

MINUTES
PLANNING AND ZONING COMMISSION MEETING
January 24, 2013

COMMISSIONERS PRESENT

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

COMMISSIONERS ABSENT

Ms. Ann Peters

II.) APPROVAL OF AGENDA

MR. WHEELER: All right. Hopefully, everyone has had a chance to review the agenda. Move for approval of the agenda?

MR. SKALA: I'll move.

MR. WHEELER: Mr. Skala?

MR. SKALA: So moved for the agenda.

MR. WHEELER: Mr. --

MR. STRODTMAN: I'll second.

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

(Unanimous voice vote for approval.)

III.) APPROVAL OF MINUTES

MR. WHEELER: We have the January 10th work session minutes and January 10th regular meeting minutes. Are there any corrections needed?

MR. SKALA: These are the regular meeting minutes?

MR. WHEELER: And the work session meeting.

MR. SKALA: And the work session too?

MR. WHEELER: Yeah.

MR. SKALA: Yeah. They all look good. I'll move for approval.

MR. WHEELER: Mr. Skala. Mr. Lee?

MR. LEE: Second.

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

(Unanimous voice vote for approval.)

MR. WHEELER: All right. We have a bunch of folks filing in here, but we're going to -- actually, let's give them a couple of minutes because I have a feeling this is what they're here to hear, and so we'll let you start on your staff report in a moment.

IV.) PREVIOUSLY TABLED ITEMS

Case No. 12-185

A request by Crocket Engineering on behalf of Southside Trail Estates for:

A. Annexation and permanent City R-1 and PUD 5.5 zoning

B. PUD plan, and a preliminary plat approval

The subject property contains 35.8-acres and is located on South Route K, approximately 2,000 feet south of the intersection of Providence, Route K, and Old Plank Road. (This case was tabled at the January 10, 2013 meeting.)

MR. WHEELER: And when Staff is ready, you can begin.

Staff report was given by Mr. Matthew Lepke of the Planning and Development Department.

Staff recommends approval of the requested permanent R-1 and PUD-5.5 zoning. Staff recommends approval of the requested PUD plan/preliminary plat. Staff recommends approval of the requested variance to Section 29-10(d)(7).

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

MR. SKALA: Yeah. I just had one question. Earlier here, you mentioned something about five lots and -- or five dwellings -- density of five dwellings in the Lot 64.

MR. LEPKE: Yes.

MR. SKALA: And is that -- that is, essentially, an offer that the developer has made that is not in the statement of intent; is that -- is that correct?

MR. LEPKE: Correct. It's essentially a note on the plat, and the developer is making that offer. And I'll let Mr. Crockett explain that further in a moment.

MR. SKALA: Okay.

MR. ZENNER: Mr. Chairman, for the purposes of just the Commission's knowledge, as well as the general public's, this item was classified as a routine, not a complex issue. So in the hearing process, we would follow our routine procedures. Mr. Skala, the issue associated with the offering of the developer is a plat restriction which is capable of being placed on the document at the discretion of the developer. It cannot be undone with Council action, should they approve the plat; so therefore, it is binding, very similar to a statement of intent condition.

MR. SKALA: It follows with the rezoning?

MR. ZENNER: That is cor-- it would follow with the rezoning and annexation and would be binding on the property in perpetuity, unless the Council were to actually release the restriction.

MR. SKALA: Thank you for that clarification.

MR. LEPKE: And again, quickly, for that to happen in the future, because of the way it is written and because it's being restricted -- self-restricted to PUD, it would have to go through a full public hearing process at this body, as well as City Council.

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

MR. VANDER TUIG: Is it true that the plan -- or the water quality manual and ordinance was in the process of being completed at the time of the writing of the Bonne Femme Watershed Plan? And the reason I ask is it actually specifically states in there with respect to the level of service requirements for water quality that it actually should exceed the level of service by one or two points as a -- as a goal, a strategy. So it's actually referring to the ordinance and the project manual. Now, whether it was adopted at that time, I don't know, but that's the question, I guess.

MR. TEDDY: Yeah. If that's the -- if that's the case, that will have to be in the final engineering for the project. The stormwater design will have to follow a binding policy, if that's the case, but the stormwater ordinance, you might say, is one of the things that can impact some of the watershed plan recommendations.

MR. VANDER TUIG: Okay. Well, I was just curious because --

MR. TEDDY: This being a preliminary plat, we don't have that kind of data. It's not required at this point.

MR. VANDER TUIG: Right.

MR. TEDDY: The kind of data that we would need to say what the level of service is --

MR. VANDER TUIG: Sure. No. I understand. Thanks.

MR. WHEELER: Mr. Skala?

MR. SKALA: Well, just to follow-up, the Bonne Femme Watershed Plan was just kind of a -- it was a guide of recommendation, was it not? I mean, the water -- the water -- the Stormwater Act which followed it -- or the law that followed it was more binding. But in this case, I think you're suggesting that the most restrictive policy would be in effect here? Is that what you're suggesting?

MR. LEPKE: Yeah. As a general rule, the more restrictive policy always would take effect pretty much for anything we do, but, certainly, there is that dichotomy between a guide -- I mean, the Bonne Femme Watershed --

MR. SKALA: Yeah. One was a guide and the other is a law.

MR. LEPKE: -- Plan -- Comprehensive Plan, it's a guiding document --

MR. SKALA: Right.

MR. LEPKE: -- versus codified -- you know, the Stormwater Plan being --

MR. SKALA: Right. Thanks.

MR. LEPKE: -- or Code being codified, I should say.

MR. ZENNER: I think if there is confusion or if there is concern within the Commission as it relates to the dichotomy, as Mr. Lepke points out, as part of your action associated with this project, you are capable of augmenting the recommendations of Staff. And if it is your desire as a Commission to ensure that the more restrictive or the higher standard is adhered to through the final design, that is an opportunity for you when you make a recommendation to be forwarded to Council to be incorporated.

MR. WHEELER: Mr. Reichlin?

MR. REICHLIN: I'm curious whether or not the Stormwater Ordinance, as it is today, is a guarantee of a lack of chemical leakage into the -- into the Devil's Icebox water supply or is it just the -- it's just dealing with stormwater? What happens with the residuals that end up in any containment basin and does the Stormwater Ordinance account for that?

MR. ZENNER: That is a question that is beyond -- beyond our expertise as professional planners. We aren't stormwater engineers by any means, so I would be remiss to answer that question affirmatively or not. Again, I think as Mr. Teddy pointed out, this is a preliminary plat at this particular juncture, the design of the stormwater features and their compliance with the regulatory standards still has to be determined and evaluated. Again, that is potentially, if you are as a -- as a side note or a concern or issue to be captured within the Council report that gets forwarded, if that is an issue that you would like us to include, please make that as a statement of a request within the recommendation, and it will be forwarded at that point. I apologize that I can't answer that question. I'm not that intimately familiar with the stormwater regulations, themselves.

MR. WHEELER: Mr. Skala?

MR. SKALA: I don't know about intimacy, but I'm somewhat familiar with the ordinance, and it addressed stormwater volume, but it did not address stormwater quality.

MR. WHEELER: Are there any other questions of Staff? Seeing none, we'll open up our public hearing -- but before we do, let me explain our rules of engagement, as I like to call them. The first speaker will get six minutes; all subsequent speakers will get three minutes. Any organized opposition will be given the same opportunity, six minutes for the primary speaker, and three minutes for every speaker after that. With that --

PUBLIC HEARING OPENED

MR. CROCKETT: Chairman and members of the Commission, my name is Tim Crockett, with Crockett Engineering Consultants, with offices at 2608 North Stadium. Given the high amount of information I would like to present tonight and the short amount of time, I'm going to go through this relatively quickly. But before I start, I would like to say, Mr. Skala and Mr. Reichlin, I do have some answers for some of your questions that you posed. I would like to go over that at the -- towards the end of the presentation. With me tonight are Rob and Sarah Hill. They are two representatives of Southside Trail Estates, and, again, I apologize as I'm going through this relatively quickly, but I have a fair amount of material to propose. There is a location map of the site. I think we're familiar where it's -- where it's located off of Route K in south Columbia. This is a zoning map. We've kind of morphed both the City and the County zoning maps together, and really what this illustrates is that between the R-S zoning that's already out there and the R-1 zonings that are already out there, this piece of property is basically -- it's consistent with the zonings in the area and it's compatible with the area. So I think that's important because we're not an island of R-1s out there, there is already a significant amount of R-1 in the area. Again, the preliminary plat, I believe you folks have looked at this in detail. Matthew did a great job of presenting the proposal to you with the -- with the -- excuse

me -- PUD up along Route K, and then the R-1 in the back. One item I would like to state that was not mentioned, briefly, about the PUD is that there will be substantial screening per requirement of the City for duplexes -- or two-family dwellings. When I say that -- and they are villa style that back up to Route K, so there will be some significant screening in that location. Some highlights of our preliminary plat, our overall density of this development is just slightly over two units per acres. We don't consider that as a high density development. It's simply -- it's just barely over two units. We've also coordinated our preliminary plat so that Rock Bridge State Park is completely buffered by the development. We think that's very important. There is no -- other than the large private lot in the back, there is no private lots, no private ownership of land in the development that abuts Rock Bridge State Park. We are buffering the park from the residential development itself. And, of course, we talked about the eastern portion of the development being platted as a single lot with conditions. The intent there is it is a self-imposed restriction by the developer to take that lot and plat it as one lot that can have one house on it right now. What we don't want is to give the impression that we may come back later -- once we get R-1 zoning, let's file another preliminary plat that adds 12 or 14 lots back there, and then there's nothing that can be done because it fits the requirements. We're not allowing that to happen. We're doing a self-imposed restriction so that that lot cannot be developed, other than just one-single family lot, unless it comes back through the PUD process, and then at that time, it can only have a maximum of five units. That was the reason for that back piece. Of course, then we talk about all stormwater water leaving the site will be treated. There will be no increase in peak discharges from the site. Now, we'll get into the stormwater here a little bit more here as we go. And then, of course, we have -- we will provide screening to our neighbors. We've been in discussions with several neighbors who have asked for additional screening to the north, in particular, and we have added that requirement to the plat. Public involvement -- and we're going to go through here pretty quickly. This project started back in -- late last summer. We had our public information meeting in the fall on November 13, and since that time, this Commission is very much aware that this process has been tabled several times. It's not because we don't have our preliminary plat or didn't have everything in line, but we've been having negotiations and discussions with numerous neighbors and other entities as well. We met with Rock Bridge State Park representatives on a couple of occasions as well. This is one instance I would like to point out also that the developer went door-to-door to discuss this with the neighbors with the project out there. We feel that is very important because I've never had a developer that, himself, went door-to-door and discussed it with the neighbors. Some issues that have been brought up with our discussions with the neighbors is traffic, buffering, density, stormwater entering Rock Bridge State Park, which is an important issue here, as well as how to enforce our restrictions. Now, I want to go through a few of these here real quickly, so we can get to the stormwater. The traffic, we've discussed this with both MoDOT, as well as the City of Columbia traffic engineers. They don't have any issues with regard to the volume of traffic or the site distance coming to or entering the site. Buffering, the plat has been revised to add a

statement that we will buffer the property to the north. We want to go in there and we'll put in landscaping berms, additional vegetative material to landscape that area as well. We've also mentioned that no individual lot owner will own property immediately adjacent to the park. We think that's important as well. Let's protect that area both, environmentally, as well as visually. Density, we've talked about that briefly. We're just slightly over two units per acre. The Metro 2020 Plan calls for a maximum density of a single-family development at 5.5. So you can see that we're considerably less than what the 2020 calls for a single-family development. Something else that we've done with regard to our density, we've decreased our density significantly throughout this process. We're down about 17 percent right now, and we think that's a significant concession given the relatively small size of the site. Now let's talk about stormwater. We have met with the State Director of Parks to Lead Naturalists for the State and the local Park Superintendent on a couple of occasions. And we talk about this -- we say we will treat all stormwater. Now, you know, that might say, well, you have to treat all stormwater, don't you? Well, actually, we don't. We have to meet a level of service. And in obtaining that level of service, you don't necessarily have to treat all of it. You can treat some of it really, really well, and let the rest of it go. Well, in that case -- in this case, it doesn't really serve the greatest purpose of the park downstream to let some of it go untreated and really treat some of it really well. In this case, we're going to treat all of it. We're going to treat it -- you know, to remove those contaminants. Now, we talked before the question about -- Mr. Reichlin, I think you had is do we have to do water quality? Yes, we do have to do water quality. The stormwater manual is a two-part manual. First of all, it addresses stormwater quantity, which is our detention, as well as our water quality, and that's where our level of service comes in. We do have to cleanse the water. We do have to remove the impurities. And part of that also in removing the impurities is the fact that we have to have a set of covenants, a separate document, with the City of Columbia that states that we're going to always maintain that in a certain fashion, and we're going to address it in a certain fashion, and we're going to monitor and make sure that it is still functioning properly. And that's a commitment that the developer makes, the Homeowner's Association makes, and the City has the right to go out there and inspect and enforce. It's not a situation that the homeowners have to take care of it with themselves; it's a situation that the City can enforce the Homeowner's Association or the developer to maintain that at all times. That's very, very important here because it's as a -- and, Mr. Skala, you kind of talked, and, Mr. Reichlin, you talked -- over time those features might fill up. Those features may become, you know -- you know, have different items flow into them that needs to be addressed. That document states that the City can go in here and enforce it, and they have to take care of it. So that's very, very important. Secondly, we've completed a preliminary detention and water qualities calculations to illustrate this. We have given that information to the State, to the Park Department, for their review. A lot of times we come in here and say, yeah, we can hit that -- and, Mr. Vander Tuig, I think you've -- you've asked several questions of that on past projects about, Have you looked at this? How in-depth have you looked at that? In this case here, even though it's a

preliminary plat, we have looked at it in very, very in-depth detail to make sure that we can acquire -- or make sure that we can meet the level of standard needed to exceed the City of Columbia requirements. Now, we're going to exceed the City of Columbia requirements, no doubt about that, and in a very special way by treating all of the water. Another comment that was brought up -- and meeting with the park was a great -- was a great, you know, couple of meetings I think. One thing that we had talked about was there is a possible losing stream on one of the properties -- on one of the drainage ways, and we were going to divert that water to the area that wasn't quite as critical, take it over there and treat it and detain it on the other side. Well, the park brought to our attention, you know, when you do that, that's great, but you're dewatering a potential losing stream, and we can't have that. And so what we've gone back and we were able to look at and say, Okay, depending on what -- how much water you want in that losing stream, we can put that much water back into it. So we can maintain those levels at all times while cleansing it and detaining it appropriately. So we can meet all those levels, and we think that's very important because we want to work with the park. This is -- isn't an approval. We haven't met with the park and said this is what we're going to do, now we're going to Planning & Zoning and then to Council, this is a situation where we are committed to work with the park the entire way through this entire process. It does us no good to go out here and do prob-- have problems with the park. We think it's a great -- a great entity, and we want to make sure that we protect it at all costs.

MR. WHEELER: Are you about wrapped up?

MR. CROCKETT: Pardon me?

MR. WHEELER: I said are you about wrapped up?

MR. CROCKETT: I can be real quick. We made some concessions. I mean, let me briefly go through some concessions. We've reduced our overall development density. We've added a protection and density cap to the eastern portion. We've increased our lot widths, and then some screening. We've done additional concessions to the neighbors here, as you can see. Again, let me briefly talk about Mr. Hill going door-to-door. We've gone out and we sought neighborhood support. What's in green are neighbors that have signed a petition that have basically said we are either supportive or not opposed to this development. And I think there's several other properties out there as well that are not opposed, but they would rather not go -- be listed. Lastly, Mr. -- Mr. Wheeler -- I apologize -- we would like to add two additional conditions to the approval of the preliminary plat, and these are items that came about here recently -- very recently due to meetings -- additional meetings with neighbors. And we did not want to come back to this Commission with a preliminary plat that did not meet -- conform to the regulations, so we would ask for conditions to be put on the preliminary plat. One, is to remove an additional lot. It's the narrowest part of the lot -- the narrowest section of lots. We would like to remove one and make it wider. And then, also, we would also ask that we will have restricted covenants in order before it goes to final -- goes to Council. I won't go through my conclusions, and I'll stop there with my -- for questions.

MR. WHEELER: Are there any question for this speaker? Mr. Skala?

MR. SKALA: You've kind of corrected the situation, and I may be mistaken, but it was my understanding that there weren't specific requirements for water quality.

MR. CROCKETT: No, sir, that is not correct. We have specific requirements for median level of service with regard to water quality.

MR. SKALA: You do?

MR. CROCKETT: Yeah. Absolutely. Yes, sir.

MR. SKALA: And so you're at least meeting those and exceeding those?

MR. CROCKETT: Exceeding those. Yes, sir. Yeah. Absolutely. I mean, we would not get approval through City -- through the Public Works Department without a minimum of meeting those requirements.

MR. SKALA: All right. Great. I stand corrected.

MR. CROCKETT: And that's just -- and keep in mind that's also -- we have detention on top of that as well, which is multiple storms.

MR. WHEELER: Mr. Vander Tuig?

MR. VANDER TUIG: Well, without going in to too much detail, you had mentioned the idea that you can get your level of service credits by sending water one way, and I'm well aware of that. Can you get into a little more detail, especially on the back side of the -- the east side of the property with regard to how you're going to meet the levels of service for water quality?

MR. CROCKETT: Absolutely, Mr. Vander Tuig. And -- I apologize -- I like this chamber very well, but I like the old chambers better when it was off to the side. And, I apologize, I'm going behind your backs on some of you folks. Mr. Vander Tuig, what we are looking at doing is we're taking this water -- some of this area in here (indicating), and we're able to divert it back around this way and put it into this area down in the common space down here. And by doing that, we can treat all of this water through here. Now, what we're able to do in these backyards through here -- of course, we have stream buffer back here, but we're also going to treat this water through here in very much -- in smaller -- smaller basins and smaller BMPs to allow that water to discharge straight back into this waterway in this area.

MR. VANDER TUIG: Which is --

MR. CROCKETT: We're also able to do that with these backyards. In the area in here, we're able to treat it before it gets to that -- to that stream. Similarly, with these in here as well.

MR. VANDER TUIG: And in the --

MR. CROCKETT: I'm sorry?

MR. VANDER TUIG: In the back corner is the losing stream you mentioned?

MR. CROCKETT: Yes. In the back is what I think is a -- it's a possible losing -- man, I'm shaky there. The possible losing stream is, I believe, south of our property. And so our initial instinct, our initial thought was let's divert all that water to the western watershed --

MR. VANDER TUIG: Right.

MR. CROCKETT: -- so that we can eliminate that and take that away from the losing stream. But then when the Parks Department brought to our attention that, Hey, we don't want to dewater that -- you know, we can do just as much damage by not putting any water there than putting the wrong type of water there. Then we went back and looked at it and said, Hey, we can take that water there and still maintain the level of water that they want -- that they think they need that's appropriate, but we can still also treat that very well also.

MR. VANDER TUIG: Okay. Last question with regards to stormwater. The dry detention typically does not give you the level of --

MR. CROCKETT: Absolutely. That typically does not get you what you need. And so we're looking at doing, the dry detention actually gets you a little bit better than wet detention, but that is not enough. We're looking at bioretention, we're looking at various -- you know, we're going to have a whole assortment. We're pulling out -- we're pulling all the stops on this one. You know, we're opening up the manual and using all the BMPs possible. We have a bioretention, we've got turf swales, native preservation, dry detention -- it's going to be a combination of everything on this one. And that's typically -- really, if you look at the manual -- now, the real and true intent of the stormwater manual, that's really what public works is really looking for is a combination of multiple BMPs to address that.

MR. VANDER TUIG: Thanks a lot.

MR. WHEELER: Mr. Skala?

MR. SKALA: Just one follow-up. And is the maintenance of those BMPs specified and stipulated in the -- is it in the statement of intent or is it --

MR. CROCKETT: No, sir. Actually, there's a separate document. It's a legal document. When the developer submits his plans for approval to the City of Columbia, he has to submit a maintenance covenant and agreement with the City of Columbia basically stating that he or his assigns are or will maintain all of these BMPs, meaning they have to -- the City has a separate legal document that the City of Columbia can --

MR. SKALA: Subject to penalty, this is by --

MR. CROCKETT: Absolutely. Absolutely.

MR. SKALA: All right.

MR. CROCKETT: And it's enforceable by the City of Columbia, which is a very important. It's not a civil issue with the homeowner association; it is enforceable by the City of Columbia to the developer and the homeowner association itself.

MR. WHEELER: Mr. Reichlin?

MR. REICHLIN: I'll ask you the question I asked Staff.

MR. CROCKETT: Yes, sir.

MR. REICHLIN: I understand that you're going to great lengths to meet all potential requirements that are set in place right now, but is that an assurance of no infiltration of residues from lawn fertilizers in general?

MR. CROCKETT: But when you say is there -- is it absolutely -- is it an assurance that nothing will ever take place? I don't think any -- any development can assure that, but the level of service and the amount of information that's in that manual -- the amount of research that has gone in to develop these levels of services for these BMPs takes all that into consideration. So, yes, when we say that we're going to meet -- the City requires us to meet a level of service six or seven -- that level of service is just not a number that's pulled out of thin air. That level of service has been researched to know what it takes to hit that level of service and what contaminants are being pulled out of it, you know. So, yes, I think that there's a lot of -- a lot of research, a lot of documentation, a lot of information that has been put in place just for that specific reason, Mr. Reichlin.

MR. WHEELER: Mr. Lee?

MR. LEE: Mr. Crockett, typically, in a rain storm, what direction does the water flow?

MR. CROCKETT: Direction typically -- well, it would be --

MR. LEE: North, south, east, west?

MR. CROCKETT: In this development?

MR. LEE: Uh-huh.

MR. CROCKETT: In this development it's rather -- rather unique, Mr. Lee. Our ridge kind of runs right through this area right through here, but when we grade our site a little bit, we are able -- given the fall on this side, we are able to collect this water and easily transfer it up and over that ridge just slightly and bring it back this way. So if you're talking about post-development or pre-development -- if you're looking at pre-development as it sits right now, this is our ridge top, and this area over here comes down this direction, and everything else in this whole area filters down into this area. So how does it travel on this site? It's kind of lateral east and west, and then once it gets to our property line, just north and south.

MR. LEE: Thank you.

MR. WHEELER: Are there other questions of this speaker? Mr. Crockett, you spoke pretty fast tonight.

MR. CROCKETT: I apologize.

MR. WHEELER: Will you please show us where you're talking about taking this lot out up there?

MR. CROCKETT: Yes. And, I apologize. It's this bank of lots right -- and I'm -- that far away -- it's this bank of lots right in here. They are noted as 70 feet wide on the preliminary plat. We're going to lose one lot in there and increase the width of those lots. The -- we had some concerns from some neighbors that, you know, the smallest lot may dictate the size of the house and everything else along those -- that goes along with that. And so what they are concerned with is on a

slab lot, let's make those lots a little wider so that we can be assured that we're going to have a little -- you know, a little larger house there. We've also committed to minimum house sizes, finishes, roof pitches. You know, the big concern there is I think that the neighbors don't want a rental community, and -- in the residential portion. And that's what we're really after is not to create -- not allow that situation. And one thing they really wanted was a definition of a family, you know. What's defined as a family? We want a family in here and not four unrelated individuals that can rent the house. That's not our intent, and we certainly obliged and certainly conceded that because that's not our intent.

MR. WHEELER: And the C & Rs will be complete before the --

MR. CROCKETT: That's what we -- we will have them complete before it goes to Council for final approval, should it go that route.

MR. WHEELER: Thank you. Any other questions of this speaker? Mr. Strodtman?

MR. STRODTMAN: Just some clarification. So you have the definition of the family worked out?

MR. CROCKETT: We will have a definition of family that goes in the Covenants & Restrictions. Absolutely.

MR. STRODTMAN: Before that point --

MR. CROCKETT: Yeah. And, actually, I think that there is a definition that the -- the neighbors that we talked to, I think there's an actual definition that they are -- that they like, and, you know, we're fine with. We'll have to work that out and make sure it all is agreeable, but I -- we've got that in mind. Yes.

MR. WHEELER: Any other questions? Thank you.

MR. CROCKETT: Thank you.

MR. WHEELER: Next speaker, please. Next speaker, please. Is there organized opposition? It doesn't matter what order we come, folks, so --

MR. ROBERSON: Thank you. I've never spoken before the Planning & Zoning Commission, so I don't know what order to go in.

MR. WHEELER: Let me tell you what we need then. You need to give your name and address, please, and then we'll -- and then --

MR. ROBERSON: I'm Kevin Roberson, 7355 South Bennett Drive in Columbia. I'm President of the Board of the Friends of Rock Bridge State Park, and I've come to speak in opposition to this as platted currently.

MR. WHEELER: And just so I know, are you our organized opposition or are you just a three-minute speaker?

MR. ROBERSON: I'm a three-minute speaker.

MR. WHEELER: All right. Thank you, sir.

MR. ROBERSON: I would like to say that there are several reasons why we and our members are opposed. I'm speaking for the Board and for the members of the Friends of Rock Bridge. And density is one of the reasons, even though I know there have been some concessions. This would be the densest development up against a State Park anywhere in this state. I believe, and you had probably looked at aerial maps of the area, and there is no other development that even approaches this density around the outside of the park. The density would take away from the park experience for the visitors. We have over 300,000 visitors a year to the park, and this would take away from their experience in that there are paths and hiking paths that go near this development. We expect there will be development up against the park, but we would rather it not be of this density. The water quality, some of the things that were said tonight about the Level 6, Level 7 of service, I'm not familiar with those terms. I don't know exactly what that means. It wasn't in the literature with this plat, and I guess it is something that will be developed and will be promised at a later date. Exactly what that means, I'm not sure, but we do have severe concerns about the water quality coming out of this development because of the impervious nature of development. We have macro environmental studies down in the Little Bonne Femme that show that water quality is rated as good, and you all know enough about the City that having water quality rated as good near the city is something that is pretty special around here with the Hinkson -- the troubles we have been having with that lately. I would also like to say that I was fairly surprised reading all the information I could about this, that nowhere did I ever read the best engineering practices in a karst area, that anybody had considered that or thought of that in this development. And I am just surprised that this would be something that when we are trying to protect a karst environment -- which our park and the ecosystem there is a karst environment -- and there are rock outcroppings in this development of the -- that would take you -- suck it right on down into the rest of the karst area -- that it just surprised me that no one has even thought to look up or at least they haven't spoken of it or written of best engineering practices of karst. It doesn't take very long on the Internet to find what other people have done in these types of areas. So I'm -- I'm probably getting close to the end of my three minutes, but I would like to say that this would be precedent setting, also, which no one else talked about. To have this type of density -- we can see it going all the way down Route K, and we don't think that's appropriate. There are places in Columbia where it is appropriate, but this isn't it. Thank you for your time.

MR. WHEELER: Thank you. Are there questions of this speaker? Thank you. Next speaker? I forgot to say that I will give you a little warning when -- with the red light when your time is getting short.

MR. MIDKIFF: And I don't know if I'm organized or disorganized, but I am speaking on behalf of the Sierra Club, which is an organized organization. So, I guess, six minutes. Ken Midkiff --

MR. WHEELER: If you take six, nobody else gets six. It's -- it's -- whatever.

MR. MIDKIFF: Ken Midkiff, M-i-d-k-i-f-f, at 1005 Bellevue Court, Columbia, Missouri 65203. And I am speaking on behalf of the Osage Group of the Sierra Club, and I am the Conservation

Chair. There are several things wrong with the Parkside Estate's Plan that cause the Osage Group Sierra Club to oppose this on environmental grounds. And I'm going to address only environmental concerns; I'm not going to talk about traffic or anything like that. And we've heard about how this is too dense, and that's our first concern. And the value of Rock Bridge State Park is that it provides an oasis for an otherwise urban/suburban area, which Boone County, like it or not, is. There would be more development closer to the State Park -- actually adjacent to the State Park than any other State Park, including those in the Kansas City and St. Louis areas, which are the two major metropolitan areas in this state. Our second concern is the presence very nearby of sinkholes and caves. Rock Bridge State Park, obviously, is known -- well-known for the sinkholes and caves area. In addition, there is a large sinkhole just across Route K, just south of the Boone County Fire Station -- a large sinkhole, probably 100 feet across and maybe 15 feet deep, and a very old sinkhole. It's been there for probably a millennium or two. And we've heard about the losing stream. The losing stream runs right through the middle of this development. To be classified -- in case those of you who are not familiar -- as a losing stream, 30 percent of the flow must go -- it must be lost, and it must go underground, not just quickly or briefly, but forever. A gaining stream, on the other hand, is a stream that gains flow as it goes downstream as tributaries come in. The fact that this is a losing stream strongly indicates that there is an opening, maybe a cave, under this site. The Department of Natural Resources determined it was a losing stream when the neighbors to the north applied to construct a wastewater lagoon, and the Department of Natural Resources did a study and told them that they could not build a wastewater lagoon on that site because of the presence of a losing stream where the sewage would go underground. And this is quite important when you talk about retention basins. And there are several -- and I'm not sure of the exact number or types, but there are several endangered species in the nearby Rock Bridge State Park. Among these are the gray and Indiana bats. The gray bat lives in the Devil's Icebox cave; the Indiana bat likes Shagbark Hickory trees and the pink planarian, which is a little tiny worm -- which is found nowhere else in the world -- is only in Rock Bridge State Park, and only in the Devil's Icebox cave. And the proposal contradicts the Bonne Femme Watershed Plan, which has been discussed considerably. The current plan which is up here before you has all sorts of impervious surfaces -- streets, sidewalks, driveways, and roofs -- and there has been, I guess, some concern about removal of various toxins -- lawn fertilizers, antifreeze, oil, gas, grease, that sort of thing -- but there is much more than those things I've mentioned that this contradicts. And this is where we get into guidance versus law. Now, according to the Missouri Department of Conservation Website, there are five strategies to achieve or maintain the goal of ecological health in the Bonne Femme Karst Conservation area. There are five strategies. And this area, by the way, that has been designated by the Missouri Department of Conservation -- or MDC -- does include the Little Bonne Femme Creek and the acreage in question -- the very plat. The goals or strategies are: One, to establish or improve forest and stream banks. As far as I know -- and I used to live right across from this site -- there are no forests there. They've all been cut down long

ago. Two, reduce water pollution and water flow changes; three, control and eradicate invasive and exotic species -- and as a side note, Bradford Pear trees, Zoysia grass, and Wisteria are not native species, but are typical for most developments in this area, and I've seen this one also. And number four, restore and improve the condition of the existing forested and natural communities. And the natural community's part is very important here. And reduce tall fescue, which is probably currently on the site, and other nonnative cool season pasture coverage in favor of native grasslands, forest, and woodlands, which, obviously, this does not consider doing. It can be observed by even the most obtuse -- not that you are, of course -- that this plan flies in the face of just about everything that the State Park System, the City of Columbia, and the County of Boone are seeking to protect or restore in the Bonne Femme Watershed. It's a good thing I asked for six minutes. Annexation is a problem because the tract drains to Little Bonne Femme Creek, and that creek is and will remain in the jurisdiction of the County, so you have a City/County conflict. To reiterate, our major concerns -- and I'm about done -- is too dense, the presence nearby of sinkholes and caves, the presence nearby of endangered species, the actual presence of a losing stream, and the ground water flow. And as I talked about it, the retention basin is proposed to be built on the site of the losing stream, which means that much of the stormwater would go underground. For these reasons and the goals of MDC, the Osage Group of the Sierra Club urges rejection of this plan and would ask you to please vote accordingly. Thank you.

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

MR. REICHLIN: I have one. Yes. Do you have any knowledge of measurables regarding the pollutant levels in the Devil's Icebox, itself, at this point in time?

MR. MIDKIFF: I do know that the County of Boone has proposed for the recharge area for the Devil's Icebox cave no development because they were concerned about the pink planarian and other ecosystems in -- or, I'm sorry -- other species in that watershed. So I'm not familiar with that. At one point I think they -- the cave was highly polluted, but Boone County has taken steps to prevent that. In fact, one place is called Hog Slaughter Pit, which probably indicates what was done there.

MR. REICHLIN: I have one more question. You've made mention of other municipalities where there are State Parks and they don't have this level of density. Any knowledge regarding was that locally initiated or just hasn't happened?

MR. MIDKIFF: It just hasn't happened. And, again, I looked at Castlewood and -- well, and probably -- Mr. Bryan is here, the State's Park Director, and he can speak to that more. But as far as I know, there was no actual restriction or prohibition, but it just didn't happen.

MR. WHEELER: Mr. Skala?

MR. SKALA: Just one question, and, Mr. Midkiff, I don't know if you can answer this. It might be part of the Staff -- perhaps the Staff can, but I know that one of the County requirements -- or one of the County recommendations -- or objections was the low impact development idea -- that this was

not low impact development. Do you know what the nature -- I mean, what the nature of low impact development means to the County, and why is it that they object on that basis?

MR. MIDKIFF: They called for I think the County -- the planning department of the County, Bill Florea, said that they wanted to plan new development because there was much more control that the County could exercise over PUD rather than just open development --

MR. SKALA: Rather than the R-1. Thank you.

MR. WHEELER: Additional questions? Mr. Lee?

MR. LEE: This is kind of silly, Mr. Midkiff, what is a pink planarian?

MR. MIDKIFF: It's -- it's a flat worm. A little tiny thing, but it's about a quarter of an inch long. And it -- it's a -- there are a lot of planarian, but it's listed as an endangered species because it only occurs in the Devil's Icebox cave. But it's a little tiny thing.

MR. LEE: Thank you.

MR. WHEELER: Thank you.

MR. MIDKIFF: They are probably smaller than a snail booger.

MR. WHEELER: Any other questions of this speaker? Thank you.

MR. MIDKIFF: Thank you.

MR. WHEELER: Next speaker, please? Come on down, there's seat on the front row, and you can just get ready.

MS. HILLMAN: My name is Laura Hillman. I live at 7900 Cave Creek Road.

MR. SKALA: Pull the microphone down just a little bit. There you go.

MS. HILLMAN: I'm speaking for an organization, so I don't know if that makes me organized or not, but I can do it --

MR. WHEELER: Well, I'm sorry, Mr. Midkiff --

MS. HILLMAN: -- in three minutes.

MR. WHEELER: -- took your six, so you're stuck with three.

MS. HILLMAN: My name is Laura Hillman. I am here on behalf of the membership of the Columbia Audubon Society. Columbia Audubon Society promotes the preservation of the natural world, its ecosystems, biological diversity, and habitat. These interests compel Columbia Audubon Society to speak up in regards to the proposed Parkside Estate Development. The location of the proposed development and the geology and topography of the property all cause serious concerns that must be addressed if Rock Bridge Memorial State Park is to be protected. Number one, surface water flows directly from the proposed estates development into the park, changing the property from natural cover to impervious -- impervious surface. It will create strong stormwater runoff issues for the park's portion of the Little Bonne Femme Creek and the tributaries leading to it. Bank erosion and water quality problems are to be expected. Number two, the park's streams that carry the runoff from Parkside Estates are listed by the State as losing streams. The surface runoff into and through these streams also enters the ground water system. Any water quality concerns associated with this

development will affect both surface water and ground water. Three, wetlands and at least one spring exists in the Bonne Femme Floodplain, and are also downstream from this development. These ecosystems contribute to and support the park's biodiversity. Four, depending on the location of this development's housing and its density, the lights and noise could easily be within a tenth of a mile and in direct line of sight of the park's main facilities, as well as a popular park trail that I walk on all the time. And I can see the new house already. Urban landscaping invariably brings in exotic species problems to natural park plants. These are expensive to contain and damaging to native flora and wildlife. Number six, housing immediately adjacent to the park will create an impediment to the park's ability to manage deer overpopulation. Overpopulation is devastating to habitat and ecosystems necessary for wildlife diversity. Seven, housing immediately adjacent to the park also impairs the park's ability to conduct prescribed fire, which are essential to maintain quality woodlands and wildlife habitat. It is left to you to establish the level of development that will be permitted. The membership of Audubon -- Columbia Audubon Society asks that you provide a development strategy that protects our precious resources like Rock Bridge Memorial State Park.

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

MR. BRYAN: Well, first of all, let me just say thank you for what you do. My name is Bill Bryan, and I'm the Director of State Parks for the State of Missouri. I live at 11863 County Road 393 in Holts Summit, Missouri. I know you don't -- people don't tell you thanks very often for what you do, but I appreciate it. I've been in public service for more than two decades, so thanks for your time this evening. We've provided some technical information. The park superintendent, Jim Gast, and our park naturalist, Roxie Campbell, are here with me tonight. But I wanted to talk with you a little bit about the importance of the park. And the technical things kind of speak for themselves, and those kind of things can be sorted out, but a park is democracy at its best. The people decide to set aside a place just because it's important to them. Missourians have been protecting special places as State Parks for more than 95 years, reflecting our strong belief that our heritage and landscapes are worth protecting and valuable. As director of State Parks, it is my responsibility and privilege to protect these special places, and including Rock Bridge Memorial State Park. And I'm humbled to stand with our friends and neighbors today in defense of a unique and majestic landmark. This park was created for the people -- excuse me -- this park was created by the people for the people. Young Carol Stoerker was tragically killed by a car, and an initial \$10 donation from her young friends started the movement that led to the beautiful park we enjoy today. Kids sold brownies; school kids held a Donate a Nickel Fundraising Drive. More than 800 local citizens contributed to the park fund, and thanks to a grant from the National Park Service, all Americans ultimately contributed to building Rock Bridge State Park. Last year, we recorded more than 315,000 visits to the park. Missourians, and especially Boone Countians, clearly love Rock Bridge Memorial State Park. We protect parks because they are valuable to us as a people. Every Missourian, no matter what their circumstances are can visit and enjoy Rock Bridge Memorial State Park. They can go to the park for exercise,

nature study, reflection, or solitude. It's a place for weddings, family outings, for friends to gather. It's a place to find adventure and a place for peace to find you. These intangible values are important park resources, just like the streams, the caves, the bats, the pink planarian, and the Chinquapin oak trees. No matter how carefully planned, intense development adjacent to the park will threaten all of these park resources and the experiences the visitors seek. It will change the park forever. In 1992, we completed a comprehensive State Park Threat Survey, which excerpts are included in what I've provided you this evening -- and by the way, I did provide a copy to Mr. Crockett, as well. The most serious threats to our State Parks were related to suburban development. Indeed, in a prescient moment, the poster child in the 1992 survey for the threat of suburban development was Rock Bridge Memorial State Park. You'll see the photo that I shared with you is of the property we are here talking about tonight. Today, 21 years later, this subdivision will become the most intense land use adjacent to any of our State Parks. It's as though in 1992, we had an oracle telling us what the future was. Developments are always going to be a threat to the values that we support -- I'll wrap it up -- and that's why we have to give very careful consideration of these values on behalf of all 5 million Missourians who love their State Park System. We would ask that you consider that this will change the park forever, and those experiences that people go to this area to enjoy and to make memories that last a lifetime. While some may profit from development, the public is poor from the inevitable impacts of development. Nonetheless, I do want to thank Rob Hill and Crockett Engineering for making a very real effort to address our concerns. I'm not convinced that the proposed development can proceed without threatening our park, but I did want to thank them and let all of you know that whatever happens, we look forward to working with them. So I thank you.

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

MR. BRYAN: I probably should mention though that the pink planarian is not an endangered species. The only place you can find it is the Devil's Icebox, but it is not an endangered species, so --

MR. WHEELER: I appreciate that.

MR. STRODTMAN: I just have a question.

MR. WHEELER: Mr. Strodtman?

MR. STRODTMAN: You mentioned at the end that you are willing to work with the applicant regardless of what happens going forward. And, obviously, you guys understand that there's going to be development around, you know, abutting or adjoining to the State Park. What level of development is acceptable, or -- you know, I mean, obviously, some areas -- based on some of your maps, there's certain areas that are more critical than others, but, I mean, what level of development is acceptable so that, you know, we kind of understand?

MR. BRYAN: Well, the challenge for us is that we don't know. This is -- unfortunately, as I mentioned to Mr. Hill and Mr. Crockett, that this is the -- this is the first time we've confronted this. We have parks in more urban areas that have been -- have subdivisions near them for many, many years. That gives us some idea of what the expectations are, but we really don't know. And if I could

put a number on it, that would be real simple, but I don't know what it is because the impacts are pretty unpredictable --

MR. STRODTMAN: Right.

MR. BRYAN: -- from a park perspective.

MR. STRODTMAN: So how do we get to that -- how do you get to that level? How do you know --

MR. BRYAN: I don't know that we'll get to a level where I can tell you this is going to satisfy the park, but what we look forward to is doing as much as we can to be as protective of the park as possible to the fullest possible extent. But we don't know what that is because we've never seen it before. We're judging our -- where we are at today, based on a fairly limited amount of information that's in your packet -- and it's hard to say what the water quality impacts are going to be. It's hard to say how many dogs barking will affect people that are trying to enjoy the park, or -- you know, those things, we don't know. And I wish I could -- it would be real simple, but I don't have that answer.

MR. STRODTMAN: Thank you.

MR. WHEELER: Mr. Reichlin?

MR. REICHLIN: There has been a level -- I've got two questions. One of them is mine, but the first one there has been a level of development in and around the park at this point in time. Has it -- is there a measurable negative effect to the extent the development -- the homes on acreages and such like that that has had -- is there anything you can share with us about that?

MR. BRYAN: Well, one of the -- well, what we have heard about a little bit today are invasive species. We do have invasive species in the park, and I think you attribute that to development over time that -- homesteads in the park have contributed to invasive species that are still there today. I think that's probably true of people that live around the park now that they're not -- it's not all native vegetation. The seeds are carried by birds and the wind, so we have things in the park that if we're doing our job, they're not there. And encroachment makes that harder to maintain. Our mission is to preserve the best example of our natural and cultural resources. That's what we're -- that's what the citizens who vote for the sales tax want us to do; that's what State law and the constitution says we're supposed to do. And encroachment makes that harder. And that's our message is that for us to provide a place for people to recreate, a place for solitude and reflection, to preserve those natural values. It's harder as the park is crowded, and we are very concerned about that.

MR. REICHLIN: I just have a brief one. You've got this enclosure. Where is Devil's Icebox on this -- on this particular picture?

MR. BRYAN: I can show -- well, it may not be as important exactly where it's at, but what I can tell you -- I need to clear something up there too.

MR. REICHLIN: Uh-huh.

MR. BRYAN: The -- as far as we know, the subdivision that is planned is not in the recharge area for the Devil's Icebox, but -- we don't have 100 percent knowledge of that. But as far as we know, it isn't. I think that may have been what you were getting at.

MR. REICHLIN: Yeah. I was curious about that.

MR. BRYAN: Based on the work that has been done, we don't know that it is, so --

MR. WHEELER: Mr. Skala?

MR. SKALA: Yeah. Looking at the maps that you supplied, and then the ones that I've looked at in conjunction with this proposal, it looks like there is a losing stream, and, perhaps, a potential losing stream. And the water tends in this town to flow from the north to the south or the northeast to the southwest, if you will, which makes this kind of unique in terms of this development. I guess that the question that I'm asking is have you or has anyone else -- or you, in particular -- have you looked at the uniqueness of karst topography in terms of suburban development or encroachment upon the park system in general? This is relatively unique, as I understand it.

MR. BRYAN: It is relatively unique. There is a lot of karst topography throughout the state and throughout the park system. But this is certainly the only park that immediately comes to mind that has development as close to it with karst topography.

MR. SKALA: Can be --

MR. BRYAN: Meramec State Park is similar, but it doesn't have -- Sullivan and the surrounding communities aren't as close. So I don't know that we have anything exactly to look at. There may be examples throughout the world that you can look at to get a better idea. Southwest Missouri -- not State Parks, but local parks and local communities have issues that they've dealt with for many years. I'm not personally aware of that.

MR. SKALA: Thank you.

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

MR. BRYAN: All right. Thank you for your time.

MR. JONES: Hi. My name is John Jones; address is 3035 McGill Pointe, Rochepoint. I'm here on behalf to speak for Rob Hill and Sarah Hill. They are good community people. They would not want to do anything that would impact or do any damage to the park. I think they have met with most all the homeowners out there. I'm not -- I've been in the building business for most all my life, and haven't seen any developer go door-to-door like Rob did. And he tried to see everybody. He's tried to make concessions with everybody. I think he wants to do what's right. I think that would be something good. Thank you.

MR. WHEELER: Are there questions of this speaker?

MR. REICHLIN: I have a question.

MR. WHEELER: Mr. Jones --

MR. JONES: Yes?

MR. REICHLIN: If, in fact, you might somehow be involved, can you speak to the price range of homes that are planned for the area?

MR. JONES: I have worked with Rob on this. Due to the increase of what it costs to build houses nowadays, you would probably say -- on the low end of slab homes in there, you probably wouldn't be much less than 200,000. Walk-outs being nice -- as being back to the park, you probably see \$400,000 to \$500,000 houses very easily. It don't take much anymore to get a house over \$300,000. So you can see -- and back on the estate lots back there, you could probably see three-quarter to one million dollar houses back there, so that could be very easily up there.

MR. WHEELER: Any other questions of this speaker? Thank you.

MS. MCCANN: Hi. I'm Sandy McCann, 500 East Lake Forest Drive. I've got a slide presentation to show you all about the State Park. This is the Paxton Passage. This is looking north on the west stream, and where the water retention area will be. You can see the yellow circle where the State Park is and the losing stream. This is looking north at the losing stream. This is an area of five acres of oak trees that will be destroyed with the development; also, oak trees destroyed. These are the single-family homes that are around this development. These are the people on Southbrook; the Hills' house. This is the Savage's; the Snell's; the Samuel's; the Cox's; mine; McAllister's; the Brubaker's; a house along Route K. This is a lake bordering and next to the State Park; animals; that tree line from the yellow all the way over will be destroyed. These are the Bonne Femme regulations that were agreed to by the City and the County. This is a quote from the County about the watershed and the unique nature of the topography and the karst nature where it is exactly in this area. These are the agreements that the City and the County has agreed to. The arrow points to the fact. The next one is the light development, the low impact, that it is a right that we have this because of the karst topography. This is the traffic on Wednesday at 7:38 in the morning. It is bumper to bumper. The only way you get on is if somebody lets you there, and we want to have this? I don't think so. I'm done.

MR. WHEELER: Oh, okay. Questions of this speaker? Thank you, ma'am.

MS. MCCANN: Thank you.

MS. WEAVER: Hello. My name is Jan Weaver; I live at 412 1/2 West Walnut, so I'm not a park neighbor. I am a member of Friends of Rock Bridge though. I would like to come at this from a different angle. I've been involved with the visioning process since 2006, and one of the things I've been working on is how do you measure whether or not we're taking steps towards accomplishing the vision. And I just wanted to read two of the goals from the development vision. One is for land preservation. Land will be prepared through Columbia and Boone County to protect farmland, scenic views, natural topography, rural atmosphere, watershed, healthy streams, natural areas, native species, and unique environmentally sensitive areas, thereby enhancing the quality of life. And the second one is about neighborhoods. Columbians will live in well-maintained, environmentally-sound neighborhoods that include a range of housing options and prices that are within walking distance of

amenities such as schools, places of worship, shopping, and recreation facilities, and that are supported by Citywide bicycle, pedestrian, and transit systems. And I don't think that this development is a step towards those goals. That's my personal opinion, but I would ask you to consider the vision and the comprehensive plan when you're thinking of approval of this development. Is it a step towards what the community said they wanted to accomplish in terms of its vision and planning and growth management, or is it a step away? And, if approved, will it continue to have us stepping away from the vision of the community? Thanks very much.

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

MS. FLADER: Hello. I'm Susan Flader, 917 Edgewood Avenue, Columbia. I am speaking on behalf of the Missouri Parks Association, a group of more than 3,000 Missouri citizens dedicated to the protection, enhancement, and interpretation of State Parks and historic sites. Rock Bridge is a very special place representative of the northern Ozark border with all the features you've been hearing about tonight -- the karst topography, the caves, the sinkholes, the springs, and the very diverse wildlife species. When I moved to Columbia 40 years ago, one of the first things I heard about was the problem that Rock Bridge was having with houses in the vicinity of these sinkholes that were causing pollution within the park. It's been a constant struggle. It was a park that was originally established with the contributions of hundreds of Columbia residents who -- who wanted that place to be protected. And they have enlisted the help of other Columbians and Boone Countians to try to restore that area, not to acquiesce in the degradation of it. The Bonne Femme Watershed Plan process is an excellent example of citizens coming together -- stakeholders coming together over a period of years to develop the recommendations in that plan. The City set a very good example in its development of a new park on the eastern boundary of Rock Bridge State Park. And most of that area along that boundary has been -- is being developed in a natural way as a buffer for Rock Bridge Park. And I would urge you, as the Planning & Zoning Commission, and the City to have the same kind of consideration on the western boundary where this new subdivision is being planned. It cannot help but -- but degrade -- further degrade the quality of that park, and we should be in the business of restoring it, not allowing degradation. Thank you.

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

MR. MAGGARD: My name is Bryan Maggard; I live on 81 East High Pointe Lane. I'll be certainly less than a three-minute speaker for you. I just have two quick points, and they deal with proximity of the development, and the quality of the development, in my opinion. I am a park user, primarily in the form of a cyclist riding on the trails. And I certainly, as an individual who uses the park, would very much appreciate an opportunity for development that was in this proximity to the park. I absolutely appreciate all the concerns that have been shared here tonight, but certainly believe that Mr. Crockett and the Hills have and will take every necessary precaution to ensure as much minimal impact to this area as possible. From a proximity standpoint also, I'm the father of

three kids and two young daughters who are about to start driving, and, certainly -- having a subdivision in this proximity of the community of Columbia, certainly, I think, is a positive aspect for many people, other than something, say, the distance south is as the Cascades or Arrowhead. And then from a quality perspective, again, I do know Rob and Sarah Hill. And after hearing the presentation by Mr. Crockett, and, again, knowing the Hills, I have every bit of confidence that they are going to take the necessary means to protect the integrity of Rock Bridge State Park to the best of their ability. But, again, I appreciate the concerns that have been shared tonight on that behalf. So thank you very much.

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

MR. LINNEMAN: Good evening. My name is Dean Linneman, 7900 South Country Aire Lane. I'm here to speak on behalf of this project. I know the Hills personally. I've known them for over 25 years. I know the plans they have in mind for this subdivision -- or this development. I don't believe it will jeopardize the park any more than any of the existing homes that are around this area now. The buffers, the concessions that they've already agreed to shows their intent to protect the park, and the users, and the animals -- the wildlife, the nature that resides in the park. So I'm just here to offer my support for this development. Its proximity -- I'm not aware of any road in Columbia that's not busy at 7:38 in the morning. I don't believe this would add any congestion to that, and the location to the schools, the location to the park is a desirable location for many young, starting out families in Columbia. Thank you.

MR. WHEELER: Any questions of this speaker? Thank you.

MR. SMITH: I'm Marty Smith, and I live at 5500 South Route K. I do live two doors down from the subdivision -- or actually, I'm on the north side, and the traffic is bad. They are also talking about a school right down Route K. I don't have any problems with the development as far as it is just too dense, and as far as -- I'm more worried about the traffic problem. They go by my house at 55, 60 miles an hour, and the speed limit has been changed to 45, but it doesn't happen. Go out there -- I live there. They did build some buffers on the road and they're nice. I wouldn't ride a bike out there. I wouldn't walk out there. I go get the mail, I wait for the cars to go by. It's -- it's just to -- you know, trafficwise. But that's all I have to say.

MR. WHEELER: Are there questions of this speaker? I have one, sir, if you don't mind. You say it's too dense. What in your mind is appropriate for this?

MR. SMITH: I would rather see, like, a house per acre. I'm just -- just slowing it down to just where it's just real dense. I think most of the houses north of this are -- a house about every -- I think it's seven-tenths of an acre, eight-tenths of an acre, thereabouts.

MR. WHEELER: Okay.

MR. SMITH: If you look north of it, that's kind of what's there.

MR. WHEELER: Okay. Mr. Reichlin?

MR. REICHLIN: What size lot is your residence on?

MR. SMITH: It's about 75 -- .75 an acre, whatever. It is not an acre -- or whatever the Hill's live on. That would do real well too.

MR. WHEELER: Thank you. Additional speakers?

MS. BRUBAKER: My name is Teresa Brubaker; I live at 5390 South Route K, which is down the street from the Hills. I am here to support this. I've known Rob and Sarah for many years. Sarah and I walk that trail. She would never -- and neither would Rob -- do anything to hurt it. I know there is a lot of opposition, but I'm for it. I think we need a good neighborhood with housing prices in that range. It will increase our value of our houses, and I'm just for it.

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

MR. BAY: I'm Don Bay, and I live at 7601 Chimney Ridge Road, which is in Hill Creek Acres, and is more of a typical division in the county. We live on two acres, and all of the people in our area live on two-acre lots. I have a couple of concerns. I have one concern on jurisdiction. It seems like this land now is part of the county, and the County Zoning has not approved this plan. In fact, they have raised objections to this. So are we moving it into the city, so that the County doesn't have a say? Most the citizens out there live in the county, not the city. So the effect is going to be on the county people. But we don't seem to have any representation because we don't vote for people in the city, we're in the county. That just seems like a way to get around jurisdiction. They also have a very nice fire department right across the road from where this division will be. Now, you know that the City and the County cooperates on emergencies, but who is going to be the first one to go in to protect those homes? It's going to be the County, but they will not pay any taxes to support the County Fire Department. That's one of the problems the fire department and the County has is that we have a lot more broad, spread out people to protect, but the tax payers out there will not be supporting the station that's right across the road. Thank you.

MR. WHEELER: Are there questions of this speaker?

MR. TILLOTSON: Yes. I have a question. Tell me again just where your development is in proportion to this.

MR. BAY: We're out Hill -- we're out -- we're one mile south of Rockbridge Elementary. And this subdivision would be just about a quarter mile south of -- you go out Route K and you turn left on Hill Creek Road, and we're Hill Creek Acres. It's on the same side of the --

MR. TILLOTSON: So your development, is it all on septic systems or how is the --

MR. BAY: No. We have a new septic tank system. We all paid \$22,000 a household to put in a new system for all 90 homes.

MR. TILLOTSON: That handles all those houses?

MR. BAY: Pardon?

MR. TILLOTSON: That one system handles all the houses in that development?

MR. BAY: In our development. Yes. It's a County -- it's a County system.

MR. TILLOTSON: All right.

MR. WHEELER: Thank you. Any questions -- other questions? I'm sorry. Thank you.
Additional speakers?

MS. DABSON: Good evening. I'm Karen Dabson at 1001 Covered Bridge Road, also in Hill Creek Subdivision. Let me take you for a walk down Deer Run up in the State Park. It's right near us. We use it all the time. We hike our dog there. One beautiful clear crisp fall day we're walking there -- I don't know if it was fall or not -- my dog starts dragging me towards a lot. And here we could hear men hammering, and he wanted to get to those men and go see. And they were building a giant house on the edge of the Memorial Park. So, first of all, we had the noise pollution, and we had this big house that was going to create light and pour into the forest. One of the things we haven't addressed is that there are noise and light pollution issues that are going to affect wildlife in the forest, as well as the propagation of species that don't belong there in terms of plant life. It's not about if people are nice or if we like them or if I'm nice or if you like me, it's about the fact that we're going to impact the State Park. We can't help it. Even in our own neighborhood where people have two-plus acres that their houses sit on, you have to turn off the lights at night so that you don't affect the wildlife that live in that neighborhood. We respect the State Park; it's adjacent to our neighborhood. We need to preserve it. Thank you.

MR. WHEELER: Any questions of this speaker? Thank you.

MS. DABSON: Thank you so much.

MR. WHEELER: Any other speakers?

MR. ALVIS: My name is Tim Alvis; I live at 1520 South Louisville Drive. I am in support of Rob and Sarah Hill, mainly because for one, I want to move there. My family, we grew up on South Sinclair Road. When I grew up out there, there was no lake; there was no Cascades. You know, we knew everyone who drove up and down the road. Now, my parents took me to the park, and I now get to take my children to the park. I get to walk the trails with my children and take them to Devil's Icebox. I want to be closer to that. I want to get as far out south of town as possible. And I know that Rob and Sarah will do anything to help preserve that. I completely understand the opposition, but they're good people, and I don't think that they're here to do anything wrong to the State Park. I know for myself and my kids, I just want to get them out there so we can be closer to -- you know, Rock Bridge School is where I went to, and walked the trails that I did as a kid. And I really don't think that this is going to be a development that is going to hurt anything that, you know, is currently there with Rock Bridge State Park. That's it. I'll stay here for questions.

MR. WHEELER: Thank you. Are there any questions of this speaker? Thank you, sir.
Additional speakers? Come on down, folks. Going once, as they say. All right. Seeing none, we'll close the public hearing.

PUBLIC HEARING CLOSED

MR. WHEELER: Commissioners? Who want to weigh in first? Don't be shy tonight.

MR. SKALA: Okay.

MR. WHEELER: Okay. Mr. Skala?

MR. SKALA: Let me try and take a crack at this. There are a lot of issues here. I certainly appreciated the efforts made by the Hills in terms of trying to accommodate some of the neighborhoods. We've come a long way in this City. With that kind of accommodation, I really appreciate the door-to-door, since I'm currently involved in door-to-door, and I can appreciate that kind of thing. But I am very concerned about -- the questions that really come before this body, and that primary question has to do with density. That's what we're here for to -- and we're also here to take a look at the plan, but first and foremost, we're here to think about the rezoning issues and the density issues. And although I'm certainly a proponent -- a Smart Growth proponent and want to try and minimize urban sprawl and all of the rest of that that goes along with it, I'm also really cognizant of the sensitivities of a place like, you know, Rock Bridge State Park, particularly since this has not only a losing stream, but another potential losing stream flowing through this property into the park itself. I guess -- you know, I wouldn't want to be put on the spot either to say what the density of a development like this should be. But I do know that I think my -- my thought is relatively consistent with the County, and that is probably not a density that would exceed 4. The R-1 densities that we're talking about and the recommendations in terms of the County for low impact development, which is not really in place here; but nonetheless, is consistent with the idea that it should be a PUD in terms of the City, and that PUD probably should not have a designation much higher than 4 rather than the 5.5 that we're talking about. I'm also a little bit concerned about the idea of a duplex by any other name. I was on the Council and the Planning & Zoning for a long time, and we had lots of issues regarding duplexes. And I -- assurances aside with regard to what the development is intended to be, I know in my own neighborhood, for example, it was also supposed to be owner occupied and so on, and over time, that has increasingly become more rental property. And the kind of attached housing that has a density of 5.5 is very amenable to that kind of change. And I would see that as a potential problem in the future should this not work out according to plan. That's kind of hard to plan for. I'm -- I'm really, really reassured by the assurances -- the engineering assurances with water quality and so on and so forth. I think they can handle the stormwater and the stormwater flow and the quality. I'm convinced of that. But the more you can minimize this density consistent with not only what is around it, but what I think is reasonable for some -- a piece of property that is contiguous with the State Park, I think a density of 4 would be more appropriate. And, frankly, there is -- well, not to men-- and it was just brought up too. I mean, obviously, there is some light issues and pollutions issues and all the rest of it. That's going to be -- that's going to come around with density. I mean, we are -- we cannot have the kind of situation where you do not develop this property just because it's contiguous with a park. But I do think you could ease the pressures on the park by giving -- giving a reasonable density -- something 4 or less than 4. So for all of those reasons, I intend to oppose this rezoning.

MR. WHEELER: Who is going next?

MR. STRODTMAN: I'll jump in.

MR. WHEELER: Mr. Strodtman.

MR. STRODTMAN: Yeah. Coming in tonight, my whole decision -- or not all my whole decision, but a lot of my decision was really to -- I was interested to hear from the State Parks. And I really appreciate Director Bryan for coming in this evening. But I -- really, that's been my biggest concern with this development was the impact on the State Parks. And after listening to the director and others, I guess my decision here was kind of swayed a little bit this evening. And walking in, I had originally intended on supporting this project based on the City Staff's recommendation. After hearing about the -- you know, the County concern and then hearing from the State Park, which I have a -- I think has a lot of decision making -- or should have a lot of decision making in this part of our City and County, I plan on opposing it until I feel that the State Parks feels confident or is as confident as they can be under the circumstances that whatever development that is put into this area around the State Parks, to the best of our ability, is not going to be a detriment to it. And I just don't want to have my name associated with the -- something later in life that has something to do with the -- with this part of the park.

MR. WHEELER: Mr. Tillotson?

MR. TILLOTSON: I think most people that has followed me in Planning & Zoning know that developments like this I think are good for our community. It's good in our Smart Growth process. I like it. I like what they've -- the Hills have done and Crockett has put together as far as trying to work with the community. I would not support it just on account of the duplexes. If they hadn't done that there, I'd probably be thinking a lot differently. So with that said and with the density issues -- and I'm going to be real brief -- I can't support it at this time.

MR. WHEELER: Mr. Reichlin?

MR. REICHLIN: I think it would be safely said that I -- I'm a friend of business and development. My record has shown that in the past. I look at this development and then I look at the -- just the area between K and 163. A lot could be said -- well, okay, these homes are there and they're having an impact, but, to me, this level of density is egregious and inappropriate for the -- for the park area. And it's hard for me to give any consideration to supporting.

MR. WHEELER: Mr. Vander Tuig?

MR. VANDER TUIG: Well, I'll add to this a little bit by speaking as to the stormwater. I think while Mr. Crockett would make every effort, and then some, to meet the ordinance and requirements of the City of Columbia's Stormwater Ordinance, I think it is kind of a one size fits all ordinance, and the level of service does not really account for some of the questions that were posed tonight with regard to runoff of fertilizer, for instance. And I know for a fact that the City Staff does not allow for any bioretention that doesn't have a drain plant in the bottom because just -- because that's the standard detail. And in situations like this where you have runoff with fertilizer and high nitrogen counts, you actually want to have an anaerobic condition where it's ponded in order to treat that. And

so those sorts of considerations would have to be included, you know, in something this dense in order for me to feel comfortable with it. And so for that matter, I cannot support it.

MR. WHEELER: Mr. Lee?

MR. LEE: I'm really torn by my decision here. I am pretty much pro-development in most ways, but I am concerned that the location, as it relates to the park and the water flow that will come off of this project onto -- into the park. With this map provided by the Director of Parks showing the multiple sinkholes, caves, springs, I just have to believe that there is propensity for some serious pollution, despite the admirable efforts of Mr. Crockett to try to alleviate that. You know, there's going to be some development somewhere down the line, but I don't know that this is the proper place for it. So I don't -- I can't support it at this time.

MR. WHEELER: Dr. Puri?

DR. PURI: I would like to echo the same sentiments of the rest of the Commissioners. I think the density is a problem here. I think that if it was a little bit less dense and the type of housing going in was a little bit more minimal to the surrounding housing, I think one could find a case to support it. I would like to applaud Mr. Crockett for his efforts in trying to work in the stormwater, but I agree with Mr. Vander Tuig. It's one, you know, ordinance, effects all. And this is -- the many challenges here, as pointed out by the Missouri Parks Director that presented earlier. So under the circumstances, I will not be supporting this.

MR. WHEELER: All right. Well, I think counting votes that -- I'm just going to bring up a couple of points here. And I really appreciate the Director of State Parks coming in. We rarely get this kind of information. But -- so I just want to point out some things that the community is going to need to discuss, and that is that -- although he's here, he hasn't given us any number. We don't know what the appropriate density is next to a park. According to them, or for that matter, very few people seem to be willing to weigh in on that to my knowledge, at least in my time -- and that's eight years. I'm the oldest guy here. Mr. Skala was here before me, and -- but I don't remember us being involved in the Bonne Femme Watershed. That's a County instrument. We didn't -- did we discuss it? Did you guys weigh in on it?

MR. TEDDY: Yeah. There was a hearing on it.

MR. WHEELER: A hearing?

MR. TEDDY: There was a hearing on it. They had a separate stakeholder process, but the Council actually adopted the plan.

MR. WHEELER: Okay.

MR. TEDDY: After hearing it, so --

MR. WHEELER: I didn't see it as a P & Z Commissioner. Let's put it that way. I have seen it. I was provided with it by a County P & Z Commissioner -- neither here nor there. I mean, the fact of the matter is that the overall density here is under two units an acre. And I'm not going to argue for it because I -- I mean, anybody can see the votes are counted on this. I just want to just lay some stuff

out because I think the community -- and especially as we go through our comprehensive plan -- needs to discuss this because the City is, indeed, encroaching on the park. We're there. We're knocking on the door of the park, and we're going to have to decide what we're going to do adjacent to the park. So the question then becomes what is going to be appropriate density within any watershed that's contributing to the park. There's other properties to the north of here that contributed to that as well, so it's going to be something that we're going to need to decide quickly. As far as the overall density here, it is just over two units per acre, so this is well under what is normal for R-1 or any reasonable PUD, in my mind. I don't -- you know, there's been some discussion of low impact and design, but there's not a number that is given with that. So, in my mind, low impact means that we're using the best management practices -- BMPs -- to offset the effects. Now, there are effects that -- that do come into play, like pollution. Mr. Skala and I worked on this for some time, and the City wanted to be exempt. The primary light contributor here would be street lighting because we are unwilling to use full cut fixtures with the City department. And the reason is -- and I'm going to say this -- is because they did not want to do away with a million dollars' worth of inventory. That was the exact explanation that was given to us when we were working on a lighting ordinance. And that's wrong. Now, we can phase it in over time, but we have to make a decision that if we're going to be low im-- low light impact, that we're going to do it as a City as well. So just a little pet peeve of mine, if you can't tell. So the attached housing -- we did come up with a definition that is very different from -- from duplexes. A villa-style unit has very -- very distinct design criteria. The idea that there's going to be single-family homes along K is a little -- but I think naive, frankly. So I do agree that any villa type along Route K could eventually end up being rental property. I would absolutely agree with that -- that statement. I don't see any way that you can control that otherwise. So it could happen. I live in a -- you know, middle-income neighborhood, and the houses are, you know, anywhere from \$130,000 to \$300,000. And I've got a lot of rentals around me. So it happens all over Columbia from Thornbrook to, you know, wherever. So I'm kind of rambling on here, but I think we are going to need to decide what appropriate density is going to be. Obviously, this is not quite what we think is -- what's appropriate. So -- but I do want to commend the Hills, and, Mr. Crockett, I think you've done an outstanding job of reaching out to the neighbors in trying to work out and resolve some issues. So with that, if somebody wants to try to frame a motion? Mr. Skala?

MR. SKALA: Yeah. I would like to frame a motion to deny the request by Crockett Engineering, on behalf of Southside Trail Estates, for annexation, permanent City R-1, and PUD 5.5 zoning, a PUD plan, and preliminary plat. The 35.8-acre site is located on South Route K, approximately 2,000 feet south of the intersection of Providence, Route K, and Old Plank Road, Case No. 12-185.

MR. WHEELER: Who want to second that?

MR. REICHLIN: Second.

MR. WHEELER: Mr. Reichlin. A motion has made and seconded. Discussion on the motion?
Mr. Skala?

MR. SKALA: Just, again, you reminded me of a couple things that one of which was the light issue that we visited a long time ago. And you're absolutely right. Part of that was the inventory thing -- inventory piece of it. The other piece was that no one wanted to tackle street light issues because of safety issues. That was a different category with regard to lighting in general. So we never really did approach that, and that was part of the excuse for not dealing with the inventory that we had. And one other thing, I was remiss when I was talking about how I look at this. I think it was very valuable to hear from Jan Weaver. We never hear enough about the visioning process. We left it many years ago, and yet there was a great deal of public input into the visioning process. And now we are inheriting that through the comprehensive plan that we're going to have to deal with, which is kind of another visioning process. And the remarkable thing about the comprehensive plan and the earlier visioning process is the consistency of the public's attitudes towards how this has progressed, even through this growth period that we have experienced. So I think it is real important for us to consider, not only in the comprehensive plan that we're about to tackle, the kinds of issues that are unique to this particular development contiguous with the park system and the unique topography and so on and so forth.

MR. WHEELER: Any other discussion on the motion? A motion has been made and seconded. We'll have a roll call, please.

MR. VANDER TUIG: We've got a motion and a second for denial of Case 12-185, A request by Crockett Engineering, on behalf of Southside Trail Estates, for annexation, permanent City R-1, and PUD 5.5 zoning, a PUD plan, and preliminary plat.

Roll Call Vote (Voting "yes" is to deny approval.) Voting Yes: Dr. Puri, Mr. Reichlin, Mr. Tillotson, Mr. Vander Tuig, Mr. Wheeler, Mr. Skala, Mr. Strodtman, Mr. Lee. Motion carries 8-0.

MR. WHEELER: A recommendation for denial will be forwarded to City Council.

V.) SUBDIVISIONS

Case No. 12-270

MR. WHEELER: The applicant has requested this item be withdrawn, so I think we can move on with that one. We're going to give the room a minute to clear, and then we'll continue. Let's just take five minutes or three or something.

(Off the record)

MR. WHEELER: Okay. Is everybody back? We're going to resume our meeting.

VI.) PUBLIC HEARING AND SUBDIVISION

Case Nos. 12-219 and 12-218

A request by Dale-Jeanne Powell Trust (owners) for the following:

- A. Case No. 12-219 Annexation and permanent PUD-4 (a Planned Unit Development allowing up to four dwelling units per acre) zoning**
- B. Case No. 12-218 Approval of a one-lot final minor plat, to be known as "Lake George Plat 2"**

The subject property contains 5-acres and is located on the south side of Richland Road, approximately 700 feet west of Bay Hills Drive, and is addressed 5000 E. Richland Road.

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

Staff report was given by Mr. Steve MacIntyre of the Planning and Development Department. Staff recommends the following: Approval of PUD-4 zoning and accompanying statement of intent. Approval of the final minor subdivision plat.

MR. WHEELER: Are there any questions of Staff?

MR. ZENNER: Two votes.

MR. WHEELER: Yeah. Two votes. I got you. Thank you, Mr. Zenner, for reminding me. But we have not seen a plan, I'm assuming?

MR. MacINTYRE: That's correct. Yes. The PUD plan would need to be approved at a separate date and would come through this Commission and go through the regular public hearing process.

MR. WHEELER: Would you happen to have the -- the larger aerial for this area?

MR. SKALA: Can I ask a procedural question? Are we going to take these up in two separate votes; is that --

MR. WHEELER: Absolutely.

MR. SKALA: Okay.

MR. WHEELER: Uh-huh. Can you point to that big controversial piece and how that -- how that ties into this, please?

MR. MacINTYRE: It's actually been split up from the site, so it's not contiguous. But it's down here -- a portion of the PUD, if you're referring to original rezoning from a few years' back.

MR. WHEELER: Was that a few years ago because it seems like yesterday?

MR. MacINTYRE: It sure does sometimes. Whenever it comes up, it feels that way. Yeah. I believe it is PUD down here to the south.

MR. WHEELER: Okay. All right. Thank you.

MR. MacINTYRE: And Pat -- Mr. Zenner is telling me that it's PUD-4 in this portion to the south.

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

PUBLIC HEARING OPENED

MR. WHEELER: Does anyone want to speak on this issue? This is a routine, so if you're the primary -- or the applicant, you can have up to six minutes, if you would like.

MR. JEFFRIES: I won't take six minutes. Hopefully, this is not controversial, like our neighbors have been. My name is James Jeffries, with Allstate Consultants, offices at 3312 LeMone Industrial Boulevard. We've been working with the Powell's since 1995 or so, about 17 or 18 years, so we've known them -- Mr. and Mrs. Powell. They have grown older in age. They are not able to live at the house at the moment, and so I have with me Alan Lynch. He's the contract purchaser, and his wife, Ann. And they, together, have a vision to do these cottages. With both Mr. Powell and Mrs. Powell in a residential care facility, Ann has actually been part of taking care of her. And in their course of conversation of, Well, we're going to have to sell the place -- and so Ann and Alan have been out there. And if you've been out there driving on Richland Road, the lake is beautiful. It's about a seven-acre lake. These cottages would overlook that area. There is sewer on the site. It goes up through the site. There is water for fire protection. We probably will have to extend a fire line into the site, but the specifics of the plan have not been worked out. We've been working with them to get the final plat to a point where it meets Staff approval with the subdivision regulations. And the next step is to do the PUD plan. And if you have any questions, I'd be glad to see if we can answer them.

MR. WHEELER: Mr. Skala?

MR. SKALA: Just a question with regard to that. Will this be -- will you have to augment the water supply system in order to accommodate the fire protection aspect of this? Is that what you were referring to when you said that you might have to bring more water into the --

MR. JEFFRIES: There's a 12-inch line on the north side of Richland Road, Water District 9, and in order to have fire protection and a fire hydrant close enough to -- in proximity to the residences, it's foreseeable that we would do a six-inch line coming --

MR. SKALA: Uh-huh.

MR. JEFFRIES: It would be a private line to the property.

MR. SKALA: So -- so just to deal with the number of units and so and so forth, that kind of thing, is that -- yeah. Okay.

MR. WHEELER: Are there any other questions of this speaker? Thank you, sir. Are there any additional speakers? Seeing none, we will close the public hearing.

PUBLIC HEARING CLOSED

MR. WHEELER: Commissioners, we want to take this up as two separate items. The first one would be -- I'm assuming -- which do you want us to -- 18?

MR. ZENNER: 19.

MR. WHEELER: 19.

MR. ZENNER: Zoning.

MR. WHEELER: Yeah. That's what I thought, but you should put them in the right order. Okay. So we're going to look at 12-218 -- 19 -- 2019 -- I'm sorry -- the zoning on the issue. So,

Commissioners, discussion on the motion -- or on the item. Wow. I need to get out of here.

Mr. Vander Tuig?

MR. VANDER TUIG: I'll start. It seems kind of unique. It doesn't fit, necessarily, the regular residential, but it's kind of a -- it's good in the sense that it will have a variety of housing options as Columbia starts moving east, and so I'm in complete support of this.

MR. TILLOTSON: I just -- I'm in support of it. That's all I've got to say.

MR. SKALA: Frame a motion?

MR. WHEELER: Please.

MR. SKALA: Let me frame a motion to approve a request by Dale-Jeanne Powell Trust to PUD-4(a Planned Unit Development allowing up to four dwelling acres per acre) zoning on land pending voluntary annexation in the City. The five-acre subject site is located on the south side of Richland Road, approximately 700 feet west of Bay Hills Drive, Case No. 12-118 [sic] for rezoning.

MR. STRODMAN: Second.

MR. WHEELER: Second, Mr. Strodtman. A motion has been made and seconded. Is there a discussion on the motion? When you're ready.

MR. VANDER TUIG: We have a motion on second for approval of Case 12-219, a request by Dale-Jeanne Powell Trust for the following: Annexation and permanent PUD-4 zoning on subject property address of 500 East Richland Road.

Roll Call Vote (Voting "yes" is to recommend approval.) Voting Yes: Dr. Puri, Mr. Reichlin, Mr. Tillotson, Mr. Vander Tuig, Mr. Wheeler, Mr. Skala, Mr. Strodtman, Mr. Lee. Motion carries 8-0.

MR. WHEELER: A recommendation for approval will be forwarded to City Council. Case No. 12-218. We should probably approve a plat if we have -- and we have zoning now, so maybe we should look at the plat. Any discussion on the item? Mr. Skala?

MR. SKALA: We'll do that. I'll make the motion to approve a request by Dale-Jeanne Powell Trust for approval of one-lot final minor plat, to be known as Lake George Plat 2. The subject property is located on the south side of Richland Road, approximately 700 feet west of Bay Hills Drive, Case No. 12-218.

MR. WHEELER: Second?

MR. STRODTMAN: Second.

MR. VANDER TUIG: Motion -- or comments?

MR. WHEELER: Any discussion on the motion?

MR. VANDER TUIG: I just have a quick question, and this is -- I wouldn't -- you know, I would support, rather, a sidewalk variance at this location. But I'm just curious why sidewalks in this case are not being discussed. Is it because it's a County Road or -- I'm just curious for my own --

MR. MacINTYRE: Well, that's a good question. There hasn't been, as you pointed out, a request for variance for the sidewalk requirements. It is a County maintained road at this point, and

I'm not really sure how that might play into it with -- on future development. Sidewalks and connectivity will be addressed though with the future PUD plan on this site.

MR. VANDER TUIG: All right. Usually, it's a subdivision issue though. Correct? Aren't variances normally subdivision --

MR. MacINTYRE: Usually it would be requested at the subdivision -- with the subdivision if it were going to be requested. However, in this case, since it is a planned district, it can be dealt with --

MR. VANDER TUIG: Okay. Well, I was curious about it on the County road or not. I would support it regardless. Just for future reference.

MR. ZENNER: And to add to Mr. MacIntyre's response, when this project was originally presented, I was the individual that did some intake on it, and did discuss matters with Mr. Lynch through the concept review. It was our advice at that point that based on the length of time that may be associated with the actual development of the parcel, the fee in lieu, which would have been the only generally supportive option was something that was discussed. That was not necessarily received amenably, and what will likely happen, based on the time frame associated with the actual need to develop anything, the existing house can be used as it is today if it is zoned. You have a performance contract that will be submitted with the plat, which has a three-year time window on it. So if the individual cottages would not be being sought to be developed, which would be what would necessitate the improvements, you will most likely see at a later date, a request for a sidewalk variance. And it may come in at that time with the plan as we've discussed. I mean, it was -- it was a little bit of a function of not having to pay the fee in lieu of before, and then, basically, you have three years in which to be able to construct that improvement. And, at that point, we would likely end up determining what would happen with Richland Road. The right-of-way upgrade is being provided on the plat, which is a necessity, so we are getting right-of-way out of this dedication and the platting of the property.

MR. VANDER TUIG: Okay. Great. Thanks.

MR. WHEELER: All right. The motion has been made and seconded. Any further discussion on the motion? When you're ready.

MR. VANDER TUIG: I'm sorry. Who was the second?

MR. WHEELER: Mr. Strodtman.

MR. STRODTMAN: I did.

MR. VANDER TUIG: We have a motion and a second for approval of Case No. 12-218 for approval of one-lot final plot -- plat, to be known as Lake George Plat 2.

Roll Call Vote (Voting "yes" is to recommend approval.) Voting Yes: Dr. Puri, Mr. Reichlin, Mr. Tillotson, Mr. Vander Tuig, Mr. Wheeler, Mr. Skala, Mr. Strodtman, Mr. Lee. Motion carries 8-0.

MR. WHEELER: All right. A recommendation for approval will be forwarded to City Council.

VII.) PUBLIC HEARINGS

12-200 A request by Vernon Johnson for annexation and permanent zoning from County R-S (single-family residential) to City R-1 (one-family dwelling). The 2.55-acre property is located at 3980 N. Wyatt Lane.

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 approval of the permanent zoning request.

MR. WHEELER: Are there any questions of Staff? This is a public hearing, so we'll open the public hearing.

PUBLIC HEARING OPENED

MR. WHEELER: Seeing no one.

PUBLIC HEARING CLOSED

MR. WHEELER: Commissioners, discussion or motion?

MR. SKALA: I'll make the motion to approve the request by Brush & Associates, on behalf of Vernon Johnson, for annexation and permanent R-1 zoning. The 2.55-acre site is located at the corner of Wyatt Lane and Mule Deer Drive, Case No. 12-200.

MR. WHEELER: A motion has been made. Is there a second?

MR. STRODTMAN: (Indicating).

MR. WHEELER: Mr. Strodtman. A motion has been made and seconded. Is there any discussion on the motion? When you're ready.

MR. VANDER TUIG: We have a motion and a second for approval of Case No. 12-200, the Vernon County -- Vernon Johnson annexation and permanent zoning from County R-S to City R-1, located at 3980 North Wyatt Lane.

Roll Call Vote (Voting "yes" is to recommend approval.) Voting Yes: Dr. Puri, Mr. Reichlin, Mr. Tillotson, Mr. Vander Tuig, Mr. Wheeler, Mr. Skala, Mr. Strodtman, Mr. Lee. Motion carries 8-0.

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

12-217 A request by Crockett Engineering, on behalf of Pete Grathwohl, for a major revision to the PUD plan for Arbor Falls, Plat 3, and a statement of intent revision. The 7.34 acre site is located at the intersection of West Old Hawthorne Drive and Pergola Drive, northwest of the corner of West Old Hawthorne Drive and Route WW.

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 approval of the PUD plan.

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

MR. SKALA: And just a few. I guess I wasn't on the Planning & Zoning in 2006 when this may have come through, so I didn't see the plan. Are there any changes to the -- was there any materials

specified for these buildings and so on? I understand that there is less density now, and there's less parking, and the height has been lowered, and so on. Were there any other details that --

MR. LEPKE: I'm trying to remember off the top of my head. We have the old report from the old plan included in here. If I don't find it quickly, I may punt to Mr. Crockett.

MR. SKALA: Thank you. Okay.

MR. ZENNER: On the plan, itself -- in your packet -- Mr. Skala, as well as the remaining Commissioners, in your packet, you will notice that there were some various -- there were specifics as it related to parking, data, and calculations, signage, lighting, and then some very specific PUD notes that were added to the actual project itself.

MR. SKALA: Uh-huh.

MR. ZENNER: Based on those notes, I am not seeing anything that would jump out as to be unique architecturally or otherwise. As many of the Commissioners -- or residents that have been around town long enough, this was what was referred to as the big house concept --

MR. SKALA: Uh-huh.

MR. ZENNER: -- initially. They just have not sold; therefore, what we are seeing is this proposed revision. The -- what would be the western side of this development still is retained with the big house concept layout which its parking and its management of those buildings and that layout and design remains unchanged and unaffected by the proposal that this is being brought forward with. This basically is bringing the project to, hopefully, a more marketable realm and reducing, in many respects, probably the impact.

MR. SKALA: Yeah. That's pretty well understandable in terms of marketing. I didn't know if there were any stipulations originally with the big house idea, and this is a continuation of it or if it was something entirely different. So that's --

MR. ZENNER: Separation -- almost entirely separate. The old portion that's still in the big house is actually under separate ownership.

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

MR. STRODTMAN: I've got a very minor one. Are the garages for the home -- or the drawing that we see in the picture, are these garages for these As and Bs?

MR. LEPKE: I think it could be for either. My understanding is they were going to be leased or sold to residents in this particular phase, if you will, of the development.

MR. STRODTMAN: Okay.

MR. ZENNER: As we went through the concept review with this, the idea is is that you have more than you can store in a two-car garage.

MR. STRODTMAN: Oh.

MR. ZENNER: And sometimes you need a place to put your boat or other -- a sundry things that you have collected in life. Therefore, the garages are added -- it is probably one of the most notable things between the two projects. It is rare that we see something like this within a planned

district where you have several rentable spaces. But those are rentable spaces only to the residents within that development. That was extreme expressed concern of ours that we didn't want this as an outside storage facility for residents elsewhere within the Old Hawthorne Development.

MR. STRODTMAN: So then an owner would be the only person that would be able to lease one of these storages?

MR. ZENNER: That is correct. And there are not enough to accommodate all of the potential units within the project either, so it will be a coveted -- a coveted improvement or a coveted addition to your house.

MR. STRODTMAN: Because As and Bs, I assume, have garages?

MR. ZENNER: Yes.

MR. STRODTMAN: Okay. Thank you.

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

MR. LEE: Yeah.

MR. WHEELER: Mr. Lee?

MR. LEE: I'm a little confused. Where exactly is this?

MR. LEPKE: Let me go back to my photo -- okay. The curving road you see coming into the right side of the screen is West --

MR. LEE: Yeah.

MR. LEPKE: -- Old Hawthorne Drive.

MR. LEE: Okay.

MR. LEPKE: So WW is here towards the --

MR. LEE: Down there --

MR. LEPKE: -- bottom of the screen. So there's WW. Just to the east would be then where Old Hawthorne Drive West comes in and curves around there.

MR. LEE: Okay.

MR. LEPKE: Now you've got the swimming pool over here as well on the side --

MR. LEE: Okay. Okay. I've got it now.

MR. STRODTMAN: Of the Club House? The swimming pool is at the Club House?

MR. ZENNER: The swimming pool is at the Club House. If you go to the west where Rolling Hills, the County's new improvement --

MR. STRODTMAN: Yes.

MR. ZENNER: -- that is where Pergola -- Rolling Hills extends to the intersection of Pergola only, and the Pergola comes back towards the Club House --

MR. STRODTMAN: Okay.

MR. ZENNER: Where the pool is, from the west to the east.

MR. WHEELER: Any other questions of Staff? Seeing none, we'll open the public hearing.

PUBLIC HEARING OPENED

MR. CROCKETT: Chairman and members of the Commission, Tim Crockett, 2608 North Stadium. I'll be really brief, Mr. Chairman. I just want to answer a couple of questions. Mr. Skala, in our research of the existing statement of intent, there were no conditions with regard to building materials. However, there are covenants and restrictions governing the entire development of Old Hawthorne that dictate that. So we are going to be in line with that. So that does -- that is the governing issue for that whole area. And, Mr. Strodman, to answer your question, yes, those are -- those garages are -- you know, we're looking for retirees, you know. We've had a lot of interest -- or my client has had a lot of interest in older folks, and they may have a small boat, may have a classic car, something like that they need to have an additional space for. They're moving out of maybe something with a walkout basement or two stories, looking to downsize, and they can't get rid of all their stuff. It provides additional storage. But it is -- it's not a commercial situation where we are looking for the entire community or the entire -- you know that whole side of Columbia to have a rental space. It is for residents in this area. So with that, unless there's other questions, I'll keep it short.

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

MR. CROCKETT: Thank you.

MR. WHEELER: Thank you. Are there any other speakers? We'll close the public hearing.

PUBLIC HEARING CLOSED

MR. WHEELER: Commissioners? Mr. Vander Tuig?

MR. VANDER TUIG: Well, I'll start out. I'll just say this is -- from an engineer's standpoint, it's a pretty creative way to lay out the property with existing -- existing concrete drives, and so forth, already there. And I think it's kind of a variety of housing options. And it looks like a nice development, so I'm going to approve it.

MR. WHEELER: You're going to approve it?

MR. VANDER TUIG: Not single-handedly.

MR. SKALA: We may need some help.

MR. WHEELER: You know, the nicest thing about tonight is I can't wait to tell my wife I have a sundry stuff in the basement because that's not what she uses to describe it. So any other discussions? Mr. Lee?

MR. LEE: Yeah. I would just say that from my perspective, it seems to be pretty consistent with what's going on out at Old Hawthorne, and would be a nice use of the land as far as I'm concerned.

MR. SKALA: Yeah. It's a creative way of approaching this, so I'll make the motion to approve the request by Crockett Engineering, on behalf of Peter Grathwohl, for a major revision to the PUD plan for Arbor Falls, Plat 3, and a statement of intent revision. The 7.34-acre site is located at the intersection of West Old Hawthorne Drive and Pergola Drive, northwest of the corner of West Old Hawthorne Drive and Route WW, Case No. 12-217.

MR. TILLOTSON: Second.

MR. WHEELER: Mr. Tillotson seconds. Discussion on the motion? When you're ready.

MR. VANDER TUIG: We have a motion and second for approval of Case No. 12-217, a major revision to a PUD plan for Arbor Falls, Plat 3, and a statement of intent revision.

Roll Call Vote (Voting "yes" is to recommend approval.) Voting Yes: Dr. Puri, Mr. Reichlin, Mr. Tillotson, Mr. Vander Tuig, Mr. Wheeler, Mr. Skala, Mr. Strodman, Mr. Lee. Motion carries 8-0.

VIII.) COMMENTS OF PUBLIC

There were no comments of the public.

IX.) COMMENTS OF STAFF

MR. ZENNER: Your next meeting is going to be February 7th. However, as you'll note, February 7th, I have a little notation underneath that. That is the weekend -- or I should say the week of the Smart Growth Conference. So those of you that are not attending -- and we will have three of you -- the rest of you that aren't attending need to be here. We do have a meeting, so -- and we do have items that we will need to cover. So if you know now that you're not going to be around on February 7th, please let me know, and we'll cancel the meeting. Otherwise, we need --

MR. REICHLIN: What's on the agenda for that day?

MR. ZENNER: We're going to go right to that now. That's your next -- behind door number two --

MR. REICHLIN: My question about that --

MR. ZENNER: Behind door number two, we have what the agenda is. Again, your upcoming meeting is February 7th. The work session -- which we will have items on the work session. It is a relative robust work session agenda. We will also have a regular meeting. And then you will have a regular meeting again on the 21st of February for both of our normal sessions. Your items for the upcoming February 7th agenda: The Macadoodles site. This is on the corner of Green Meadows and Providence Road South and Carter Lane. This was the old Three Forks Steakhouse. Macadoodles is a gas station/liquor store -- higher-end liquor store, and this is on the parcel that is to the west of Carter Lane, an internal parcel off of the little triangle that's in the corner. And then you will have Quail Creek Professional Office Park. This is the O-P tract of land that is at the front north -- what would that be -- northwest corner of --

MR. LEPKE: Rainbow Trout.

MR. ZENNER: -- Rainbow Trout and Scott, directly across from the daycare. This parcel has been zoned for O-P for quite some time. Those are your two items. Both plans and both are considered routine items that we can probably manage effectively. Both neighborhood meetings have gone relatively well thus far.

MR. WHEELER: Is that all?

MR. ZENNER: Pardon me?

MR. WHEELER: Is that all?

MR. ZENNER: Okay. That's all for that. And here are your maps as it relates to the two locations. And then the bigger meeting is February 21st. You'll notice we've got a big question mark next to complex. The 8 Ball commercial tract is coming back, corner of Rock Quarry and Grindstone. Many of you may ask how can this be? It is the same parcel. It is the same request, with a minor modification with the landscaping. It -- by zoning ordinance provisions, was not withdrawn after a negative recommendation of the Planning Commission. Therefore, the 12-month delay in being able to be resubmitted does not apply. They withdrew after a positive recommendation of the Planning Commission. They went back; they've worked the issues with the neighborhood association off of Sun Court -- or the neighbors off of Sun Court. They claim that they have their support at this point and have resubmitted the application for hearing on the 21st. The second one we have, which some of you may have read about in the paper recently, is the Boone Hospital Medical Park South. This is at the corner of Forum and Nifong. This is to the west, basically, of Bradford --

MR. LEPKE: Bedford.

MR. ZENNER: Bedford Walk. Thank you. And this is about a 14-acre tract of land directly to the east of Woodrail Centre. Those are your two items. I would strongly probably suggest that we can handle Boone Hospital under a routine item. However, as we probably experienced from our 8 Ball Commercial, complex may be necessary in order to allow for neighborhood comment effectively because we will likely have organized opposition. Again, my understanding is the neighborhood meetings that have been held have been productive, though, you know, we don't know what may end up happening at our public hearing. So if you want complex, we can do complex on 13.6, routine on 13.8. Thumbs up? Thumbs down?

MR. WHEELER: Well, I just --

MR. TILLOTSON: They ought to all be routine. We've already had the battle with it.

MR. SKALA: And we're liable to have another battle. Can I ask a question?

MR. WHEELER: Yes.

MR. SKALA: So am I understanding this correctly that as long as this does not progress to the City Council, they can present this to us as often as necessary without -- is that -- is that what the trigger is for --

MR. ZENNER: No. The trigger is if it is withdrawn after a negative recommendation of the Planning --

MR. SKALA: Oh, I see.

MR. ZENNER: -- Commission.

MR. SKALA: I see.

MR. ZENNER: They cannot resubmit.

MR. SKALA: I see.

MR. ZENNER: They withdrew after a positive recommendation; therefore, they can.

MR. SKALA: I see. Okay.

MR. ZENNER: Okay. So you're fully inclined for routine on both, if I'm understanding correctly?

MR. WHEELER: Well, I mean, we really haven't discussed that. Mr. Tillotson -- so what I would ask is what it sounds like you're saying is that we'll need to go complex because there will be a lot of people speaking on it, and, frankly, we had a lot of people speaking tonight and we did that routine, so, I mean --

MR. ZENNER: I don't think that the issues -- because as Mr. Tillotson pointed out, we have pretty well beat the horse as to what those issues are. You probably can, if you so desire to handle it routine, unless you feel that it is essential to allow the opposition to speak a little bit longer, which our complex procedures do offer that opportunity, as well as the applicant, to express their side of the story.

MR. WHEELER: Okay. So what would be the --

MR. SKALA: Well, I'll just offer my opinion. I mean, this is -- it has been vetted, but, obviously, there is a tremendous amount of interest in this. And I suspect that it would behoove us to -- to extend a little bit of extra time for both sides to make sure they make their case. So I would advocate for complex.

MR. WHEELER: I don't -- I don't disagree with Mr. Skala here, but I -- what I would probably disagree with is there are rules for complex or -- although they allow for additional time, they also are kind of complicated. And so it -- what may be more appropriate would be just for us to allow a little additional time on both sides, you know. Now, can we do that without setting some kind of precedent that just --

MR. ZENNER: That's -- that's the Chairman's prerogative. And I think if you lay out your rules of engagement indicating that you will allow slight flexibility to the three- and six-minute provisions for routine, I believe we can accommodate that.

MR. WHEELER: Would everybody be comfortable with that?

MR. SKALA: I -- if you don't think --

MR. WHEELER: Thumbs up?

MR. SKALA: -- that's confusing to the public. I mean, that's --

MR. WHEELER: Well, I think we can lay it out right from the beginning and tell them what they are going to get. All right. So that's what we're going to do, routine on all of it.

MR. ZENNER: Routine on all of it. And that's fine with me. And there are your maps for your two. And we will look forward to seeing you all on the 7th -- or, yeah, the 7th of February.

MR. WHEELER: February.

MR. ZENNER: And I believe, if I am correct, the 7th, which is our next meeting, we will be down a member, if I am correct. Right, Mr. Reichlin?

MR. REICHLIN: I won't be here.

MR. ZENNER: All right. At that point -- at that point, you do not have a quorum. So this evening, if you will make a motion or an announcement that we will end up having to bump our items from the February 7th agenda to February 21st due to the lack of a quorum, we will make sure that we have that posted and the applicants notified accordingly.

MR. WHEELER: All right. We'll just make that an announcement. If you're done, we'll make that announcement.

MR. ZENNER: I am done.

MR. WHEELER: Okay. So we are going to announce to the public that the February 7th meeting will be cancelled due to a lack of quorum. We have some Commissioner members that are going to go to the conference in Kansas City and come back and give us lots of good information. And we look forward to addressing those two items on the 21st. All right.

MR. WHEELER: Additional comments of Commissioners?

X.) COMMENTS OF COMMISSIONERS

MR. TILLOTSON: Just real quick. I just got a text here about there's a fire downtown. Is anybody -- have you heard anything on your phone?

MR. TEDDY: It's up on 7th and Walnut.

MR. SKALA: Well, the fire truck was going that direction, so I don't know.

UNIDENTIFIED SPEAKER: It's catty-corner from the parking garage -- that lawyer's office.

MR. WHEELER: Hopefully everyone will be safe. Firefighters are -- that's a tough job, especially in this kind of weather. So are there any other comments, Commissioners? Thanks for hanging in there tonight. It's been a long evening.

XI.) ADJOURNMENT

The meeting adjourned 9:38 p.m.

(Off the record)

Matt Vander Tuig – Secretary

Doug Wheeler - Chair