My name is Jackie Maxwell, and I'm the general manager for Break Time convenience stores for MFA Oil Company. My office is located at One Ray Young Drive, here in Columbia. We'll cover a number of areas in our presentation before you this evening, and I appreciate the opportunity to discuss security and the hours of operation. Having spent the last 27 years in the convenience store business with MFA Oil, and the last seven years in our stores with our field team and our customers at all hours of the day and night, I can tell you with absolute

certainty that I have never felt concerned about safety. That is not to say that we don't teach and practice safety measures, but that our measures are effective. What I have experienced during this time is that our customers desire and they need to have access to our goods and services when they need and want it, at any time of the day or night. Stores and food establishments are moving to 24 hours at an increasing rate. This includes existing Break Time locations as demographics change around our stores. Modern-day lifestyles and the needs and expectations are changing. Whether it is the parent who needs to run to the store at two o'clock in the morning for medicine for a sick child, law enforcement, paramedics, or others looking for a cup of coffee in the middle of the night, or third-shift employees on their lunch break looking for food, Break Time customers expect us to be open for them when it's convenient for them. A friendly face at all times, coffee, beverages, snacks, staples, such as bread, milk, or medicine, without having to walk through a big box retailer looking for what you need. These are all common overnight purchases at Break Time. Granted, our customer counts are lower on third shift in the overnight hours, so this isn't about sales revenue. It's about being there for Break Time customers, and those same customers appreciate that convenience. I have personally experienced the impact of having a convenience store close by my home when I lived in Columbia in the early '80s. I was young and I didn't own a vehicle. The ability to walk to the convenience store and get milk or bread was definitely a convenience for me, and I expect others today will feel the same way I did so many years ago. In terms of security, we offer safety and security for many people at night. Our stores are brightly lit inside and they are safe, so someone who's got car trouble, we're there for them; a bad winter storm, our store's open and we've got hot coffee and we're there for them. We're ready. As far as actual security systems in our stores, we've exceeded many in the industry for years. This store will have a minimum of 16 cameras and two digital surveillance systems, and our management team has access remotely to monitor audio and video in our stores. We will cover all exterior sides of our building, the fuel islands, the entrances and exits with cameras, in addition to numerous interior cameras. Our lighting inside the store will be bright, and all of our teams are trained on safety. Thanks for the opportunity to come before you this evening and for your consideration of our request.

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

MR. LEE: Typically, how many people are working there at, say, third shift?

MS. MAXWELL: Depending on what time of evening it is, you'll have two up until a certain point, and then commonly you have one.

MR. LEE: Thank you.

MR. WHEELER: Are there any -- Ms. Peters?

MS. PETERS: Will you be selling liquor?

MS. MAXWELL: We do sell liquor and beer, but the times are regulated by the State of Missouri, so you can't sell liquor after a certain time, and then you can't sell it before a certain time in the morning.

MS. PETERS: And what time is that?

MS. MAXWELL: 1:30. 1:30 a.m. is the cutoff, and then you can't start selling again prior to 6:00 a.m. in the morning.

MS. PETERS: Thank you.

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

MS. MAXWELL: Thank you.

MS. BACH: Good evening. My name is Jennifer Bach, and I have offices at One Ray Young Drive. I'm the director of marketing and merchandising for the Break Time convenience stores. Break Time's currently in the process of developing a new neighborhood market concept. There are four properties, including the Grindstone and Rock Quarry Road property, that we're looking to put this concept in here in Columbia. All four locations would be close to a new large student housing complex and/or residential neighborhoods. The difference between our normal Break Times and this concept would include enhanced gourmet coffeehouse offerings, featuring eight flavors of coffee, including our traditional house blends, in addition to a Kona, Viennese, and Columbian origin blend and a few other flavored coffees. We'll also have ten flavors of cappuccino and a wide array of condiments, including cold creamers, whip cream, and toppings. These offerings will also be available at our traditional convenience store pricing. We will also have a 20-head fountain machine, which is larger -- a larger variety than is currently available in any of our other Break Time convenience stores in Columbia, as well as freshly blended milkshakes, fruit smoothies, and frozen coffees. We will also have an extended grab-and-go food offering with some new freshly baked products available for all day that are currently in development, as well as continuing to offer our dashboard diner commissary line with quality meats, cheeses, and breads. In this concept we will also be offering an extended grocery section so people can get their staples at our store, including milk, bread, eggs, butter, sugar, as well as an expanded frozen food section. We hope to meet the needs of the on-the-go consumer that doesn't have time to stand in line or walk to the back of a big box store to pick up just a few basic necessities they're in need of quickly. With this concept, we hope to appeal to the young adults who are on the run with the 24/7 lifestyle, as well as the rest of us who never have enough time in our day. Our goal is to appeal to the Grindstone passersby as well as the neighbors. Thank you for your time and consideration.

MR. WHEELER: Are there any questions of this speaker? Seeing none, thank you.

MR. CASPALL: Good evening. My name is Ken Caspall; I work at the MFA Oil Company, headquartered One Ray Young Drive, Columbia, Missouri, kind of representing the management tonight. I'd just like to talk a minute about our corporate citizenry. We've been home officed in this city since 1934. We employ more than 300 people just in the state of -- in the city of Columbia. We work really hard to be a good corporate citizen. An example of that, last year, fiscal year 2011, we made donations of almost \$230,000 to nonprofit caregivers and to public education: United Way, Boys and Girls Club -- Jennifer's on the board of Boys and Girls Club -- the children's hospital,

Phoenix House, Habitat for Humanity -- I've been the board chairman of Habitat for Humanity -- of course, the Columbia Public Schools system, as well as University of Missouri. Grindstone Parkway, the southwest corner, is the best location in that corridor between Providence and Highway 63 for a store -- for one of our neighborhood stores, given the existence of the other convenience stores that exist there. Why is that? It provides eastbound traffic with easy right-in, right-out access. And I think if you talk to traffic folks, they would say that is the very best location you can have for safety. At the stoplight, which will be improved as our civil engineer has talked about, those people traveling left, we don't expect as many of them because of the other competition we have, but it will be very safe to get in and out at that location. Rock Quarry Road is the best corridor, moving north and south, to the University of Missouri. There's -- as Jennifer mentioned, the concept is all focused around these newly built apartments, and these folks will definitely use our situa-- our location. There is no other location with a southwest corner available to Break Time that also has a through street in this corridor anywhere on the Grindstone Parkway. Plus the fact there's almost 30,000 cars a day making that trip, and we think we're going to be a nice convenience for half of those that are -- at least running east, and they'll be probably more than that coming. Thank you for your time. Please give us consideration.

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

MR. TILLOTSON: I have a quick one. You talked about 300 employees. How many do you think will work in that particular store?

MR. CASPALL: I'll have to defer that to the management --

MS. MAXWELL: There's going to be --

MR. WHEELER: Ma'am, sorry. You got to come up here. You also have to tell us who you are again and where you live, or at least your office.

MS. MAXWELL: Jackie Maxwell with MFA Oil, One Ray Young Drive is our office here in Columbia. We are -- there will be -- depending on whether we're -- they'll be a combination of part-time and full-time employees, and we're figuring probably eight, if they were all full-time, plus our store manager. So depending on -- with the students and -- you know, it's possible that there's a lot of people looking for part-time work as well, so it could be, certainly, more than that. But if they were all full-time, it would be eight, plus a store manager.

MR. CASPALL: So a total of nine.

MS. MAXWELL: Correct.

MR. WHEELER: Does that answer your question, Mr. Tillotson?

MR. TILLOTSON: (Nodded head.)

MR. WHEELER: Any other questions? Thank you.

MS. MAXWELL: Thank you.

MR. WHEELER: Are there any other speakers for the applicant? Organized opposition? I don't really care if you go first, but just tell me who's going to take the six minutes and who's going to do three. That's all I really need to know.

MS. PRITCHARD: Good evening. My name is Jan Pritchard; I live at 3505 Rock Quarry Road. And if you could find this sheet in your (indicating) --

MR. WHEELER: Could you bring that slide up for us, please?

MS. PRITCHARD: Do you have your Staff report? My house is in the lot that's just south of Sun Court. And my husband and I have a letter that's in the Staff report. I'm hoping that you got to read that. There are lots of reasons in there: The history of the neighborhood, the scenic road ordinance, the development of the neighborhood. We've lived there 20 years and been very involved in all of the -- all of the development that's gone out -- in out there. There are lots of good reasons in our letter and everybody else's letter and the Staff report why this is not an appropriate project. First of all I'd like to say, anytime you have to modify both entrances into the property, you have build a wall between your property and the next property to protect people from what's going on on your property, that doesn't seem to me to be an appropriate use. If it was an appropriate use for this property, they wouldn't be building extra lanes of traffic and having to extend the state highway and building walls between their property and the residences to protect the people in the residences from that use. A couple of points that were made, I just want to -- you know, I find it interesting that we had three people at least talking about safety issues and crime. Now, if that's not an issue, why did they have three people talking about safety issues and crime, you know? They were talking about ten crimes here, ten crimes there. You don't -- you know, putting a convenience store here is inviting crime. It's just going to come, you know. It's ridiculous to say, Oh, we're only going to have ten crimes here and it's only going to be shoplifting, so let's not put it next to these residential houses -- or, you know, we can put it next to these residential houses. The last speaker was saying that there's no other intersection along this corridor for them to build. In fact, there are two, with signals: At Red Oak, which is just to the east -- or to the west, and at Bearfield, which is just to the east. They both are signaled intersections. And on the northern side of the road, they're already commercial property. Why are they not putting their property -- their gas station on those properties? There's a lot of commercial property out here that's not developed and I think that the City should require that those be developed before you start moving into a residential property and building a clearly inappropriate and non-- you know, noncompatible use. There was a mention about the meetings with the neighbors. Well, I will tell you what they were offering the neighbors is, How big a wall do you want us to build between our property and your property. Now, if that were your choice -- if you were living in those houses on Sun Court, and the only thing they were offering to you was to build a bigger wall, you know, that's not a negotiation. That's not a meeting with the neighbors. That's us telling you, We're going to build this thing, and how big a wall do you want, and that's what those meetings were supposed to be about. There's no concession. They have not conceded anything we've asked. And

it's just not an appropriate use. The City Staff recognizes it's not an appropriate use. And, you know, we're just asking to be treated like every other residential property, and I don't think you would allow this kind of development in anybody else's backyard, and this really is in people's backyard.

MR. WHEELER: Are you going to be here six minutes or three minutes? I'm just -- I didn't know. It doesn't matter if you're finished. Are there any questions of this speaker? Mr. Vander Tuig?

MR. VANDER TUIG: What concessions did you ask for, out of curiosity?

MS. PRITCHARD: Well, we asked whether it had to be 24 hours. We would prefer that it not be a gas station because on the land on the other side of the church they've already decided on the south side of the road there shouldn't be any gas stations. But, you know, all along it's going to be -- this is going to be this huge thing. We're going to do it 24 hours. We're going to do it this way. Oh, the other thing I wanted to point out -- and I was instrumental in getting the scenic ordinance. Within the scenic road overlay, which they have admitted they don't comport with at the present plan, within that overlay part, it's not to be vegetative cover. No parking lots. You can have a driveway. No buildings, no construction of any kind. So their property -- they can't even put their parking lot until past that scenic overlay. The overlay ordinance requires a vegetative cover. So, you know, their plan doesn't even comport with the present zoning.

MR. VANDER TUIG: Thanks a lot.

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

MS. PRITCHARD: Thank you.

MR. WHEELER: Next speaker please.

MR. HAAS: My name is Craig Haas; I live at 3609 Southland Drive. This isn't in my backyard. I live on Southland. They talked about the church. That's a different story. We can talk about them, but they're good neighbors. Their lights go off at eleven o'clock. There is an issue with traffic. But when they started talking to the neighbors, this was a flagship store: 50,000 square feet. And like they said, they wanted to build a fence for us. I asked one lady -- I never did get an answer -- if she would live in that house. She talked about living next to one when she was young, but she sure won't live in it now, you know. And there's just a lot of issues with that. I'm in the wrong profession. I need to be a traffic engineer, because if you go north, there's eleven exits between Grindstone and my street, Southland. And to paint some lines to turn left -- all them students don't want to turn left; they're going straight. So if this thing goes, you'd better get some money and get Grindstone -- it's already four lane, but Rock Quarry, something needs to be done there. And they talk about good neighbors, you know, everybody donates to church. You've got an extra 1,000 or more students down by Bearfield. That corner is zoned commercial. There was a gas station there once, and it's all ready. I don't know -- yeah, it's not the north side. Whoopy doo. But you still got thousands of cars, you know. I vented a lot before a lot of you folks came, but -- you know, there's no sidewalks here. No foot traffic. It's all either cars or, if you want to deal with death, ride a bicycle. So, you know, I'm about done, so thank you.

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

MR. FROESE: Good evening, lady and gentlemen -- our transcriber. My name's Aaro Froese; I live at 3606 Southland Drive. Man, that gourmet coffee sounds good. I like Break Time. I do a lot of business at Break Time. And I was sitting back there going, Wow, that -- you know, it sounds like they have a lot to offer. But nobody, other than Break Time employees -- and I hope you're getting paid -- has spoken for this. I went on a little walk myself. I talked to one of the deciding people at the Crossing; I talked to Justin Starr, owner of the collegiate properties across the street; I talked to all my neighbors; I talked to some folks on Sun Court, and I couldn't find anybody that was onboard for this. Not one of my neighbors thought this was a good idea, at Sun Court, on Southland Drive. I disagree with Rock Quarry Road needing to be widened. It is a scenic road. And as you go north, if they want me to turn left into the Break Time convenience store, I'll be turning on to -- into oncoming traffic that might be going south from Grindstone Parkway onto -- I mean, south on Rock Quarry Road from Grindstone Parkway. I stood out there this morning and I counted. It took a car four seconds to get from that intersection to the proposed entrance and exit of Break Time. One, two, three, four. About the same time it takes to look once, look twice, and there that car is right in front of me. I have two daughters. If we get a Break Time there, they'll be down there after that slushie machine and the yogurt machine and the gourmet ice creams, but they will have to walk on Rock Quarry Road. Anybody want to let their kids walk on Rock Quarry Road? There is a sidewalk in front of The Pointe development, but that sidewalk is incomplete. It does not connect to anything. It dead-ends into a fence, and at the other end, it stops into a drainage ditch at that developed housing. If I were a pedestrian on that sidewalk, I would have to cross all three of those lanes, including that turn lane, to get to that Break Time Convenience. There is no sidewalk. Break Time is a very wealthy benefactor to our community. Thank you, gentlemen. Thank you very much. I don't think anybody in this room will dispute that. This might sound radical, but I would be on board 100 percent for Break Time to take over that, if they would've offered the neighbors a buyout option. You're asking people to live right next to a convenience store. Ms. Pritchard -- I've known Ms. Pritchard all my life. I grew up at Southland Drive. Been there since '6-- '72, excuse me. This is not an ideal situation. There is going to be a business there, but Break Time came in and pretty much bullied the neighbors. We did not mail. I got a hand-delivered in post office [sic]. Anytime I put something in someone's postal box, I get talked to by a post officer, telling me I have to mail stuff. Break Time didn't do that. They just simply dropped off notices. I do understand it is a courtesy to notify by signage from the City Council, but that sign that advertised tonight's meeting, laid flat on the ground for the last three weeks. I've got a picture of it. I'll happily e-mail it to anybody. And it doesn't say zoning from R-3 to -- for A-1 to C. It says zoning from A-1 to blank. I imagine I still have a few more minutes. Safety is -- I'll wait for the red light to come on, but -- hey, look at that. It works. Winding up, safety is a concern to me as a father of two children. Any questions?

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

MR. LEPKE: For the record, Staff went out to the site twice. The first time the ground was so hard, I -- I weigh 150 pounds, and I had a heck of a time putting it into the ground. It was standing when I put it out there at the start, and it was properly labeled. When I went back out there, I would agree, one of the labels had come off. I did update the date for the public hearing, and I noticed that somebody had -- thank you to whoever it was -- propped it up with a cinder block. So it was standing at one time, just for the record.

MR. WHEELER: I've put a few signs out and they're --

MR. LEPKE: Yeah. You would know definitely as a realtor. Thank you.

MR. WHEELER: Sir?

MR. SIMON: My name's Keith Simon, pastor at the Crossing, 3615 Southland. We're in a bit of an awkward position because we have great respect for MFA Oil. We have great respect for their leadership, for their involvement in our community, and we think they are right when they say they're excellent corporate citizens. We agree. All of our interactions with them, they've been kind, gracious, listening, professional, anything that you could have asked. So we have no complaints about them at all. We enjoy using their services all over town and think they're a great business. But that's kind of not the question in this instance tonight. The question is: Does that piece of land seem like a good fit from our perspective for what they would like to do. And to us, it doesn't. We have several concerns, including the traffic. On a Sunday morning, we have about 2,000 cars that come into our lot, just on Sunday morning. We also use it for different nights of the week. So we're concerned about the traffic issues. But our biggest concern is that the increased traffic that a business like a 24-hour, seven-day-a-week business, that increased traffic is going to spill over into our property. We know that because we already have that issue. Where we are now, we already have loitering. We already have cars driving in and out of our lot. And that's only going to greatly increase if a business as successful as theirs is put there. We are mainly families at the Crossing. We have over 1,000 kids on a Sunday morning, and 100s of kids on different nights of the week at different seasons of the year. So in some ways our parking lot is almost a bit like a playground. In fact, there is a playground right next to our lake. You saw that in the picture. There's a pond there and a playground there. So it doesn't seem like it makes sense, from our perspective at least, that you would put a convenience store/gas station, increase traffic, right next to a family center, a playground where there's so many kids. In addition, when Red Oak development is completed and the student housing on the back end of that is going to go in, then we're going to have -- our concern is at least that we'll have students cutting across our parking lot to get to the Break Time. It's going to be the quickest way between where they are and where they want to go. And, again, we have high school students, grade school students, middle school students out there in the parking lot, family events, things like that. It just doesn't seem to make sense to us. That's it.

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

MR. TILLOTSON: I just had a question, just trying to get my head wrapped around -- here a while back, it come before us, was it Red Oak student housing that was going on the other side of your church? That didn't seem to bother you, with that many kids that's going to be partying in your parking lot and driving through your parking lot.

MR. SIMON: Just to be blunt and honest and put all my cards on the table, I wasn't paying attention.

MR. TILLOTSON: Okay. I was curious as to why.

MR. SIMON: I don't -- I didn't know.

MR. TILLOTSON: That, to me, would've been something that would've drawn a lot more opposition than this convenience store because that's definitely --

MR. SIMON: I agree, and I ask myself that question a lot.

MR. TILLOTSON: -- far more traffic.

MR. SIMON: I just wasn't paying attention.

MR. TILLOTSON: Okay. Good. Thank you.

MR. SIMON: I wish I had a better answer that may look better than that.

MR. WHEELER: Mr. Strodtman?

MR. STRODTMAN: I'll make this one a little easier maybe. Are there any future plans to expand The Crossing?

MR. SIMON: Absolutely. We just finished a capital campaign. We've already completed part of it, like they referenced, and there will be more construction in the next year or so.

MR. STRODTMAN: So you -- The Crossing's increasing traffic, and a lot of the things we're talking about, you guys are also kind of contributing in the sense of cars and automobiles, many people walking?

MR. SIMON: Yeah.

MR. STRODTMAN: Obviously, you'd probably want some of these students to come to your facilities and probably already do, so they're walking and bicycling and that type of things, you guys are going to be increasing that too in the future?

MR. SIMON: I don't think we have too many bicycles, but they're always welcome. Yeah. The Crossing's a growing church, and it's a fair point to say that we contribute a lot to traffic and growth there at certain times. And I'm sure we've been a stress and a strain on the neighbors. We've tried to be as good a neighbor as we possibly can. But I think that's fair. That's why I said traffic wasn't my main concern. My main concern is the spillover, 24-hour, seven-day-a-week store into a family area.

MR. STRODTMAN: Has there been any -- and maybe you can't do this. Is there any way that you could put a gate or some kind of bar-- you know, something that you would have to open and close for your use?

MR. SIMON: Yeah. We've talked to the people at Break Time about it, and we've looked at different places where we could do that. It's not exactly our style or choice of philosophy to gate our place off. You know, I'm not sure any business would want to, and as a church, that's the last thing we want to do. That's the gated church? That doesn't sound quite right. So we're going to do our best not to do that. But could you do that? Sure, you could.

MR. WHEELER: Mr. Reichlin?

MR. REICHLIN: Is it fair to say that they're helping ameliorate some of the issues you do have with this development in terms of the stacking and the issues of people coming in and out onto Grindstone? Isn't that --

MR. SIMON: Yeah. I think that's fair to say that they've been easy for us to work with in the sense that they've tried to respond to our questions. And if you were going to tell me we were going to have a convenience store there eventually, then please let it be Break Time. But I think the core issue for us is something that's unsolvable. It's just fundamental to the situation. There's nothing that can truly be done about it.

MR. WHEELER: Mr. Tillotson?

MR. TILLOTSON: One other question: You talked about the church growing. How many of the houses out there does the church actually own?

MR. SIMON: Well, it's a little bit -- yeah. Thank you. It's a little bit -- depends on what you -- we own five houses currently, but two of them are on our property. So if you see down by -- toward the pond, down the road there, we own two that are on our property. We also own one, two, three -- I'm sorry. We own four other houses, so we own a total of six houses.

MR. TILLOTSON: So do you have reasons to want to buy more houses if they become available?

MR. SIMON: You know, we're always open to things. Right now we have most of our resources tied up into this project we're in, but we're always open to have a conversation with somebody.

MR. WHEELER: Mr. Lee?

MR. LEE: You said you hoped to grow your congregation, as, certainly, every church does, which would mean, probably, that you have to grow your building. In which direction would you hope to expand?

MR. SIMON: Well, we have -- in conversation with the architects right now to try to determine what that looks like. But currently what the model looks like, if it were the one that is adopted, is to build -- I'm really bad with directions. So where our current building is -- yeah, right -- that area right behind there and to the left.

MR. LEE: West.

MR. SIMON: West. Thank you.

MR. LEE: North and west.

MR. SIMON: Thank you. Yeah. So there -- we -- that's the current iteration. I'm not making any promises because we're still trying to figure it out.

MR. WHEELER: Well, I was really hoping someone else would ask this question, but I guess it's left to me. I drive by there every Sunday morning, and you do have a very vibrant church, a lot of people coming in and out. If there isn't a Break Time and this stacking distance isn't improved, are you-all going to be prepared to improve that stacking distance and that deceleration lane at some point in the future? Because that's -- and it's an issue. I mean, just like stacking distance, actually, coming west on Rock Quarry turning in is, so they come down to Southland and come in the other way. Obviously, you have people coming from every direction. The stacking distance -- actually, I have to get over in the northernmost lane when I'm coming west to get by on Sunday mornings, which I'm not complaining about that. I'm just saying it's an issue. And so the stacking distance -- we've heard MoDOT didn't get the requirement they should've apparently when that access was allowed. And it is an issue now and will become a bigger issue in the future, which this applicant is addressing -- at least it sound like to me addressing.

MR. SIMON: I think so. You know, that's the first time I ever heard -- when he said that, my ears perked up. MoDOT's never said anything to us about any sort of oversight. They never asked us to do it, so this is the first time I've ever heard it. So I suppose that -- it sounds like something we may not have a choice on. I honestly don't know how that works. If they're going to come back and require us to do it, then that'll be something we'll have to look into. I have no idea what the cost on a project like that is. So I guess at some point we may have to, but you would probably know more about that than me. I've never heard anything of that before. MoDOT never asked us to do anything.

MR. WHEELER: Well, I'm going to tell you that if it was an oversight, it's probably not your problem at this point. I was just wondering.

MR. SIMON: Well, that's good news.

MR. WHEELER: Are there any other questions of this speaker? Appreciate you coming out.

MR. SIMON: Thank you.

MR. WHEELER: Additional speakers?

MS. FROESE: Good evening. I'm Michelle Froese; I reside at 3606 Southland Drive. My husband's already spoken, and I do try to follow him up to -- when he gets a little out of sorts. I've lived at this location for almost -- probably almost eight years. My husband was born and raised at 3606 Southland Drive. And, you know, I'm a -- I have nothing to argue with about MFA Oil or Break Time, but I don't think that this location is an appropriate use to put a 24-hour convenience store on it. There are -- as they said, we have them within a mile, east and west, both sides. I drove it yesterday. I know they're looking for a south location, and I think the Galactic Fun Zone is even for sale, so that's on the south side. It would be one thing if there weren't any resources in that area where people could go shop or get gas, but there are. There are many. They are plentiful. But this is a residential area. And, yes, The Crossing there, they are good neighbors, but you have problems on a Sunday

morning. Try getting out of your driveway on a Sunday morning to go somewhere. And I've learned how to time that. But my big issue, apart from the fact that it's a 24/7 convenience store in a residential area, is the traffic in that area. A lot of you have been talking about the traffic on Grindstone. But I'm looking at it from Rock Quarry, because my access -- unless I cut through the pastor's parking lot, which I've had to do sometimes because the traffic's so backed up at Rock Quarry and Grindstone. If I want -- I drive to the University every morning to go to work, and the traffic is backed up. I don't see how adding a left-turn lane into a Break Time is going to help that. And, indeed, I think it will make the problem much worse. The traffic has increased tremendously because we have The Pointe and then there's The Grove north on Rock Quarry. And that's precisely why Break Time would like to be there because they'd like to capitalize on all of those students. But that road cannot handle that amount of traffic. It simply can't. It's very dangerous. And The Grove doesn't even have stop signs from their parking lot onto the street -- onto Rock Quarry, so students just pull right out without stopping. They are at The Point. But if you are going north on Rock Quarry, I do not know how having an extra left turn signal or a left lane that gets you into the Break Time is going to help anyone whatsoever. And in that case I probably would have to cut through the church's parking lot so I could try to get to work. So I feel like that's a bad use of that location. I'm not opposed to convenience stores or good business plans, but that particular plot of land does not seem to be an area where it would improve the quality of life or improve the kinds of public services that we offer to the community by turning that into Break Time.

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

MR. DEBLASI: My name is Mark DeBlasi; I live at 1703 Sun Court. I'd like to talk about a couple of things, the traffic first of all. We've noticed with the students coming back and, you know, all of the additions to The Pointe that there are a ton of students driving around. And I don't really think that any of that was included in the traffic reports that they've done. I don't really think that any of that was accounted for. And the traffic is -- it's pretty bad on Sunday. You can't really get anywhere and traffic is backed up everywhere, but that's just on Sunday and just in the morning for a little bit. I don't really see, like, the -- I don't think that that's such a bad thing. It's only for a couple of hours that I can't really get around. With a 24-hour gas station, that's -- that's much worse. That's horrible. Another thing that I don't really feel like anyone's mentioned is the fact that not only, you know, down the street in either direction there are gas stations, but down the street to the west, there's actually three gas stations. If you go past Providence, there's a Break Time on the south and Midwest Petroleum to the north. The Break Time that is on the south over there was robbed on March -- in March of 2012, and two years ago there was actually a murder there. So not really sure why they think that a Break Time is a particularly safe gas station. I'm very concerned about the poorly lit area behind the Break Time. Even though they have a -- they're planning a motion sensor lighting of some sort with video recording, I'm not really sure how often that would be tested or if it

would be well maintained. I actually live on the other side of the fence there, and we don't really have much of a fence. I'm concerned about my three-year-old son that would be playing in the backyard, that would be -- I don't know. He could be -- if he goes up to the fence, he would be about 30 feet away from the Break Time, and random people that he would be 30 feet away from, and cars. I don't really feel like it's a very safe environment for my son. I feel like this is the worst possible thing that you could put in this lot. I mean, it's currently an empty house that appears to be completely grown over with trees and bushes and everything, but I feel like there are many other uses that you could have for this area that would be so much better. I think that's about it. Any questions?

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

MR. LEE: I just have a comment, and Break Time can confirm or deny this, but I believe that that murder was solved simply because of the cameras and such that are on the Break Time.

MR. DEBLASI: That's -- I mean, obviously there are cameras there and there are cameras that solved the murder mystery, but it obviously didn't prevent it.

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

MR. PRITCHARD: My name is Dan Pritchard; I live at 3505 South Rock Quarry Road, and my wife previously spoke. What I want to focus on is, basically, the threshold question here, which is, is this an appropriate land use with this plan that they have for a 24-hour convenience store. Now, one of the speakers for the applicant indicated that you're supposed to treat the church as kind of a commercial activity because it's growing, it's vibrant, you know, and it generates a lot of traffic, at least on the weekends and on certain other occasions. But if you look at this map, it's A-1. They could've done it. Ours is A-1. We could build a church there if we wanted to without having to go through a zoning change. This is specifically for certain types that go into the commercial, that's why you have zoning and the different rates of -- the different types of commercial, because they all have different effects. And this has a different effect. They talk about they want to get in, possibly, foot traffic. Now, they're putting in sidewalks around their place and, of course, The Pointe has some sidewalks in front of it and The Grove has some sidewalks, and then there's some sidewalks on the park on the north side. Other than that -- there's some -- there's a sidewalk in front of the Chinese Christian Church, which is on the northeast corner, but that's in the front, and there's none coming up further from the west on the south side and there is a gap at one of the narrowest places on Rock Quarry, where there's no sidewalks. So what you're asking these people -- kids -- most that have access now -- I mean, I knew a lot -- when I went to school here in the '70s, there were a lot of college kids that didn't have cars. That has, in my opinion -- I don't have exact statistics, but that has changed. They don't go by foot anymore. Quite frankly, they'll drive to go across the street. I'm used -- I mean -- and I've walked that area just to go up because I've had my car fixed at Custom Automotive down near the Taco Bell. I've walked that south side. It's rough, has nothing there, but I've been able to walk that, and I would. I don't think any kid would be wanting to walk it. They'll drive

there and just keep adding to it. Now, in regard to the problems with the church, I mean, my understanding is with the Red Oak development that's going in, I thought one of the parcels or lots was going to be kind of set aside for them to have access to the light there. That would probably mitigate any other directions, especially coming from the west because then they'd have a light to be -- a turnout that would be different from this one. But in this particular regard, everything around here is some type of residential. It may be very dense, like the student housing. We got two churches here. We got something that is zoned commercial on the north side, but that was part of the bigger project with Walmart, and there's a park there that was specifically put in. And even to the north of that, it's A-1. It may be developed some time, but it isn't developed now. And my point is that this particular type of 24-hour commercial activity is not appropriate for the surrounding community. Even if you want to capture it, because I don't think there's going to be people walking to it. You might capture some east and west, but, you know, you can go through McDonald's right now and pick up anything 24 hour through their drive-up, Hy-Vee is 24 hour, and, you know, quite frankly, unless you live there, I don't think -- they'll drive there anyway. And I think that, especially the students, would probably go to Walmart and Hy-Vee regarding that. Obviously, they won't go there for gas, but that's basically my position on it. Any questions for me?

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

MR. PRITCHARD: Thank you.

MR. WHEELER: Anybody else want to come up and speak to us? No one? Going once

PUBLIC HEARING CLOSED

MR. WHEELER: Ms. Peters?

MS. PETERS: I've got a question for Staff. At one time there were laws in the books that liquor couldn't be sold within a certain distance of a church. Has that changed?

MR. ZENNER: To my knowledge, no. And I believe it is door-to-door. It is not door to property line or property line to property line. It's a state statute. It's not something that we have within our regulations.

MS. PETERS: Can you clarify that for me, door-to-door, what the -- do they comply or not is basically -- can they sell liquor on this corner?

MR. ZENNER: I'm not confident as to what the distance is. If it's a 300-foot threshold from the door or the entrance of the structure to the church's front door, they are more than in compliance.

MS. PETERS: I'll go ahead and continue.

MR. WHEELER: Yeah.

MS. PETERS: I cannot support this. I do not believe that this is an appropriate land use for a gas station. Some of the gas stations that were noted by Ms. LaMar are gas stations that have been there since the '60s, and they are family-owned gas stations and they are certainly not open 24 hours a day. There have been a number of shootings at the Break Times. They attract kids at late hours, and kids being kids, especially if they've been to the bars, creating more problems. From the

Columbia Daily Tribune, August 10th of this year: Officers were dispatched to an unrelated shots fired incident in one part of town and then later it turns out that they broke up a -- there was an 18-year-old victim who attempted to set up a fight with a group at a Break Time on Nifong Boulevard. That fight did not take place at Break Time, but obviously they're gathering points for not the brightest people in our community. So anyway, I will not be supporting this.

MR. WHEELER: Mr. Skala?

MR. SKALA: Well, let me take a crack at this. I've been at this Grindstone Parkway development thing for quite a few years now actually. I can remember when the Walmart Grindstone went in when that was an all wooded area. In fact, the controversy then was harvesting the timber, and whether or not the timber was to be harvested by hand or with machine. And turns out there was some violations, which eventually wound up to change the tree ordinance. But more to the point of this corridor, the Grindstone corridor roadway was initially designed to be a relatively limited-access roadway, to bring traffic east and west in that part of the city. And slowly, but surely, some by necessity, some by design, some by plan, there's been kind of an incremental density, particular incremental to commercial density. And most of it has been concentrated on the west end and the east end, where now the other convenience stores that were mentioned here are in the context of a commercial development, which usually is the kind of context that makes a bit more sense. So I'm -- that the -- the decrease in the concept of the limited-access roadway troubles me a little bit. Also, we've been arguing and talking for many years about Rock Quarry Road, the scenic roadway overlay, which was recently amended, and the difficulties with the traffic going north and south. That really is too bad that there isn't the possibility of really widening that road and still maintaining the scenic overlay part of it. And yet we have consistently went ahead and approved plan zones with increased density for a lot of the student housing on that side of town, primarily. I was involved just a few weeks ago with accepting the plan for more student housing. And frankly, if it would've been a zoning question, I probably would've voted against it, but since it was a C-P plan, the zoning was already in place. That isn't the case here. This is really a rezoning question and the appropriateness of the zoning. And for my perspective -- and with all due respect to Break Time, and they are great corporate citizens. There's nothing wrong with that. I'm not referring to the marketing aspect here necessarily. I'm referring to the zoning question. And with regard to that zoning question, I do not think that this is an appropriate use of that piece of property, primarily because of this incremental density concept that is kind of hemming in Grindstone and taking away the original intention for its use, and that was as a limited, high traffic, access road. So I cannot support the kind of commercialization to make this just another commercial corridor, particularly because the uses that are envisioned here for a 24-hour convenience store are already available on both ends of what are really -- what is really a more commercial context on both ends. So I'll be voting against this rezoning. To me -- that brings up the other issue of the plan. That's why I asked about that before,

because there wasn't much of a point in me really getting involved in questions regarding the plan, even though I needed the information, because I think the zoning is inappropriate.

MR. WHEELER: Mr. Lee?

MR. LEE: With all due respect, Mr. Skala, I think we're well past -- with Grindstone, well past the limited use part of that, no matter how well intentioned it was a while back. But I had a couple questions for Staff. One, we recognize that Rock Quarry is a scenic overlay road. Does that extend south, beyond Grindstone?

MR. LEPKE: Yes.

MR. LEE: Okay. The other question I have for Staff is was the traffic study done when the students were here?

MR. LEPKE: I guess I don't know which traffic study we're referring to.

MR. LEE: The one we've all -- we've been talking about tonight.

MR. LEPKE: All right.

MR. GEBHARDT: Jay Gebhardt.

MR. WHEELER: Limit it to that, please.

MR. GEBHARDT: Yes. No problem. Crawford, Bunte, Brammeier did the traffic study in March, before they left for spring break.

MR. LEE: Okay. Thank you.

MR. GEBHARDT: And it did include the projected Aspen Ridge, which isn't built and it did project The Point of Rock Quarry that wasn't built at the time.

MR. WHEELER: Thank you.

MR. LEE: Thank you. To address the crime issue, each of the letters that was sent to us in opposition to this mentioned specifically -- well, not each of them, but most of them, six or seven, mentioned crime as an issue. And so I think that's probably why MFA spent a good deal of time talking about that. The other thing that comes to me is that in many of these projects that we have approved recently, specifically downtown, we've heard over and over again that many of these students don't have cars. Well, whether they do or not is really not germane, but I would say that with all of the apartments that are going in around this particular site -- the one we approved a couple of meetings ago back behind the church, the one that's across Rock Quarry that's already there, Aspen Ridge that's coming in, and the one back behind -- there's going to be a lot of kids, students -- not necessarily students, but a lot of people in that area that I think can make use of a convenience store. I think that MFA has gone above and beyond to try to ameliorate the problems for the neighbors, and I think this is a good project and I intend to support it.

MR. WHEELER: Mr. Strodtman?

MR. STRODTMAN: I also have a question for Staff. Will this -- and it kind of goes off of the comments just now. Will this project meet the current scenic overlay requirements? One of the

speakers mentioned that you can't build a parking lot. And I don't -- I should know it better than that, to know if that's the case or not, but will this meet or comply with the scenic overlay?

MR. LEPKE: Parts, yes; parts, no. As for the parking lot, I do believe it complies, because according to the plan we've been provided, you'll see the dotted line and the arrow pointing from the center line of Rock Quarry to the edge of the parking lot. And so it does appear the parking lot complies because a driveway for something like this is among the permitted improvements, if you will. However, fencing -- new fencing -- and Mr. Gebhardt had made this point earlier, that he was aware that some of the fencing shown on one of the plans may not be in compliance. However, extending the landscape into the property line within the scenic overlay would be permitted. So I do believe from Staff's review of the plan that barring that fencing question -- or that issue rather, I should say, that the other improvements Staff does believe comply.

MR. STRODTMAN: A couple of comments. You know, I believe that this Grindstone corridor is -- it's a major road in Columbia. You know, I think it's next to Stadium. I would put Grindstone right there, and I know that the commercial, specifically retailers and restaurants, a lot of times they will ask for Grindstone before they ask for Stadium. So I know it's become a major corridor. I envision -- I don't have a crystal ball, but I would envision that of that Rock Quarry and Grindstone intersection, there's four corners -- you know, with the park being one of them, that would prevent it being commercial. But if I was to have a crystal ball, I would say that all the remaining three corners at some point will be changed to -- from what it is today. And I don't know that for a fact, but I just envision that those three corners will be different in X number of years in the future than what it is today. So I kind of believe that, you know, it's not my job to tell Break Time that they should or shouldn't have a store here. I think that's up to the business owners to make that decision. And if -- you know, there's convenience stores right across from each other. There's Subways right across from each other. And so obviously there's business there or Break Time wouldn't be making this investment if they didn't believe that there wasn't a need for another convenience store. So I kind of don't put a lot of weight into where the other convenience stores are because, to me, that's a moot point. If the business is there and the demand is there, then it's there. If it's not -- Break Time's not in the business just to donate money to contractors and to other service people to build these things, to do all the work that they've done to create this plan, so they obviously believe that this is also going to make some money or they wouldn't have gone to the trouble that they have to do that. A couple of other comments: I'm all for the 24/7. I manage a large retail establishment here in town, and I personally don't like the 24/7 because that requires me to work those types of hours, but as a consumer, I'm all for the 24/7. Somebody mentioned different lifestyles and all that different things. And the Break Time closest to me is not a 24/7 and I'm very disappointed in that and I wish it was a 24/7 because I live really close to it and I would -- I find a lot of times I go by there, especially early in the mornings, and it's closed. And so I see that that is a benefit. You know, I think that Break Time has done extremely well, I think, you know, putting the HVAC on the ground, putting the stone on the

building, to just the cosmetics, the berm, the landscaping, you know, the two fences. I think that they've really addressed a lot of the concerns. And I don't think the fences are as much to say that they're going to be insecure or that there's going to be security issues. I think they're just trying to be good neighbors and trying to -- you know, if I was building a new house in that area, I wouldn't want to, you know, build something that would block somebody else's -- whatever they enjoy, be it a view or things of that nature. So I think Break Time's just trying to address the residents' concerns as much as they can and still be able to put a convenience store in this location. So, in a nutshell, I do plan on supporting this project.

MR. WHEELER: Mr. Vander Tuig?

MR. VANDER TUIG: Well, I'm going to touch on a couple of points, I guess. I don't think anyone's questioning the market demand for the convenience store. And I don't think it weighs into any decision here for whether it's appropriate land use or not. I think it comes down to two things. I think it's access management, which incidentally enough, you know, the example project for the previous case, Stadium right-of-way, is required because of access management issues because of poor land use decisions, and that's what we're trying to avoid here. The other point I wanted to make is, the -- you know, there's a lot of past history here with planning efforts. And while, you know, we're in the midst of the comprehensive plan, we've got Metro 2020, we've got the Rock Quarry scenic overlay district that was just approved, and -- the Rock Quarry plan, overlay district -- and all of them are not in support of this. And I think it would be disingenuous for us to, you know, move ahead with supporting something that's not in line with these plans while we're trying to build support and bring public opinion into the comprehensive plan. The other plan that's not actually discussed yet is one that the scenic ordinance actually requires. It requires that as soon as a roadway is designated a scenic, a road -- a corridor plan would be put in motion. And I'm trying to picture whether there would be any public support at all for a gas station on a scenic road, and I don't see that at all. And so I'm not in support of this at all. And not to say anything bad about MFA; I think it's a nice project, it's just in the wrong spot.

MR. WHEELER: Mr. Reichlin?

MR. REICHLIN: I'd like to say that in the history of my following of development projects, the type of responses we're getting today are similar to what we've heard in the past. When I think of Club Village and how contentious the debate was regarding that particular intersection and what the traffic was going to be like and the residences around it, and various other kinds of concerns, they're not dissimilar from what we're hearing tonight. However, the end result, in my view, is that once these projects are put in place and the amenity is available to the public in general, the dissention diminishes and the acceptance increases and as a result it ends up being a positive for the community as a whole. It's really hard to disassociate yourself from this particular decision and what might -- what the area might be like in 10 or 15 years, but when you look at the improvements and the additional traffic calming -- or excuse me -- the stacking lanes and such like that, the attempts they're

making to keep it within the scenic aspects of the Rock Quarry overlay -- something is going to happen with this corner that is not in keeping with Rock Quarry overlay district at some point in time, whether it be a Break Time, a bank, an office building, whatever it might be. But I don't think that we should hold a particular project hostage to an overview that we don't have a clear picture of. So in that regard, I feel confident in supporting and I intend to.

MR. WHEELER: Dr. Puri?

DR. PURI: While I collect my thoughts, you go ahead.

MR. WHEELER: Sure. Yeah. Absolutely. Actually, there is one thing that maybe either Staff or maybe Mr. Gebhardt could help me with. I'm wondering if somebody can tell me, what is the difference, or is there a difference, between convenience store or a commercial use of that type and an O-P or a bank use or something like that. Can somebody help me with that?

MR. ZENNER: Referring to in trip generation purposes?

MR. WHEELER: Yes, I am, traffic.

MR. ZENNER: I'll let our civil engineer answer that question for you.

MR. WHEELER: All right. Cool. Please.

MR. GEBHARDT: Jay Gebhardt.

MR. WHEELER: Office address.

MR. GEBHARDT: Yeah. 3401 Broadway Business Park Place -- Court, something like that. The traffic generation for a convenience store versus a bank is slightly higher, but very comparable. They're about 3,000 -- the International Traffic Engineers, ITE, says it's about 3,000 trips a day for a convenience store, and it's about 2,600 trips a day for a bank. So to me -- in a 24-hour period, so that's pretty comparable.

MR. WHEELER: Office use?

MR. GEBHARDT: Office is quite a bit less.

MR. WHEELER: Okay. And then, if it's medical office use, it would be pretty comparable.

MR. GEBHARDT: It would be higher, yes.

MR. WHEELER: Okay. Thank you, Mr. Gebhardt. Okay. First, let me start by saying that -- you know, and I'm on record as saying this, but I drove Rock Quarry for years -- lived down in this area, and I drove it four, five, six times a day. It's a pretty road. It's a pretty dangerous road, you know. Anybody that's driven it -- I can't imagine walking it or riding a bike, although I saw students trying to do that in my years of traveling the road. I've said before that I felt like it should've been a priority to have improved it a long time ago. But as Mr. Skala said, that would be very difficult and keep the scenic overlay. For that reason I question the appropriateness of that scenic overlay in half. I did not vote for, neither did this body as a whole -- might have been a couple of members that supported -- but we did not support the Red Oak development on the south side of the road. We didn't support the light there, nor did we support the development. City Council passed that in their infinite wisdom. We were given a C-P plan with student housing use. So as Mr. Skala alluded to

earlier, we were in some -- to some extent forced to swallow a student housing development plan on that parcel. We had no reasonable objection, given the zoning that was in place currently. So that covers that. As I said, I drive by here every Sunday -- and I hope the pastor didn't think I was picking on him, because it is Sunday morning; there isn't that much traffic out -- but I was just making the point that there is some stacking issues at this intersection. What I've asked myself many times as I'm considering this is, if not this, what are we going to put here. I mean, what are we really going to put here? Is it going to be a bank with something similar on the traffic count? Yes. The hours of operation would be different. You know, I don't know. I'm coming down to this seems to me to be -- is it perfect? No. But are many that we see at this body perfect? No, they are not. I think a lot of the issues that I had with this have been addressed in the stacking and the deceleration land and the improvements to the intersection. They've gone above and beyond on the screening requirement, which frankly, it's a requirement, folks. I mean, normally, we'd just be looking at a fence. That's all they have to do if the zoning was passed. So, you know, there's no lighting on the back of the building. And I understand, you know, that there's some concerns about that, but normally what we hear is the other side of it. I mean, we -- what we hear is, We don't want the lighting on the back of the building because it's going to shine in our yards. And now we don't have lighting on the back of the building and we're concerned about there not being lighting on the back of the building. So we can never seem to get a complete or perfect picture that makes everybody happy. But I am -- I'm going to support it. So, Dr. Puri, did you gather your thoughts?

DR. PURI: I think so.

MR. WHEELER: Okay.

DR. PURI: A very complex issue. I mean, I think that the chairman has put this in a very good light. Sometimes a fit is not perfect, but at the same time I wrestle with the same thing: What will you put here on this corner? It is a highly-traveled parkway. I didn't support the Red Oak, just like Mr. Chairman didn't, and at that time we were concerned about a traffic signal, and then we got raked over the coals by a local attorney over that, that it's not our job to do that. We wanted this to be a good commercial corridor, but this is a corner of two highly-traveled roads. One day Rock Quarry is going to be a four-lane street, you know, in my opinion. It's going to be scenic; it's going to be four lanes. I think it's just a matter of time. It's just a natural crossover street. With the corner the way it is -- one of the opposition speakers said there's an old house there, there's trees around it, and I wish that things could stay like that on a commercial corner, but they seldom do. And so you have to choose the fact that, you know, what will it be. And as Mr. Gebhardt has pointed out, 2,600 trips versus 3,000 trips, like for a bank, for example -- and that's 2,600 trips probably in a period of 8:00 to 6:00 or whatever the timings of the banks are, and here we're looking at a convenience store for 24-hour period for 3,000 trips. I think the applicants have done a good job about screening with landscaping material. They talked with the surrounding property owners to see if the planting material would meet their requirement, and I think that they have done a job of putting all this together. I do

agree there are sidewalks here that, at this point, go to nowhere, but they need to be extended and that's where the City needs to get involved to extend those so you do have pedestrian traffic. Just like Mr. Wheeler mentioned, a lot of times we always get the flack that there's no privacy fence, there needs to be light blockage between the parking lots and the trees, and on the scenic side, all we see is a driveway there. We don't see, really, any parking in that zone on that side. So I also agree with the fact that Mr. Vander Tuig said accessibility is everything, but I think anything that we put over there is going to have some of these issues that are going to pop up. But under the circumstances, I think this is a plausible use of the corner there, and I intend to support that.

MR. WHEELER: Mr. Tillotson?

MR. TILLOTSON: Now, it seems like when you read the paper the banks are becoming more of a place for crime than the convenience stores anymore. I know it's always hard in a neighborhood to be disrupted, but as it's been mentioned earlier, Grindstone is a commercial corridor. It's become a commercial corridor. The infrastructure's there. The sustainability is there. I travel that road every day to work. And I do know when I leave Providence from my office and I go west that if I don't go across over to Hy-Vee or wait until I get down to Stadium and go over to do the left turn jog into the Phillips 66 station that's down there -- I think that's a good location for a convenience store. I think -- I give Break Time credit. They've done their homework. They've really, I think, reached out to build a very good store. I like it when I see local business that give so much to the community, has done so much for Columbia, to be given an edge. We sit here and we vote and we talk about company's coming in from St. Louis, Kansas City, to build stuff, bring in employees from out of state. And when we have local talent wanting to make Columbia a better place, I think we have to take our hats off to them. It's already a 24-hour environment. You got Walmart, 24-hours; you got Hy-Vee, 24-hours. It's a 24-hour environment. Columbia needs a 24-hour environment. There's times of the night -- I'll tell a little story on myself. My wife and I were traveling. I got sick in the night and had to get up and go out and get something, and lo and behold, there was a Break Time. Could've been any convenience store, but thank goodness something was there and it makes it nice. But with that said and done, I can't add anything new to what's been said, so I'm just letting you know I intend to support it.

MR. WHEELER: Mr. Skala?

MR. SKALA: Yeah. Just a couple more comments. With all due respect to Mr. Lee, I didn't really say that Grindstone was a limited-use road. I said it was a limited -- it was designed, at least initially, to be a limited-access roadway. We've heard a little bit about some of the issues, about putting extra lights and so on and so forth. And although there may be 24-hour environments, the residential area in back of this proposed convenience store is not. And I'm going to remind you that the Staff recommended against this plan on the south side of Grindstone because it did about residential properties. I guess I don't subscribe to this whole idea of just because we have limited options, because other people are really making some of the decisions, that we just have to go along

and exacerbate a problem that already exists. I'm not convinced, really, that Rock Quarry will ever be a four-lane road and maintain its scenic quality. And that's not even to suggest some of the difficulties that the Rock Quarry special area plan got involved in. We've all admitted at one time or another -- or many of us -- that we have voted against that Red Oak Plaza. I can remember here when we were promised by the development representation that you would never see that Grindstone [sic] from the street, because they would leave enough of the vegetation that you wouldn't be able to see it, and the lights wouldn't be a problem. That wasn't the case. So all I'm suggesting -- and I'm not accusing Break Time of being a poor corporate citizen. They've done remarkable work here. But my job here is to try and recommend land use decisions to the City Council. And along with what Mr. Vander Tuig was suggesting, there are several plans in place and we're headed for more plans, in terms of the Comprehensive Plan. I have no intention of voting to exacerbate a problem that already exists because I think that I have no choice. I do have a choice, and I'm going to vote against it.

MR. WHEELER: Mr. Vander Tuig?

MR. VANDER TUIG: Yeah. I'll follow up on that a little bit. It's interesting. I actually -- to get back to the access issue, I actually was one of them that voted for Red Oak development, and the reason for it was because, yes, Grindstone Parkway being a major roadway that can handle a lot of traffic is appropriate for commercial. But it comes down to access management where that traffic is managed at a signalized intersection, and you cut out individual drives from a major roadway. And so even though, obviously, traffic will filter -- you know, be filtered off onto Grindstone as they're able to pull off, it really comes down to a safety issue. And I'm in the same situation as Mr. Skala. I feel like Red Oak is being the reason why, Well, now it's too late for this roadway. Here we go. You know, what else can we do better here? Well, he's exactly right. We can vote no. This is definitely going to erode access management more so than Red Oak, this decision.

MR. WHEELER: Ms. Peters?

MS. PETERS: I have a couple more comments. I guess I'd start with as to date, although there may be a lot more bank robberies going on, there certainly haven't been any shootings there with the possibility of stray bullets going into neighborhoods. And there's an old saying about nothing good happens after midnight. I'd like to point out that Staff's recommendation is for denial. This corner has come through twice before, and this body has rejected that. We are here for land use. We're not here to second guess whether or not Break Time is making a good call on where they want to put a gas station. So that's -- to me, it's a health, safety, and welfare issue, and this is way more appropriate to have an office zoning here than a 24-hour commercial site.

MR. WHEELER: Mr. Skala?

MR. SKALA: Is it appropriate to make a motion?

MR. WHEELER: Sure.

MR. SKALA: I'll make a motion to deny the request by A Civil Group, on behalf of 8 Ball Commercial, for rezoning from A-1 to C-P and C-P development plan to be known as "Grindstone Rock Quarry Break Time C-P Plan." 2.05-acre site is located at southwest corner of Grindstone Parkway and Rock Quarry Road.

MR. WHEELER: You want to second that?

MS. PETERS: Second.

MR. WHEELER: Motion's been made and seconded. Is there any discussion on the motion?

MR. VANDER TUIG: A motion's been made and seconded to deny a request by A Civil Group, on behalf of 8 Ball Commercial, for rezoning from A-1 to C-P and the C-P development plan to be known as "Grindstone -- I guess we're just voting on the zoning?"

MR. WHEELER: And just as a reminder, a yes vote is for denial on this vote.

Roll Call Vote (Voting "yes" is to recommend denial.) Voting Yes: Ms. Peters, Mr. Skala, Mr. Vander Tuig. Voting No: Mr. Lee, Dr. Puri, Mr. Reichlin, Mr. Strodman, Mr. Tillotson, Mr. Wheeler. Motion fails 3-6.

MR. WHEELER: All right. Anybody want to make a motion? Want to try to frame something?

MR. TILLOTSON: I just had a question. Never mind. I don't have a question. What do we need a motion for now? For --

MR. WHEELER: Approval.

MR. TILLOTSON: Break Time? Oh, a different motion.

MR. WHEELER: A different motion. That one didn't pass, and so we --

MR. TILLOTSON: I make a request then -- or I make a motion to request approval by A Civil Group, on behalf of 8 Ball Commercial, for rezoning from A-1 to C-P and C-P development plan to be known as "Grindstone and Rock Quarry Break Time C-P Plan." The 2.05-acre site is located at southwest corner of Grindstone Parkway and Rock Quarry Road.

MR. LEE: Second.

MR. WHEELER: Mr. Lee. Motion's been made and seconded. Is there discussion on the motion? Yes, ma'am?

MS. PETERS: Would the motion -- would Mr. Tillotson entertain a motion to incorporate Staff's recommendations?

MR. TILLOTSON: No.

MR. WHEELER: I think you can make an amendment and we can vote on it, if you'd like.

MS. PETERS: Okay. I would make a motion to amend -- pardon me?

MR. WHEELER: It's been a while since we've done this, but I think that's the way it's done.

MS. PETERS: I would make a motion to amend and incorporate Staff's recommendations to incorporate -- let me see I've got this right, Staff -- more extensive screening and fencing for the residents on the south and the east, as well as conditions on the hours of operation for the convenience store's fueling pumps. And would that also include deliveries?

MR. WHEELER: Deliveries were already restricted.

MS. PETERS: Pardon me?

MR. WHEELER: Deliveries were restricted by the applicant.

MS. PETERS: All right.

MR. ZENNER: Include whatever you'd like.

MR. LEPKE: Yeah. It's at your pleasure.

MR. ZENNER: I would suggest -- we do not have specific recommendations as to the hours of operation. As you heard in testimony this evening, liquor sales do end at 1:30 under state law, and they're not allowed resell alcohol until 6:00 a.m. That is already what they're obligated by. If hours of operation limitations are more specific to that, that the actual facility to be shut down between those hours, that is something that you need to include into a motion for specific purposes so we can forward that to Council.

MS. PETERS: Then a question back to you would be, what was your intent under your suggestion for hours of operation for the convenience store and fueling pumps?

MR. LEPKE: We had not established --

MR. ZENNER: Touché.

MR. LEPKE: -- particular times. Also of note in the statement of intent, it included the hours of 8:00 a.m. to 6:00 p.m., Monday through Friday, which was to limit the delivery time of fuel and all other products. And also from the applicant's statement of intent, as was mentioned before, limiting dumpster pick-up times to between 8:00 a.m. and 5:00 p.m., Monday through Friday. So those are sort of built in per the applicant's request. Now, as for the hours of operation, those are at your pleasure to author as you see fit, per your amendment.

MR. WHEELER: It's like ping pong or something here.

MR. ZENNER: And my suggestion would be to allow the MFA management staff to come back, approach the podium, as it relates to the hours of operation that they currently have their facilities that are not 24 hours, in order to determine what those hours may be, because we do not know.

MS. PETERS: Yes.

MS. LAMAR: Phebe LaMar, on behalf of MFA; I've got offices at 111 South Ninth Street. MFA is not in a position to open a store at this location that's not 24 hours. So what you guys choose to do in that regard is up to you, but MFA can't operate a store here that's not 24 hours.

MS. PETERS: Can you explain "not in a position to operate a store"? What exactly does that mean?

MS. LAMAR: I mean MFA isn't in a position to operate a store that's not 24 hours. They won't be opening a store that's not 24 hours in this location.

MS. PETERS: Would that be better to be phrased, You don't want a store that's not open --

MS. LAMAR: The fact is MFA can't operate a store here that's not 24 hours. They can't afford to do it, and they won't be opening a store there that's not 24 hours.

MR. WHEELER: Dr. Puri?

DR. PURI: I just had one question. In your testimony earlier, you said that there's not that many trips overnight, so you really don't know -- you know, you just have it open 24 hours as a convenience. Now, all of a sudden, you can't afford to not open it for 24 hours.

MS. LAMAR: There are a number of considerations that go into that, including the fact that they need to have people in the store to clean during that time anyway, and they will lose business as a result of not being open when people want to be there. For example, Mr. Strodman talking about the MFA that's not open at the times that he wants to stop there and get coffee in the mornings, or whatever it is that he wants to stop and get. The fact is they're not opening 24-hour -- non-24-hour stores, really, anywhere at this point, and the stores that they have in Columbia that are not 24 hours currently, when they are redone, will become 24 hours, except for the very rare ones where there's some kind of limitation in the zoning.

MR. WHEELER: Mr. Skala?

MR. SKALA: Can I ask a question? Maybe the Staff can answer this as well. Would it be feasible to -- your answer notwithstanding with this body, would it be reasonable for this body to make a suggestion to the City Council that they consider the restriction of the operation of business hours -- or consider that business hours be restricted, and leave it up to the City Council to decide?

MR. LEPKE: It's certainly in your purview, I think, to do so. And whatever motion that this body moves forward may include whatever conditions that this body sees fit, and then, essentially, put that before Council to make the final decision.

MS. LAMAR: Can I just point out one more thing with regard to the motion for the amendment on the table? There's been discussion about additional screening, as per the Staff's report, but nobody's ever been able to tell MFA what additional screening they're referring to that they would like for us to use. So we would need further clarification as to what additional screening that would be.

MR. WHEELER: Thank you. That's helpful. Mr. Vander Tuig?

MR. VANDER TUIG: I guess I'm going to turn that back over to Staff then. I mean, obviously there's been some discussion here with the applicant and with your staff. What was the discussion with regard to screening? I mean, I think we're looking for some advice here.

MR. ZENNER: And I will be more than happy to give you the advice that you are, I think, asking for. In all due respect to Mr. Skala's point of punting this to Council to make the final decisions, the four years that I've sat in this chair and listened to you-all discuss, you don't like punting. So my suggestion to you is the hours of operation be limited from 6:00 a.m. to 1:30 a.m. and you leave out the hours that they aren't able to sell alcohol as part of your recommendation to Council, and let Council determine what they would like to do with that recommendation. It will be on an amendment sheet, if it makes it that far. And as far as for how we handle landscaping, I would

suggest to you that we have plant material that is probably not sized significantly enough, in our opinion, in which we go ahead and we start putting larger plants in and stagger, possibly, the arborvitae row in order to intensify the actual density of landscaping between the adjacent residential property, as well as the store itself. While the berm has been shown to be hiding a portion of this building, if you looked at the diagram, and it's unclear yet to determine really -- is that a four-foot high berm at the property line? It appears as though it slopes back down from the building to the fence that exists. It's four-foot high fence along the residential development. I think part of what you have to look at there is how much true screening are you actually getting when you drop maybe a foot and a half below where the air conditioning unit is elevated from grade. It's not at grade. It's elevated three to four feet tall. Therefore an enhancement in the landscaping to where you increase its overall density, as well as potential planting height, takes care of that potential problem. So you want a recommendation. The recommendation of Staff would be reduce the hours of operation, as I had indicated, 6:00 a.m. to 1:30 a.m., increase the landscaping so the opacity factor is 80 percent at planting, to be determined by the landscape professional, with a double row of staggered arborvitae, no less than, probably, ten feet in height.

MR. WHEELER: That's pretty specific. Does that answer your question?

MR. VANDER TUIG: Yes. Thank you.

MR. WHEELER: Okay. We good?

MS. PETERS: Yeah.

MR. WHEELER: So that's the Staff recommendation you're asking for?

MS. PETERS: Absolutely.

MR. WHEELER: All right. So a friendly amendment has been offered. Is there a second?

MR. SKALA: Second.

MR. WHEELER: Mr. Skala. Amendment has been made and seconded. Discussion on the amendment?

MR. STRODTMAN: I have a question, since I'm kind of a rookie. When we vote, are we voting for both parts of it or --

MR. WHEELER: No.

MR. STRODTMAN: No.

MR. WHEELER: No. We vote on the amendment --

MR. STRODTMAN: And then --

MR. WHEELER: -- and then we'll vote on the motion.

MR. STRODTMAN: Thank you.

MR. WHEELER: So in just discussing this, I don't know if it's feasible or not, but I like the screening part of it. The hours of operation, I understand, you know, we live in a 24/7 world now it seems. But if it were possible on the screening, that would be nice, but they've already exceeded, I think, the screening requirement for a C-P or O-P tract. Any further discussion?

MR. LEE: Just to --

MR. WHEELER: Mr. Lee?

MR. LEE: Just to be clear, a no vote is against the amendment only.

MR. WHEELER: Yes. That is correct. We are voting on the amendment, and a yes vote is to affirm and a no vote is to deny the amendment.

MR. SKALA: Just maybe a clarification. I'm not sure that the screening requirement has been exceeded, given the Rock Quarry area -- special area plan, how that affects that screening requirement. But nonetheless, I think the amendment is --

MR. WHEELER: Well, while we're on that, and now that you've touched on that, the one thing that we have not discussed is the appropriateness, if we were to pass this, the fence running all the way to the property line. And I know if I were the property owner on the end of Sun Court, I'd want the screening. I'd want the fence. So if that is -- if that runs contrary to the scenic overlay, then I think it would be appropriate to allow that. But, anyway -- and I think that's the way the plan's drawn, and so I don't think we have to make an amendment to that. So, Commissioners, further discussion on the amendment? Roll call, please?

MR. VANDER TUIG: Motion's been made and seconded for Case No. 12-110, for approval of the rezoning from A-1 -- no, we're doing --

MR. WHEELER: Just the amendment.

MR. SKALA: Just the amendment.

MR. WHEELER: Just the amendment.

MR. VANDER TUIG: Well, I was going to -- okay.

MR. WHEELER: Oh, okay.

MR. VANDER TUIG: I was going to read the whole thing and -- I'll keep it short.

MR. TILLOTSON: You're doing a good job. Go right ahead.

MR. ZENNER: It's getting late. We understand.

MR. VANDER TUIG: We only did this once before, so -- a motion's been made on an amendment to the previous motion to include the screening requirements and the hours of operation, per Staff's request. And I assume since that was read --

MR. WHEELER: How about, As stated by Mr. Zenner?

MR. VANDER TUIG: As stated by Mr. Zenner. I'm sure he appreciates that.

MR. ZENNER: Going forward to Council that way.

Roll Call Vote (Voting "yes" is to recommend approval of the amendment.) Voting Yes:

Ms. Peters, Dr. Puri, Mr. Skala, Mr. Vander Tuig. Voting No: Mr. Lee, Mr. Reichlin,

Mr. Strodman, Mr. Tillotson, Mr. Wheeler. Motion fails 4-5.

MR. WHEELER: The amendment does not carry. So we are back to the motion, which has been made and seconded, to recommend approval of the C-P zoning and the C-P plan.

MR. STRODTMAN: Can I try an amendment on that? Can I approach an amendment?

MR. WHEELER: You can do anything you want.

MR. STRODTMAN: Can we take the Staff's recommendation for landscaping as Mr. Zenner -- I think it was 80 percent, take that part of it, but not the hours?

MR. WHEELER: Is that a motion?

MR. STRODTMAN: Yes, sir.

MR. WHEELER: Or a motion for an amendment?

MR. GEBHARDT: Can I --

MR. WHEELER: I'm sorry. No, you can't.

MR. GEBHARDT: Okay.

MR. WHEELER: All right. I think what he's going to tell us is it's physically impossible, but that's okay. We've got a motion for an amendment. Is there a second?

MR. LEE: Second.

MR. WHEELER: Mr. Lee.

MR. WHEELER: Discussion on the motion? Or discussion on the amendment? Mr. Reichlin?

MR. REICHLIN: Can I request the presence of Mr. Gebhardt --

MR. WHEELER: To give you an explanation?

MR. REICHLIN: -- to give us an explanation -- a professional explanation?

MR. WHEELER: Again, as a Commissioner, you can ask for anything you want, including pizza.

MR. REICHLIN: Mr. Gebhardt, you have the floor.

MR. GEBHARDT: Thank you. Jay Gebhardt, 3401 Broadway Business Park Court. The plan, as you see it tonight, has six-foot-tall arborvitaes and an eight-foot fence. If I understand what Mr. Zenner said, we have to provide 80 percent opacity the day that we start. With the fence, we meet that requirement. We can plant taller trees, if that's what you want, but I think you need to be specific on that. We can plant eight-foot trees instead of six-foot trees and that would be fine. But we just -- you just need to be -- it's not a clear amendment the you're proposing it, the way Pat framed it, because we're doing this belts and suspenders. We have the fence, which is all we need, and the trees are extra. And the trees by themselves meet the 80 percent opacity in a two-year growing period instead of four, as required by the City. So we can bump that height of those trees up if that's what you want, but I just want you to make a good amendment that we can do.

MR. VANDER TUIG: I have a question.

MR. WHEELER: Mr. Vander Tuig?

MR. VANDER TUIG: Mr. Gebhardt, does the fence meet the minimum height?

MR. GEBHARDT: Yes.

MR. VANDER TUIG: I mean, as far as height, it meets the --

MR. GEBHARDT: We have to provide from one foot to eight foot. We have to provide

80 percent opacity. We're providing 100 percent opacity with a fence between one and eight feet, so we're meeting the requirement with just the fence.

MR. VANDER TUIG: But that's just the height of the fence and not the viewshed with the fact that the building is higher?

MR. GEBHARDT: It's --

MR. VANDER TUIG: Meets --

MR. GEBHARDT: It's not part of the --

MR. VANDER TUIG: Okay.

MR. GEBHARDT: The trees will actually grow taller and provide more screening over time.

MR. VANDER TUIG: Okay. Appreciate it.

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

Mr. Strodtman?

MR. STRODTMAN: No more questions.

MR. WHEELER: That wasn't seconded, so do you want to try to work on --

MR. STRODTMAN: I was going to actually withdraw that amendment, based on

Mr. Gebhardt's explanation of the 80 percent.

MR. WHEELER: Okay. We are back to the original motion, which was seconded. Discussion on the motion? I think. I'm somewhat confused at this point in time.

MR. SKALA: Were you not withdrawing the amendment for the screening and the -- the entire screening.

MR. STRODTMAN: Just the screening.

MR. SKALA: So now we're back on the plan? Is that the --

MR. WHEELER: We're back to the -- there was a motion, and I've even forgot who made --

MR. REICHLIN: Yeah. There's a motion --

MR. WHEELER: But somebody made and seconded a motion to approve the C-P zoning and C-P plan.

MR. ZENNER: Mr. Tillotson, seconded by Mr. Lee.

MR. WHEELER: Oh, thank you.

MR. REICHLIN: Thank you very much.

MR. WHEELER: So that's where we are, discussing that motion. Any discussion on that motion? Seeing none --

MR. VANDER TUIG: Okay. A motion's been made and seconded for Case No. 12-110 for rezoning on behalf of 8 Ball Commercial, for rezoning from A-1 to C-P.

Roll Call Vote (Voting "yes" is to recommend approval.) Voting Yes: Mr. Lee, Dr. Puri, Mr. Reichlin, Mr. Strodtman, Mr. Tillotson, Mr. Wheeler. Voting No: Ms. Peters, Mr. Skala, Mr. Vander Tuig. Motion carries 6-3.

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

VI) COMMENTS OF PUBLIC

There were no comments from the public.

VII) COMMENTS OF STAFF

MR. ZENNER: Next meeting will be on the 20th of September. We do have some items on that agenda. Inbetween, obviously, you have your meeting on the 20th and then we have a meeting on October 4th. Work sessions at this time are both scheduled. On the 20th's agenda, we will have a sidewalk variance being presented by Lutheran Family -- Lutheran Senior Services for the Lenoir Woods project. This is sidewalk variances for New Haven Road, Lenoir Street, as well as Roosevelt Street, basically the bounding streets that surround the property. We also have a public hearing that same evening, George and Joni Pfenenger for a rezoning request from PUD 3 to R-1. This is next to the Country Club of Missouri property up off of Forum. This is a single-family home developed on a parcel of property that was actually zoned PUD 3, a majority of which has been developed with townhouse style development. And the owners -- the Pfenengers have the single-family home and they are seeking relief from setback requirements imposed by that PUD. Your maps that you have here associated with the project, the Lenoir project here on your left and then the Pfenenger project on your right. Obviously, two locations that you most likely are familiar with. We do have a single item on the October 4th agenda, and that is Ballenger Lane's renaming. This is a result of the City's construction of the Ballenger -- and, no, we can't move it. This is basically due to the construction of the Clark Lane/Ballenger Lane roundabout, and we have created, basically -- eliminated the roadway Old Ballenger, which ran from where Ballenger Place intersected, came to that awkward intersection. So this, the Ballenger Lane remnant is actually what the fire station is accessed off of, as well as an existing church and two undeveloped lots. We do have a name proposed on this. The reason it is coming before you as a public hearing is there is not 100 percent support on the proposed name. We have, however, not received any adjacent property owner suggested names, so we will be bringing forth to you what was originally proposed by the City Staff. This is the roadway segment as I spoke of, the new traffic circle there, down on the southern portion of the slide, and then the area in red is the remnant of Ballenger Lane that is being sought to be renamed. Obviously, the two undeveloped parcels are up here. They will be accessed and addressed off of whatever we name this. The existing church, which is the one that had opposed the name that was originally offered, we have contacted them and we have not yet received any response back as to an alternative, so the public hearing procedures for street renaming have to be utilized, and it starts with you folks and ends with the Council. Should be a relatively short meeting. And, unfortunately, Mr. Wheeler -- I know you'd love me to move this to the next agenda. We've already got it in the pipeline for advertising. We've already got the property owners noticed that this is the meeting that it will be held at. I apologize. I didn't expect us to only have one item.

MR. WHEELER: Well, I will point out that you'll have to feed us now, and so that'll bust the budget.

MR. ZENNER: Just tell me you're going to be here to eat and we'll be okay.

MR. WHEELER: Yeah.

MR. ZENNER: That is what we've got on the agendas coming up. As I indicated in work session this evening, we will continue to work with the comprehensive plan task force as it relates to the comprehensive plan, Columbia Imagined. As that information becomes available -- and you-all should've received documents that were shipped out yesterday -- we have and we will continue to keep you-all in the loop on that. We will also at the next work session continue to do our work as it relates to the HP overlay. And then, the first meeting in October, which is actually this meeting that we were talking about that has the single item on it, we will add a couple of discussion items, one being the steep slopes issue that Commissioner Skala's working on with the EEC. And then we will also ask Mr. Saunders, who is a member of the CPTF to come in to talk about TIF districts as it relates to the neighborhood associations that he represents. So you will have some diversity, at least, for your first meeting in October. And that is really the program that we've got going for you right now from a Staff side.

MR. WHEELER: And the items we've covered are routine?

MR. ZENNER: Yes. The items you have covered are routine. And just for the public's knowledge, as well as for the Planning Commission, the vote on the Break Time was a 6-3 vote. It will not end up on the consent agenda. It automatically goes to old business, so that will allow, obviously, for it to be discussed at the Council level since it did not meet our consent agenda voting procedures.

MR. WHEELER: I doubt seriously that one was not going to be discussed. All right.

MR. ZENNER: Thank you.

MR. WHEELER: I will -- you know, at our next work session, we discussed, let's come prepared to make the changes on -- or at least discuss Chapter 29. So with that, comments of Commissioners?

VIII) COMMENTS OF COMMISSIONERS

MR. WHEELER: Ms. Peters?

MR. VANDER TUIG: Go ahead.

MR. WHEELER: Ladies first.

MS. PETERS: Will we have available the attendance reports or work sessions and --

MR. ZENNER: I will ask Ms. Clark to pull together that. The attendance reports from the work sessions really are something that she pulls from my notes, so I will ask her in regards to that and see if we can't have that for you for the next meeting, September 20. As well as -- the one thing we did fail to mention -- well, we did mention it within work session -- the elections are at the next meeting, so if you all will plan to attend, we can elect your new officers for 2013 with a full body.

MR. WHEELER: Mr. Vander Tuig?

MR. VANDER TUIG: Yeah. I guess I'll make Mr. Skala's point. That was pretty confusing tonight and so I think part of the reason for it was because we started making amendments to the development plan when the motion was actually on the zoning. And so maybe during certain cases where we know that it may be a little more of a debate those should be split out, because I think on some cases, that makes sense to tie those together.

MR. WHEELER: And some it does and some it doesn't, but I will point out that the motion was actually for the C-P plan as well as the C-P zoning.

MR. VANDER TUIG: Oh, it --

MR. WHEELER: It was an amendment to the -- yes?

MR. SKALA: Just to follow up on that a little bit. Typically, the way the City Council handles some of that sometimes is they take two different issues, but choose to discuss them together so that you get the information for both of those, but once you get to a rezoning question, the outcome of that question really determines whether or not you proceed with the -- I mean on a Council level. That wouldn't necessarily occur here, but I think it's kind of important to make sure that there is a distinction, certainly in the public's mind, between the rezoning question and the plan question, rather than have the public be -- lead the public to believe that the plan is really influencing the zoning question, and it really shouldn't.

MR. WHEELER: And we normally do breakout zoning away from a plan on most of what we do. So I think on this one the point's well-taken that maybe we should have. That wasn't the motion. So more discussion?

IX) ADJOURNMENT

The meeting adjourned at 9:43 p.m.

(Off the record.)

Matthew Vander Tuig – Secretary

Doug Wheeler - Chair