

MINUTES
PLANNING AND ZONING COMMISSION MEETING
March 7, 2013

COMMISSIONERS PRESENT

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

II.) APPROVAL OF AGENDA

MR. WHEELER: Approval of the agenda, any items need to be changed? I think we have two items this evening -- you want to announce those that we will cover?

MR. ZENNER: If you don't mind. Case No. 13-14, you have a request to table the project until April the 18th. That is the Warnken Properties IV, LLC. And then, Case No. 1313, Request by George and Joni Pfenenger, a request also to table that project until --

MR. WHEELER: 03/21 was the --

MR. ZENNER: -- the 21st of March. And those are the only changes that we have to the agenda, sir.

MR. WHEELER: Okay. These were advertised items. We'll cover this as they come up, but it has been our practice to grant these. Is there anyone that needs to abstain on any of our items this evening? Ms. Peters?

MS. PETERS: Case No. 1314, 1316, and 1317.

MR. WHEELER: Ms. Peters has asked to be allowed to abstain on these. Everybody in favor, say aye. Opposed, same sign.

(Unanimous voice vote for approval.)

MR. WHEELER: All right. I think that's the way we handle them. It's been a while since we've done that.

III.) APPROVAL OF MINUTES

MR. WHEELER: Hopefully everyone's had an opportunity to look through our minutes. Are there any corrections? Mr. Vander Tuig?

MR. VANDER TUIG: Yeah. I've got a couple. The second to last sentence from the bottom of Page 29, should read drain pipe instead of drain plant. And the last sentence of Page 26, should read nitrogen content rather than nitrogen count.

MR. WHEELER: All right. Are there any other changes? A motion to approve with those corrections?

MR. SKALA: So moved.

MR. WHEELER: Mr. Skala. Ms. Peters --

MS. PETERS: Second.

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

(Unanimous voice vote for approval.)

IV.) SUBDIVISIONS

MR. WHEELER: Our first item tonight is Subdivision Case No. 13-14. This is the item that has been asked to be tabled until the 18th.

13-14 A request by Warnken Properties IV, LLC (owner) for a one-lot replat to be known as "Anthony Street Place West" subdivision. The 0.50-acre subject site includes lots addressed 1312 and 1314 Anthony Street.

MR. WHEELER: This is not a public hearing item, but it has been our practice to allow these tabling for reasonable terms. Commissioners? Do we need to hear a Staff report on this?

MR. ZENNER: Don't need to hear a Staff report. Again, the item is being requested to be tabled until April 18th; it is a date certain and it is being made such that they can obtain some additional information regarding the replat and some related zoning conditions associated with the future development of the property.

MR. WHEELER: Commissioners? Mr. Skala?

MR. SKALA: I'll move to table that request as described.

MR. WHEELER: Thank you. To the April 18th meeting. Mr. Reichlin?

MR. REICHLIN: I'll second that.

MR. WHEELER: Motion's been made and seconded. I think we have to do a roll call on that.

MR. VANDER TUIG: We have a motion and a second to table Case No. 13-14 to April 18th.

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

V.) PUBLIC HEARINGS

12-1227 A request by Wendling Development, LLC (owner) for approval of a C-P development plan to be known as Macadoodles C-P Plan. The 1.73-acre site is located at the northeast corner of Providence and Green Meadows. (Item was carried forward from February 21, 2013 meeting due to weather-related cancellation.)

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

Staff report was given by Mr. Steven MacIntyre of the Planning and Development Department. Staff recommends approval of the C-P development plan and associated design parameters.

MR. WHEELER: Are there any questions of Staff? Ms. Peters?

MS. PETERS: What's the width of Carter Lane?

MR. MACINTYRE: I believe it's 66-foot right-of-way and probably 50-foot street width. And one of the neighbors might correct me, but I think it's about a 75-foot distance from the edge of this property, the subject site, to the nearest backyard there of existing townhomes.

MS. PETERS: And was there any discussion on the hours of operation?

MR. MACINTYRE: Yes. There has been some discussion on that. It's difficult for Staff to implement or insist on restricted hours of operation given that that's typically something that's addressed with the land use and we're certainly beyond the zoning and into the design phase of this project. But there was some indication when we raised the issue as a concern from the neighbors, and of Staff, frankly, that the typical hours of the gas station/convenience store are about, I believe, 8:00 until 10:00 or sometimes eleven o'clock at night at the latest. However, there may be certain 24-hour gas pay at the pump operations, and I'll leave it to the applicant to indicate exactly what they're proposing at this location because I haven't got a final answer yet.

MS. PETERS: And can you tell me what the height of the canopy is? And from the look of one of the diagrams, it looks like the screening on what should be the west side near the gas pumps, kind of bumps up to the gas stations, I'm assuming that that's pull-through?

MR. MACINTYRE: I'm sorry. What was the pull-through?

MS. PETERS: The first question was the height of the canopy, and the second question was in regards to what appears to be on the schematics screening that bumps up against the gas pumps on what looks like the west side.

MR. MACINTYRE: Okay. On the canopy head, I'm not sure what the intended height would be there. The site has a maximum height of -- building height of -- 45 feet would be the maximum elevation. They're proposing a single story, so it's almost certain to be much less than that. And on the landscaping, you're referring to the landscaping along Providence Road between the gas island and the Providence Road frontage?

MS. PETERS: Yes.

MR. MACINTYRE: That would probably between one and three feet in height. I believe that's a fairly minimal parking lot landscaping strip there. Now, on the north side, along Carter Lane, that would be up to a five-foot height per the previously arranged enhanced landscaping strip there.

MS. PETERS: And that was the enhancement that was put in when the restaurant was approved?

MR. MACINTYRE: That's right.

MS. PETERS: That's all I have. Thank you.

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

MR. VANDER TUIG: Does the applicant own both lots there? And the reason I ask is it looks like the drive is actually outside of the limits of the property lines.

MR. MACINTYRE: At this point I believe Mr. Wendling owns both of those lots. However, I would expect there to be a property transfer on the western lot and perhaps some form of a shared-access agreement in whatever form that exists. C-P districts allow for sharing of access between lots and there are a few different options that are probably available to them.

MR. VANDER TUIG: Okay. I appreciate it.

MS. PETERS: I do have a follow-up.

MR. WHEELER: Ms. Peters?

MS. PETERS: Can you tell me if the driveway on Green Meadows is a right-in/right-out, and is there a median on Green Meadows that prohibits left turns?

MR. MACINTYRE: Yes. There is a median in place and it would be a right-in/right-out.

MR. WHEELER: Any other questions of Staff? Seeing none, we're going to open the public hearing, but before we do, let me discuss the rules tonight. First speaker will get six minutes; subsequent speakers will get three. That's for the applicant and any organized opposition will get the first six minutes. There will be one exception tonight. This one is not one of them. And I will be -- we do have a lot of people here that want to address various issues this evening, so I will be watching the clock closely. You will get a 36 -- or a 30-second light notice, and please wrap it up. At the end of your time, you will be cut off. I'm sorry, but we do have a great deal to cover this evening. So with that, we'll open the public hearing.

PUBLIC HEARING OPENED

MR. WHEELER: Sir, I'm sorry, but if you will come to the podium. I know this is your first time before us, but I need your name, address.

MR. HARRELL: My name is Tim Harrell; I'm here representing Macadoodles. I'm actually the general contractor. My address is 210 Northwest O Street, Bentonville, Arkansas.

MR. WHEELER: Thank you, sir.

MR. HARRELL: Again, I'm here to just kind of go through real quickly what we're about. We actually are an upscale beer, wine, and spirits sales. We don't have a lot of convenience store items. We're not your -- what you would think of as a typical convenience store. Here's a little quick shot of the front of our building, which we've got posted across here, and some of the things that you can see that we've got, you know, down through here that -- we're all about customer service here. We're not looking for the quick-in/quick-out guy. We're after a shopping experience at our store. This is a shot of our wine room that has this large wine feature with all of these back-lit panels across the back. And we normally service about 4,000 different brands of wine. This is a look at our -- from the inside of our store at the spirits and beer area. If you notice, all of our floors on the inside of our building are hardwood floors. They're distinguished from one area to another, with the coloration of the floors, and what we do in the back and to the front. Talking about the gas canopy: That's a look at a typical gas canopy in one of these, which normally the height of the canopy is between 22 and 24 feet. This is our drive-through area. Once again, we try to make the shopping experience, whether you're

inside or outside of the store, to be pleasant for everybody that visits one of these stores. Here you can see a little quick blurb about how many jobs, you know, 25 to 30 jobs, what kind of revenue that we've got in here, and, you know, some of the things that will happen, you know, whenever we come to town. You addressed the hours. Most the time, Monday through Thursday, the 8:00 a.m. to 10:00 p.m., Fridays and Saturdays you've got an 8:00 to 11:00, and Sundays 9:00 a.m. to 10:00 p.m. These are some of the awards that have been given to the different Macadoodles stores and franchises that we have in Arkansas and Missouri. This is just a shot, again, of the overall concept of what we're trying to do here. You know, we try to make sure that everything that we do and everything that we plan on doing will be a benefit and not a detriment to the City of Columbia. Once again, here's just some contact information, if any of you have any questions that you need to ask us: The owner, Aaron Jurgensmeyer, who's here this evening; myself, Tim Harrell; and then Roger Gildehaus, who is the president and the franchiser of the Macadoodles branded name. Thank you.

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

MS. PETERS: Have you had any discussions with the neighbors on enhancing the landscaping?

MR. HARRELL: We have. We've had some discussion about that, and our civil engineer, Mr. Dan Brush, is going to get up and address some of those issues, and he's got a -- I think he has a new landscaping plan that he plans to show you-all about what we're planning on doing over there to the other side of the property.

MS. PETERS: Thank you.

MR. WHEELER: Mr. Tillotson?

MR. TILLOTSON: I was looking at when you had the picture of the pumps --

MR. HARRELL: Yes, sir?

MR. TILLOTSON: -- I noticed there was a little house -- or is that a pay area? What was that?

MR. HARRELL: Okay. On some of the properties, we actually have a gas attendant that stays out there. And most of the properties -- and this property will be you can either pay at the pump or you come into the store to pay, at this particular -- at this particular location. The small little area that we put out there for the side is usually for the attendant that stays in there and to have air and things of that nature out in the side.

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

MR. STRODTMAN: Do you know what percentage your gas sales are versus overall?

MR. WHEELER: Sir, you got to come up. Introduce yourself, give us an --

MR. JURGENSMEYER: I'm Aaron Jurgensmeyer; I'm going to be one of the owners of the store. I got to say --

MR. WHEELER: Address please.

MR. JURGENSMEYER: Oh, sorry. 6 West Leaston (ph.) Drive, Rogers, Arkansas. It would be about 30 percent of the total sales.

MR. STRODTMAN: Thank you.

MR. WHEELER: Are there any other questions of this speaker? I just have one. Are you committing to these hours you just showed us?

MR. HARRELL: That would be a question for this gentleman here.

MR. WHEELER: Are you going to come up and speak next, sir?

MR. JURGENSMEYER: Yes. I'll stay.

MR. WHEELER: Are you coming up to speak next?

MR. JURGENSMEYER: No, I'm not. That would be the --

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

MR. LEE: Yeah. I have a question that -- one of you gentlemen said that there's an attendant on duty at some of the stores. Will there be an attendant on duty at this store?

MR. JURGENSMEYER: Yes.

MR. LEE: Thank you.

MR. WHEELER: Ms. Peters?

MS. PETERS: Clarification on the hours. You're committed to closing at 11:00 on, what was it, the weekends?

MR. JURGENSMEYER: Yes.

MS. PETERS: Okay. Is that in this -- I didn't see it in the statement of intent in here. Would you be willing to put that in as a condition?

MR. JURGENSMEYER: Yes.

MS. PETERS: All right. Thank you.

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

MR. BRUSH: My name is Dan Brush; I'm with Brush & Associates, offices at 506 Nichols Street. I'm the engineer on the project. What I've handed out to you here this evening is a shot I took this afternoon of the site. This is located about where the gas canopy is, pointed back toward the neighborhood. So you can see what the existing screening looks like during a winter day, which would be at its lowest opacity. The other sheet I have given you is a landscape plan that Mr. Wendling has gotten approved by the city arborist to go ahead and enhance the existing screening that's in there. And what we're proposing to do on that is to go ahead and come in and plant wild plum thickets to go ahead and secure the understory. And then also come through with a wildlife grass habitat -- habitat grass to go ahead and beef up that understory also to go ahead and provide more of a visual barrier. The other thing we've done on this site is that we've gone ahead and lowered -- from the existing Three-Forks design, we lowered the building about four feet to go ahead and try to enhance that barrier along Carter Lane. About where the gas pumps are, from the existing grade now, that'll be two to three feet lower, like I said, to go ahead and enhance that five-foot evergreen berm that we're putting in. That said, I'd be happy to answer any questions.

MR. WHEELER: Mr. Skala?

MR. SKALA: Just -- I don't know if you have the answer to this, but I ought to ask the question, that is you mentioned -- you referred to opacity, and I was wondering -- I assume that you're going to try and provide year-round opacity to some degree, and do you have any idea what the mature opacity would be?

MR. BRUSH: No. I don't, not with the wild plum ticket, other than just personal experience to know that they're a root sap, so you plant one and you'll end up with 15, 20, 30 there and they're intertwined, small branches. They grow somewhere between 10, 15 feet tall.

MR. SKALA: So the idea is to substantially enhance what's already there. I mean, that's --

MR. BRUSH: Yes.

MR. SKALA: Year round?

MR. BRUSH: Yes.

MR. SKALA: Thank you.

MR. WHEELER: Ms. Peters?

MS. PETERS: Can you tell me when this was approved?

MR. BRUSH: I want to say two weeks ago, three weeks ago.

MS. PETERS: And it's going to be installed this spring?

MR. BRUSH: Yes.

MS. PETERS: Okay. Thank you.

MR. BRUSH: I think the materials are already ordered and on the way.

MR. WHEELER: Mr. Vander Tuig?

MR. VANDER TUIG: I'm curious. Can you talk a little bit about where the City's regional detention is. It's mentioned in the development plan that detention requirements were exempt.

MR. BRUSH: Right. The detention facility, as I understand it, is located further east from this entire development and was put in at the time that Green Meadows and Carter Lane were developed in the first place. And as part of that agreement and so forth, was that detention was provided for this entire area.

MR. VANDER TUIG: Okay. Thanks.

MR. WHEELER: Is that the same regional detention area that Walmart's utilizing or is that --

MR. BRUSH: No. I believe that's a different one.

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

MR. BRUSH: Thank you.

MR. WHEELER: Next speaker, please.

MR. WENDLING: My name's Steve Wendling and I reside at 2012 Chapel Ridge Road in Columbia. And I really didn't have anything to add at this point, but I am the property owner that's making the request, so I thought I would make myself available for any questions.

MR. WHEELER: Questions of this speaker? Mr. Reichlin?

MR. REICHLIN: Just briefly if you have anything to share, what were the results of your traffic study, especially with the in and out on Green Meadows Road?

MR. WENDLING: Actually, there wasn't a traffic study required. When we originally did the plat and the zoning, the traffic studies that had been done by Walmart and Kelly Properties down the road, the City accepted those as sufficient and that these would not provide any -- too much more traffic, compared to what Walmart and those bring down Green Meadows now, so I don't know what those numbers are.

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

MR. WENDLING: Thank you.

MR. WHEELER: Additional speakers. Come on down, ma'am. Just for my knowledge, are you my organized opposition?

MS. RAUZI: Yes.

MR. WHEELER: Okay.

MS. RAUZI: I'm Ilene Rauzi; I live at 506 Huntridge Drive. The Meadows Community will be directly impacted by this proposed development, as well as residents that live on Huntridge Drive, Bluegrass Court, and Timbers Court. And we're here tonight to learn more about the proposed development and to let you know about our concerns. We do oppose a gas station and convenience store due to high traffic activity this type of development would bring to our neighborhood. In addition, as homeowners, we're concerned about increased crime and decreased property values. Traffic on Carter Lane is already impacting the only access in and out of Huntridge Drive. A dead end street, which is -- Huntridge Drive is a dead end street and residential area. Locating the gas station entrance on Carter increases the traffic flow near the curve of Carter Lane that is already a dangerous and -- it's sort of a blind, hazardous spot. It also increases the traffic entering and exiting Providence at Carter, often congested and dangerous intersection. Another concern is the hours of the various services of Macadoodles, which you've heard the -- addressed. They do provide services seven days a week. We are concerned about the gas pumps that might be open 24 hours. We understand from talking to some stores in that area that you can use the gas stations with a credit card, you know, for 24-hour period. They also have -- and we found this information on Facebook -- but they have what they call gas happy hours, where they discount their gas for a two-hour period, and most of those are usually between 4:00 and 6:00 p.m. during high traffic and rush hour times, providing potential traffic jams. And understand that they do have the attendant there to sort of direct the traffic. Another service they provide is the drive through window for liquor, and anything else they carry can be purchased there. Screening and buffering with opacity continues to be a concern and has been at each rezoning and proposed development. The landscaping plan for this site was discussed and approved at the Planning and Zoning Commission in October of 2011 -- which has already been addressed -- and includes the five-foot evergreens among various other trees and shrubs. And we want to thank the Planning and Zoning Commission for making those

recommendations at that hearing. The screening plan that they begin to address for the area on the north side of Carter and directly behind the residential homes has been recently proposed and submitted by Mr. Wendling and we applaud this effort. The natural vegetative buffer with grasses and trees that he has proposed sounds good, though we are concerned and realize that the plan actually calls for planting seeds of these switch grass and other native grasses this spring. But the problem is, is it's going to take four to five years for that grass to become -- to be the height of five or six feet -- six to eight feet. Since we've been asking and waiting for several years for some kind of screening in this area from Mr. Wendling, we would like to see the addition of the appropriate size and species of trees, including evergreens, to create the 80 percent opacity needed to block out the noise, lighting, visual distractions of the proposed development. Another concern are future developments, which you can see from the site that below -- that lies directly below the proposed development. Any screening on the north side of Carter should take that section of future development into consideration. Along with our concerns regarding this proposed development, we had questions about Macadoodles and their company, as we wanted to have a better understanding of their operation. We learned that it is a franchise operation and that there are five stores located in southern Missouri and Arkansas. The first Macadoodles opened in 1997 -- though the first franchise wasn't opened until 2008 in Joplin -- and the original owner is located in the Pineville store. We also learned that the Branson store does not have gas pumps, the Republic store went out of business, and none of the five stores border a residential area as their proposed Columbia store will. We are interested in their plans for Columbia and what research they have done, as the area is already saturated with gas stations and convenience stores and liquor stores. While we understand that the zoning is in place and the developer has the right to develop his land, many of us has taken his word seriously that he would not develop certain businesses that would not compliment the early childhood learning center. We also have those words in writing in a Columbia Tribune article which states, I quote, He says that he wants to make sure potential tenants compliment the nearby Academy of Fine Arts and Childhood Learning. My whole goal and desire for the area is to have family-oriented businesses: Medical, insurance, coffee type shop things, unquote. He has obviously changed his mind, and that is an option -- that is his option while we don't have one. Instead, we find ourselves always reacting to proposal after proposal. I don't know what the answer is, except after going through this a number of times, it seems as though zoning is the key, as that is when the developer will promise --

MR. WHEELER: Ma'am, would you please wrap up. You're running over pretty bad.

MS. RAUZI: Okay. Okay. Yeah. I'm really at the end. Basically, zoning is the key, as that is when the developer will promise anything and the homeowner does not fully understand the consequences. Thank you for considering our concerns, and thank you for your service on this Commission.

MR. WHEELER: Are there questions of this speaker? You've been before us before --

MS. RAUZI: Yes.

MR. WHEELER: -- with some of the other --

MS. RAUZI: Yes.

MR. WHEELER: Okay.

MS. RAUZI: The other speaker that was going to be here tonight is out of town, so --

MR. WHEELER: Okay. Thank you.

MS. RAUZI: That lives in the Meadows. Okay.

MR. WHEELER: Thank you. Additional speakers? No one? You're coming down? Come on down, folks. There's places to sit on the front row and you can just jump right up.

MR. ANDERSON: I'm sorry. I didn't really come prepared to speak tonight. But my name is Dean Anderson; I reside at 814 Timbers Court, which is just down Huntridge. And my primary concern really is the traffic issue. This access and the one right in front of Grand Cru is really the only way that all of the people on Huntridge, Timers Court, Bluegrass, as well as -- there's several other streets. And there's a lot of high-density housing there with the Campus View, Boulder Ridge, which has increased its density because they've been putting in apartment complexes when they were going to be doing duplexes, all of Seven Oaks, all of Foxfire, as well as Victoria Street, all the houses there, and then Huntridge, which has a lot of high-density housing towards the front and then a lot of high-density student housing toward the back end of it, and then a few residential streets. All of those streets and all the people that live there, the only ways they have to get in and out are through those two entrances, which the one that's just north of there by the Grand Cru is very problematic. You can only exit going north. So all of the people that I've mentioned, if they want to go south on Providence, they're forced to go through this roundabout. It makes it real difficult. If a business goes in here, it's going to further exacerbate the traffic problems on the roundabout, and there are some days when the traffic is backed up already from Providence back to the roundabout. And I really think it would be beneficial to do a traffic study at this location, if they're really wanting to put a business in there that could exacerbate the problem that exists already. As we all know, traffic can really have a high impact on a quality of life, and I would hate to see this whole area be impacted negatively by further complicating the traffic that's there, because it really is not beneficial. And lastly, I'd like to say there's no sidewalks along that Carter road, and there's a lot of students -- student housing -- students that live north of there and walk along that road to get to the grocery stores. And I think if some development goes in there, it would be nice to see if they would be able to put some kind of sidewalks or even biking trail through maybe the median between Providence and Carter Lane so that there would be walking/biking area for folks. I mean, it's designated as a bike trail, but it's really dangerous.

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

MS. BEVINS: I'm Priscilla Bevins; I live at 2907 Bluegrass Court, which is part of The Meadows. I'm not in the area that is right adjacent to this development. I was concerned when I saw the plat and saw where the gas pumps are located. First place, initially when I went on the site on

the -- online, nothing was said about that they sold gas, and so then I was really shocked when I discovered gas pumps. I would like to see them reconfigure the site, if you-all give them the go-ahead, so the site -- the gas pumps are closer to Green Meadows Road, rather than being north where they're -- how shall I say -- more exposed to the residential housing. Any questions?

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

MR. ALBERT: Good evening. Eric Albert, 803 Ann Street, Columbia, Missouri 65201. I've watched this area develop over the years and it does have good drainage because the owner of the property had to spend a fortune to put in a water system. I watched him build a roundabout and, as I understand it, he paid for that too. The owner of this property has spent years developing it, and I don't know why he does it here in Columbia because Columbia is not very friendly towards business. Everybody has a whine or a howl, similar to the 80 decibel fire engine that roars through here a couple times a day. I would think that the City would be thrilled and other taxpayers in the area would be thrilled to get millions of dollars on small businesses and things like that. You know, it's built for business. People who live in that area would only assume that in time this is going to grow up to be commercial, and in time you're going to have businesses here. It's probably better than a porno shop, and there's already drug dealers living in the neighborhood. You know, the neighbors do look at each other's buildings which would indicate that they can look at structures safely, without their eyes bleeding. So if they look 2- or 300 feet away and they see a commercial location and they live near a commercial location, one would assume that it's okay to have a commercial location. I would -- I would be hesitant to invest in this community with the negativeness on private enterprise and how difficult it is for people to get a business going. And in times of absolute debt of a country, we have to grow our way out of this or we will not exist. So if we don't proceed in the future to be a little more business friendly and help our local businessmen who risk all -- they risk more than anybody who owns anything else around there. Things can happen and you can go broke. Typically, somebody who sits in their house is not going to go broke by -- by whatever they do. They've got a job. But a businessman, his job is getting his business going and keeping it going. This area is really developed slowly and I don't know what you expect to get out of it, but I'd shoot for the best I could get and anything I could get, you know. I -- I -- I'm not big on a liquor store, but it looks like a wine shop. And if you look across the street -- and I'm not sure if you look out of the windows of those homes and you look just another few feet hundred feet away, you're going to see a liquor store, gas station. You know, you're going to see everything that you say is objectionable 200 feet further, so what's the objection to business in Columbia, Missouri. Thank you very much.

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

MS. HEISLER: I'm Joanne Heisler and I've lived in -- on Huntridge Drive in the condos and now in a home on the street since 1986, and I've watched it change over those years, and it certainly has changed. And I certainly understand what the last gentleman said, that we do have to change

and we -- I'm happy to see Columbia grow, and I've certainly watched it grow in the years I've lived here -- many more years than that. However, I would like to see the growth controlled and grow gently and see neighborhoods grow moderately. And I'm not sure we need another gas station/liquor store so close to where I live now. And I would like for you-all to give consideration to that, that perhaps the traffic we now experience on Carter Lane is getting kind of scary, and we do have children. So please give it consideration from the neighbors' point of view. We'd appreciate that. Thank you.

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

MR. COKE: My name is Joe Coke; I live at 417 Victoria Drive, which is the next street down. We've known for a while that a business would go in and I'm not opposed to a business being there. My only concern is the traffic and the lack of a sidewalk and a shoulder even on the road. There's no shoulder, so the people that walk there, at night, if I'm coming home and if it's raining in particular, that's a dangerous spot. There are always people running and riding bicycles around that corner. And I'd just like to hope that that is taken into consideration if this development moves forward. I'm not opposed to this. I just hope it's done well in looking forward. A lot of people have been added to our neighborhood over the past few years, a lot of apartments have been added in our neighborhood and I think more are being added now. (inaudible) the road below the Campus View, which all those people use this road to get in and out.

MR. WHEELER: Are there questions of this speaker? Thank you. Next speaker, please. Going once -- all right.

PUBLIC HEARING CLOSED

MR. WHEELER: All right. Commissioners, discussion? Ms. Peters?

MS. PETERS: I have a couple questions for Staff. I know we just went through the sidewalk updates, but I don't remember seeing sidewalks on here. Can you tell me where it is on the plan and, if possible, what the dates are? And I do realize that they have sidewalks that will go in with their establishment, but connecting sidewalks would be my question.

MR. MACINTYRE: I'll address the area immediately around the development and I think Mr. Zenner will try to address the broader area since he's more familiar with the sidewalk plan. The development plan itself does include a sidewalk along the Providence Road frontage, which would connect to the existing sidewalk on Green Meadows. And it would also include sidewalk along the entire frontage of this lot on Carter Lane, which I realize is not connected to anything right now, but upon development of that eastern portion, it would at least connect into the Green Meadows sidewalk again. I should point out that Mr. Wendling did, I believe, last spring install a sidewalk along the northern section of Carter Lane from his existing office building all the way to the edge of his property line there by the power line here. So there is sidewalk kind of getting out there. I understand though this last gentleman's concern was not addressed really by that. It doesn't quite get up to the

neighborhood, but that's off of -- out of Mr. Wendling's hands. It's off of his property so -- and Pat can talk about the rest of it.

MR. ZENNER: I think, as you are well aware as a Commission, that with our planned districts and with development itself where we do not have sidewalks, without a sidewalk variance you are required to install upon construction in order to receive your CO. In this particular location, I am not sure that we have sidewalk identified for the continuation in the sidewalk master plan. This would be what would be referred to as a gap. And as funds are made available, they would probably -- they could be identified and then applied to areas of greatest need. Obviously, this is one that may rise to the level if the residents are concerned or we have that many pedestrian movements in this particular area that is not already on the sidewalk master plan or within the Capital Improvement Plan for the city. But with the development not occurring on the parcel in question that's immediately to the north of Mr. Wendling's property, you're likely not going to see that connection at any time unless there is really a driven demand by the residents, and then potentially having it placed onto the Capital Improvement Program and moved ahead of other higher priority connections that currently exist. So at this point I can't tell you for sure what our schedule is. I do know though that the -- as Steve pointed out, the sidewalk on the northern side has been installed. And there was discussion, as it related to the power pole on the very northwest corner of Mr. Wendling's property, when the concept review was held on this revised site plan as it related to coordinating turning the curve and being able to head further north. Unfortunately, I can't tell you the time specific date associated with that.

MS. PETERS: Can you tell me what the triggers are that would push the sidewalks --

MR. ZENNER: Through faster?

MS. PETERS: Yes.

MR. ZENNER: The triggers would be, one, you have a development plan being presented for the development of this vacant parcel immediately to the north. That would be a requirement per the development regulations, the actual building construction process. And then, if a petition of the surrounding neighborhood associations, The Meadow and then the folks that are further to the north, identified or contacted their Council representative and asked for this particular sidewalk to be added or moved up in the Capital Improvement Program, if it is not already on that list. That would be another method by which to potentially get it into the queue faster than it may currently be there.

MR. WHEELER: Mr. Skala?

MR. SKALA: Yeah. I just had a few questions. I alluded to the opacity issue a little while ago. I'm still interested in that a little bit. There was a young lady who came up here and mentioned about four different points, kind of rhetorical questions. And I wondered if we might get some answers to those questions, or if the Staff doesn't have them perhaps one of the representatives does. But she asked questions about Macadoodles in general and whether the gas pumps were open for 24 hours. That was one question. Whether or not there were gas happy hours was another. Whether there was a drive through liquor window, that was another. And then the other issue dealt with opacity.

And you might refresh my memory; I'm not recalling that those requirements, particularly as they relate to the interface between commercial and residential, is an 80 percent opacity requirement, but what is the maturity? I mean, how long does it take? What time frame is necessary for that to achieve that kind of --

MR. MACINTYRE: Well, I'll address the landscaping opacity question, and I think I'd like to defer the other questions, because they're operational questions that kind of go beyond the plan, to the applicant. For starters, on this particular site, since it is separated from the residential district by a roadway, it isn't technically considered to be adjacent and wouldn't be required typically to have landscaping or other type of screening to reach that 80 percent opacity. However, the typical requirement would be for 80 percent to be reached, if it's done with landscaping, within a four-year period.

MR. SKALA: Would it be possible to get answers --

MR. WHEELER: Yes. I think we should bring the applicant up. Could one of you come up?

MR. HARRELL: Yes, sir.

MR. WHEELER: And you'll have to give us your name.

MR. HARRELL: Tim Harrell, 210 Northwest O.

MR. WHEELER: Thank you. Mr. Skala, go ahead.

MR. SKALA: Just the questions that were raised about the hours of the gas facility.

MR. HARRELL: There are no current Macadoodles right now that have -- that service gas 24 hours a day, not one.

MR. SKALA: So this would have, presumably, the same hours as the store?

MR. HARRELL: That's correct.

MR. SKALA: Okay. And is there such a feature as these gas happy hours? That's a potential for traffic.

MR. HARRELL: There is -- there is one franchiser that happens to own two Macadoodle stores, and that particular franchiser is the only one. He owns the Joplin store and he also owns the Springdale, Arkansas store. And he is the only one that does the gas happy hours.

MR. SKALA: Okay. And what about the drive through liquor part?

MR. HARRELL: The drive --yes. We do service -- we do service out of the drive through. Anything that is for sale inside of the store is available through the drive through.

MR. SKALA: Thank you.

MR. WHEELER: Mr. Lee? Hang on.

MR. LEE: Sir?

MR. WHEELER: Sir?

MR. LEE: I got another question. Should this franchisee pursue that, he could decide on his own to have a 4:00 to 6:00 gas happy hour?

MR. HARRELL: Yes, sir. And if you'd like to have him address that, we'll go ahead and do that.

MR. JURGENSMEYER: Aaron Jurgensmeyer, 6 West Leaston Drive. We have no intention of doing that.

MR. LEE: Is that a firm no or we have no intention at this time?

MR. WHEELER: Yeah.

MR. JURGENSMEYER: Well, I couldn't tell you. Ten years from now we come up with a marketing strategy that maybe we do that, yes, maybe we would. But as of right now, we have no design at all for anything like that.

MR. LEE: Thank you.

MR. WHEELER: And you're willing to restrict your hours on the pumps to the same as the store?

MR. JURGENSMEYER: Yes.

MR. WHEELER: Ms. Peters?

MS. PETERS: As long as you're here, if I could ask you another question. I know that we've been given a nice plan for screening across the way, but that really has nothing to do with your request. Would you consider putting in additional screening? Some sort of white pines or something that would grow tall -- they're fairly cheap -- tall enough to block the lights from the pumps to the back of the properties that are across the way?

MR. JURGENSMEYER: I would say we would consider it, yes. Though, obviously, right now I have -- I don't have any idea what -- where they would go, how we would do that. I mean -- but we're open to considering doing that. I mean, are you wanting me to say, Yes, we would? I don't know how to answer that question.

MS. PETERS: I guess -- I think what we're looking for is somewhere between 12 and 18 feet worth of evergreens that would -- you know, they obviously could be small and grow to a taller height.

MR. JURGENSMEYER: Okay. We would consider that. I guess the easiest way I could answer that is we want to bring something to Columbia that we feel like -- I mean, we don't want it to be an eyesore. We want it to be a good thriving business. This is high-end type facility. So if the Council thinks we need to do something like that, then we would comply.

MS. PETERS: Where I'm going with this is the neighbors have been for years battling to get appropriate screening, and that's with a different land owner. I guess I should ask, you guys are going to own this land?

MR. JURGENSMEYER: Yes

MS. PETERS: Okay. I think it would go a long way with the neighbors if you would commit in the statement of intent that you would do some sort of evergreens that were taller than the five feet that's now required, just in the section between the gas station -- whatever the evergreens were.

MR. WHEELER: We'll get Mr. Brush up.

MR. BRUSH: Regarding the screening and the trees, the size that you're talking about tend to start producing a traffic hazard. When I start putting in an 18-foot tree next to the right-of-way of a street, now I'm starting to enter into that quasi world of a traffic hazard. If we're going to do some enhancing, I point back to the other plan that we've already got approved, which brings in the 3-, 4-foot tall plum thickets and growing those on up and so forth. I don't know that an 18-foot tree planted next to the right-of-way in an easement is an appropriate thing to do.

MS. PETERS: Two questions: Can you explain to me how a tree that grows up is a traffic hazard when it's in between a sidewalk and property?

MR. BRUSH: I don't know of any trees that have grown up at that height that are placed in that location.

MS. PETERS: No pines or cedars?

MR. BRUSH: I don't know of any that are that height that are placed in that six-foot barrier -- or that six-foot landscape strip, no. I don't -- I can't think of a place in town.

MS. PETERS: But it doesn't mean that they wouldn't grow.

MR. BRUSH: No. But what I'm saying is, is I don't know that planting one in there is an appropriate thing to do from a traffic safety standpoint.

MS. PETERS: And that would go back to my question of how does a tree that grows up interfere with traffic. And you can't answer that, how a tree that grows up interferes with traffic?

MR. BRUSH: No, I can't. No. I can't answer that. I can tell you that --

MS. PETERS: But you feel that's a statement that you can make with certainty, that it is a traffic hazard, but you can't explain to me how it is?

MR. BRUSH: I haven't seen one that has grown up to become a traffic hazard because usually they're pruned or trimmed back, would be my guess. I have never physically done that. What I'm saying is, is --

MS. PETERS: Are you an arborist --

MR. BRUSH: Am I an --

MS. PETERS: -- or a forester?

MR. BRUSH: No. I'm a civil engineer who often plays and experiments in plants. So I have a background in landscaping and planting also from that regard. Here's my statement on planting trees of that size: When I start planting items that are over that five-foot height near driveway entrances and whatnot, I become concerned from a public safety standpoint the cars coming in and out being blocked by that height. That's my -- Dan Brush's statement on trees.

MS. PETERS: And are you aware that the plums and the other plants that you intend to plant are on the other side of the street and are not owned by this applicant?

MR. BRUSH: That's true.

MS. PETERS: So therefore they would basically be immaterial to this case.

MR. BRUSH: I don't understand what you mean by immaterial to this case. We brought that forward as what is happening in the neighborhood and what we're proposing to do and what we're going to do. That's why we brought forward the idea of the screening on the other side of the street. True, it has nothing whatsoever to do with the C-P plan in front of you. It's not part of --

MS. PETERS: Great. Thank you.

MR. BRUSH: -- but --

MR. WHEELER: Dr. Puri?

DR. PURI: Mr. Brush, you want to shed light: You said you dropped that site down three feet and are going to put a berm there. That's going to serve as some sort of barrier, isn't it?

MR. BRUSH: That's true.

DR. PURI: And I think what you're trying to say with these large trees, they block the line of sight when you look left of right --

MR. BRUSH: Yes.

DR. PURI: -- when they become large. I think that's what you were after.

MS. PETERS: Well, then my question would be what's the height of a driver sitting in a vehicle.

MR. WHEELER: Three feet.

MS. PETERS: But yet they've committed to put five feet in as a screen already.

MR. WHEELER: I get your point. Any other questions of this speaker? Thank you.

Mr. Wendling, will you come down here?

MR. WENDLING: Steven Wendling, 2012 Chapel Ridge Road.

MR. WHEELER: So let me start, Mr. Wendling. I've known you a long time. I hope you won't think I'm going to be badgering you or picking on you tonight, but we've had this conversation so many times now with your property here.

MR. WENDLING: Uh-huh.

MR. WHEELER: And what we really need from you is a commitment to put in some plantings, and preferably something of evergreen nature, that would give us year-round 80 percent opacity on your site. And with that, I think we could finally put this thing to rest. I think it needs to be on your side of the street. I don't believe the appropriate place is in this six-foot buffer, even with the site being dropped two to three feet and a berm put there. And I think that the line of sight is definitely an issue because any tree that grows to 18 feet also grows big in diameter. And so it will exceed the six-foot berm that's proposed. So it needs to be on the other side of the street, which the applicant does not control, but you do. So I think what we're looking for this evening is a commitment from you to enhance the plan that's been approved -- and I understand it's been approved -- to give us the opacity that we're looking for. And I'll just ask you to comment on that.

MR. WENDLING: Are you badgering me?

MR. WHEELER: I guess. I don't know. I just hope you don't think I'm picking on you, but this has come up. I've been here a long time and this is --

MR. WENDLING: Not at all. And, you know, I look forward to address -- first of all, I think I'd like to address Ms. Peters questions. Typically, a horizontal growth of those trees, if it's going to reach 18 to 24 feet, there's only a few species that would allow something even at the 10- to 12-foot range, which would typically be categorized -- or something that are going to have a minimum width of four to six feet. So they would interfere with the distance between the curb and the sidewalk for people that would be walking up and down the sidewalk. So does that help answer that question?

MS. PETERS: Yes, somewhat. I do realize -- if I don't -- if I remember correctly, you're a forester an arborist or you have a tree background, if I remember correctly.

MR. WENDLING: I have a background in plants, yes.

MS. PETERS: Yeah. Is there anything that prohibits lower branches from being trimmed back on the sidewalk side?

MR. WENDLING: Well, I think, to me, if you're going to have an evergreen, then you're going to trim the branches up, then you have a stem and you really don't have anything there that's going to block the line of sight.

MS. PETERS: The intent is that there are second-floor bedrooms on the properties across the way, and living rooms, and I'm quite certain that they might like to look out their windows and not see gas station lights.

MR. WENDLING: Okay. So I've answered that question. But I do agree with Mr. Wheeler, it's probably better to do it on my property side.

MS. PETERS: I know, and you've had a number of years to do it and you've yet to do it.

MR. WENDLING: Well, if I could, I'd like to address that. The number of years required to do that has to do with when I would build the two-story building that's been approved next to the other building as part of that process. If I'm not mistaken, the City's very good at making sure I do what I'm obligated to do; one of which is that sidewalk that was done in October -- it wasn't the spring, by the way -- before I could get an occupancy permit. I was unaware of it. They brought it up, and we had it in. As far as the screening requirement, actually, initially come up as an ordinance by the City Council that I wasn't even allowed to trim, mow, or remove anything, trees or brush, within a 25-foot setback from that property line. It was a no-cut zone. I'm not even allowed to trim the trees even if they're about to fall on the condos. So up until now we've done what was supposed to be done. Now, if we put in evergreens, there's a potential that with the -- evergreens are not typically an undergrowth tree. So by putting those evergreens in there with the oaks and things the size that they are now, they may or may not survive. Would I would be willing to put in evergreens instead of plum thickets? I don't have a problem with that. I'll make that commitment.

MS. PETERS: That wasn't a question in regard to your property. That was a question in regard to the property that you're selling to the applicant.

MR. WENDLING: I'm talking about my property.

MR. WHEELER: And he's actually answering my question. So you'll commit to an 80 percent opacity in something that's -- 80 percent opacity year-round.

MR. WENDLING: Sure.

MR. WHEELER: Mr. Skala.

MR. WENDLING: Would a 12-foot privacy fence be acceptable?

MR. WHEELER: No. Vegetative opacity --

MR. WENDLING: Just a question.

MR. WHEELER: -- buffer. Let me clarify.

MR. WENDLING: I had to ask.

MR. SKALA: I'd like to say something nice here and that is, as a veteran of the gas station canopy wars, in terms of lights, with another veteran who is the Chair here, that seems to be part of the issue, and that is always the issue in terms of point source and light and so on and so forth. And I understand there are two different properties. One is the property that the gas station and the store is on and the other is your property. In the interest of maybe reaching some sort of compromise -- although you've already ceded to the idea of the 80 percent opacity on that vegetative buffer. I appreciate the fact that this gas station canopy more or less. At least it appears that they're recessed lights, not entirely, but mostly, which is a good thing because lots of gas stations in this town are not like that. But one of the solutions instead of growing something from the bottom up to block some of this light trespass, if you will, or glare, whatever you want to call it, is to extend the canopies a little ways down to make sure that there is some sort of shield to prevent some of the glare from happening that's the most egregious to some of the neighbors. Would that be a possibility to consider that kind of compromise, you with increasing the opacity of your property there and perhaps a willingness of the property owner to -- to go the extra mile to put a little bit more shielding on the canopy -- the gas station canopy?

MR. WENDLING: I can't speak to the shielding, but I do believe there is an ordinance that says that the lighting itself, it can't exceed a certain illuminance rating, so many feet --

MR. SKALA: That's for light trespass, but that really doesn't affect glare and that's the -- that's the complaint that most of the neighborhoods really have. It's -- it's blocking that point source of light.

MR. WHEELER: We'll ask the applicant that question if you want. Are there any more questions of Mr. Wendling? Hope you don't think I was too hard on you.

MR. WENDLING: Not at all. Thank you.

MR. WHEELER: Would the applicant step up, please.

MR. HARRELL: If you don't mind, one of the things that --

MR. WHEELER: Can you --

MR. HARRELL: Tim Harrell, 210 Northwest O. One of the things that you're talking about is glare. One of the things that really helps reduce that now, most of the lights that you see on the older gas station canopies, they hang down and they're either a metal halide light or an HID light. Okay? If

you go to the new -- the new LED lights, they are much more directional. They don't give off the wash. They don't give off the glare. And I think that most of the stuff that we've been working with now are the new LED lights, and I'm sure that Aaron would be in favor of using those to reduce that, what you're talking about, the wash and the glare, instead of going with the other type of light.

MR. SKALA: I'm really glad you brought up that distinction because that is something -- there has been a change in technology. We faced that with the parking garages in town and so on and so forth. It really has to do with the entire lighting capacity, but if you were willing to work towards minimizing that kind of glare emanating from the gas station, that certainly would go a long way, I think, in terms of helping the neighborhood.

MR. HARRELL: And we will.

MR. WHEELER: All right. Are there additional questions of this speaker? All right. Commissioners -- thank you. Commissioners, who wants to lead off? Mr. Lee?

MR. LEE: Well, it seems to me that this Macadoodles is an upscale, good business and this is probably a decent location for it. I am really concerned about the traffic. I travel on Carter Lane frequently, and I know that, as one of the speakers said, you have all those apartments back in there in the back and all that housing back there in the back, and to get south, they have to come down Carter Lane and go around that roundabout. And I would be hesitant to support this project without seeing a traffic study. And one of the speakers said that a traffic study was not required, so therefore they didn't do it. But I would be hesitant to support it without seeing a traffic study.

MS. PETERS: I have a question for Staff. When was the last traffic study done?

MR. MACINTYRE: I'm not sure when a traffic study was conducted or whether there has been one for this particular site. However, on the traffic issue, I should point out that traffic engineers -- city traffic engineers have not identified this as a particular issue in this case. They haven't requested a traffic study. And the access to this site, as well as the uses, were previously approved regarding the access points. There was a development agreement between the City and the applicant -- or the property owner applicant back in, I think, 2002 or 2005, that guaranteed them certain access points which they are in conformance with on this plan. So I think it would be difficult to require a traffic study at this point, based on that agreement and the fact that the City designed the roads with the zoning in place and the uses in mind.

MS. PETERS: I'll go ahead and go. I actually think there are a lot worse things that could go in here. My concerns are the screening and the hours of operation, and they did say that they would do a statement of intent on the hours for both the gas and the store operations. I think traffic, based on what Staff has said, is not going to be a critical issue. A light could be put in at whatever the road is a little further south for access to Providence. But my real concern is screening for the residents across the way, and as nice of a design and proposal that's been brought in, there's nothing that will guarantee that that will go in. I know the neighbors have been having a number of issues with commitments from the property owner on the other side, and it would go a long way, I think, to the

neighbors being more satisfied if there was more screening of the gas pumps. I intend to support this with the statement of intent.

MR. WHEELER: Dr. Puri?

DR. PURI: I think we have seen this a number of times and I think last time the steak house was there a number of issues came up. And I think some of them were, like, the restaurant operation late at night, you know, liquor, food being served out on the patio, if you remember, garbage trucks being dumped at what time hours, you know, that would disturb the neighbors. I mean, bottom line is it's a site that we're required to see if this zoning is appropriate, and that's the bottom line, and at the same time, minimize the impact to surrounding residences. And I think that I agree with Mr. Wheeler that the developer needs to commit to those evergreens across the way. I do not think that they need to be on the property that is Macadoodles, supposedly the development. There's not enough room to put it there, plus they're not required by ordinance to do anything as far as -- other than what they're required. This is across the way on the other side and it would be better served on the other side. I do think it's an upscale type of business and I think that you're going to bring jobs to the community. I think that it's -- the pictures you have shown are well done, from inside and outside, and hopefully you'll keep up that. I think the drop in the site that Mr. Brush did by three foot and put a berm there, that's going to help. The LED lights will definitely help with glare as well as, you know, direction of lighting. It's basically common sense, I think. Under those circumstances, I do plan to support this, with the commitment from the developer to put evergreens on the other side, and I think it's appropriate for this location.

MR. WHEELER: Mr. Tillotson?

MR. TILLOTSON: I want to echo Dr. Puri's comments on this. I actually was -- had already made a decision to be opposed to this before I come in here tonight because I was thinking just your ole convenience store, which they really don't need there. But after seeing this, I'm really impressed by it. Columbia really doesn't have a fine establishment like this anywhere. The best wine stores we have are in Gerbes or Schnucks, the grocery stores, so I was pleased to see that. And I do like the effort that the landowner has put forth. I do know -- we have a little leverage with -- there is a piece of property here that's still -- he's going to want to develop some day, and I know he doesn't want to come back in front of us with this buffer being an issue. And so I think that's going to spur a little interest in his part to make sure that the neighbors are satisfied and happy with that happening before he does come back to us. So with that said, I do intend to support it.

MR. WHEELER: Mr. Skala?

MR. SKALA: Yeah. Just a few comments: I think this isn't a zoning issue -- this isn't a rezoning issue. The zoning is in place. This is a plan issue. And that's the purview of the Planning and Zoning, in addition to rezoning issues, so that's not a question. And our business in reviewing plans is to try and improve them as much as possible and not make it onerous on anybody to -- to have an improvement on the plan. Along with what Mr. Puri was suggesting in terms of the

commitment, I mean, I've been around here for a while, and I've heard lots of things from lots of folks, well-meaning folks. And these days I'm always kind of weary that I want to make sure that everybody understands what the commitments are. And as I understand it, Mr. Wendling has suggested that he will enhance some of that -- the buffer, which is one of the issues that we're talking about, and I would like to make sure that he understands what it is expected of him and that we understand what we can expect as well and what the public can expect. So the buffer is one issue and I think we can deal with that. The other issue is that traffic study and the reassurances from the City Staff in terms of their engineering group that have to deal with that. There is a roundabout there that was to deal with the extra traffic and so on and so forth. And then there was that issue of -- certainly the lighting issue was near and dear to my heart as well as some other folks, and I'm a little bit reassured with the LED technology and the commitment to make sure that you can reduce the glare as much as possible, whatever that takes. That combination of the business owner and the property owner, in order to work out some of these issues with the neighborhoods, I think would go very far towards -- towards both of those groups being able to work together. So at this point -- and just one other issue. There was a gentleman that came up and he was talking about how Columbia tends to be business unfriendly. That certainly isn't evidence of the award that we got for being business friendly in this town. Nor was it evidence of a recent study that was conducted by Paul Land -- or requested by Paul Land that suggested that development fees and development costs in this town, in comparison to some of the Kansas City fees of development, are way down the list. We're about 13th or 14th out of 15th, compared to some others. So I don't want to be business unfriendly and I don't think we are, but I want to make sure that we don't get that reputation just because of various people offering that opinion. So I'm inclined, because of those reasons before that I mentioned, the opacity, the traffic, and the buffer issues, if we can get some -- make some sort of language that makes sure that we understand these commitments -- I will lean towards supporting this plan.

MR. WHEELER: Mr. Vander Tuig?

MR. VANDER TUIG: I'll go and I'll keep it pretty brief. You know, we've seen this several times and the ship has sailed on the zoning; that's not the issue. And I feel like we've come to a point now, with the plan and some of the commitments, that this is going to be beneficial for both parties, and I plan to support this.

MR. WHEELER: Mr. Strodtman?

MR. STRODTMAN: I don't have much to add that hasn't already been discussed. I think a lot was -- we added a lot to it this evening, so I wanted to compliment the applicant and the owner for their willingness to work with us and the residents to try to address some of these concerns. I do agree that there could be worse things. I was very encouraged to see the hours. That was very nice to see that. I don't think that this is a typical convenience store that we're accustomed to, so think it will be a nice addition to the neighborhood, and as a result I do plan on supporting it.

MR. REICHLIN: I'll just chime in. I intend to support it. I'm happy to see the area get developed, and I wish them well.

MR. WHEELER: All right. I beat everybody up so I'm just going to try to clarify what we're -- what I believe we've talked about, and that is restriction of the hours of operation, as discussed. Mr. Wendling and the applicant will work together with the City to come up with an 80 percent vegetative opacity buffering on the north side of the road. Of course, I can't put that restriction on you guys, but, Mr. Wendling, I agree with Mr. Tillotson. We will be watching on the next one, so please get this done this year so we can just put this thing to rest. And then I think we have a commitment from the applicant as far as lighting. And so with that, unless somebody can think of something else, will somebody please frame a motion? I'd appreciate it. Mr. Tillotson.

MR. TILLOTSON: I'll make a motion to approve the request by Wendling Development, LLC for approval of a C-P development plan to be known as Macadoodles C-P Plan. The 1.73-acre site is located at the northeast corner of Providence and Green Meadows, with the addition of adding to the statement of intent the store hours as were presented to us. Can we do that?

MR. SKALA: And the buffer.

MR. WHEELER: Motion's been made. Any questions on the motion?

MR. SKALA: Is that including the buffering, the opacity issue?

MR. WHEELER: I don't think we can put that restriction on them, unfortunately.

MS. PETERS: I'd like to clarify that the hours were 11:00 p.m. for both operation of the gas pump and store hours.

MR. WHEELER: Can we say as presented tonight, because they were different during the week than they are on the weekend? They're actually earlier during the week, a little later on the weekend.

MS. PETERS: I think we need to clarify and state what those are.

MR. ZENNER: You're going to -- one, let's back up here. There is no statement of intent with this. The statement of intent was defined with the zoning. That ship has sailed. You have design parameters. The design parameters associated with this project will need to have specific notation added to them. That specific notation will need to be the hours of limita-- the hours of operation limitations as tied to the hours of operation as presented, 8:00 a.m., if I recall correctly, to 9:00 p.m. -- or is it 10:00 p.m. Monday through -- 8:00 a.m. to 10:00 p.m. Monday through Thursday, 8:00 a.m. to 11:00 p.m. Friday and Saturday, and then 10:00 a.m. to 9:00 p.m. on Sunday -- of flip-flopped, 9:00 a.m. to 10:00 p.m. on Sunday. That will need to be added as a specific note to the design parameters on the plan.

MR. WHEELER: Was that your intent, Mr. Tillotson?

MR. TILLOTSON: That was my exact intent.

MR. ZENNER: That was your intent. The second item that needs to be specified specifically -- and this will be within the approving ordinance. I will advise that you can stipulate, associated with

the Macadoodles site plan approval as a separate ordinance provision, that the landscaping along the Meadows subdivision, north of the subject site seeking site plan, approval be landscaped with the enhanced landscape as recommended and required by the Planning Commission prior to the issuance of a CO or the Macadoodles site. If you want resolution of the landscaping issue that has carried through for the last several years, having a separate ordinance provision tied to this site plan approval I believe you can do. If our law department tells us otherwise, as it was pointed out, Mr. Wendling has a vested interest in the remaining parcel that still needs to be developed and would likely not want to come back to this body without having resolved it. I would suggest the easiest way for us from a regulatory perspective is to associate it with the requirement of the enhancement of the landscaping on the north to this ordinance. We can ensure that the CO does not get issued without that being installed.

MR. WHEELER: Was that your intent, Mr. Tillotson?

MR. TILLOTSON: Yes, absolutely.

MR. WHEELER: Thank you.

MR. ZENNER: I would like also, if possible, for the public record, what the intended landscaping improvement is. This is not an option that we work out something. We need to have a specific established in order for our city arborist and our zoning enforcement officials to be able to go out and evaluate that landscape buffer to ensure that it is installed appropriately. Is there a specific height and specific quantity as well as a specific species of vegetation that is desired by the Commission for this particular area, in addition to the plum thicket which was presented here this evening?

MR. WHEELER: Since this seemed to be my horse to beat, let me say that I don't care if it's in addition to the plum thicket. It can be -- you can -- you can do it as a combination with the plum thicket. But what I am looking for, and I think I'm speaking generally here, would be 80 percent year-round opacity between, I don't know, the ground and 12 feet. I think that's reasonable and something that -- is that good enough for --

MR. ZENNER: If that's what you -- and you want it within four growing seasons. So you're going to want 80 percent opacity in four growing seasons that's a combination of an evergreen and the plum thicket as discussed this evening.

MR. WHEELER: Four years is normal, so I don't -- I don't see any reason that we should ask for something than --

MS. PETERS: Clarification: It would be four years from today or from approval by Council?

MR. ZENNER: It would be four years from the date of approval from -- well, it would be four years from the date of installation and acceptance. So the 80 percent opacity must be installed, then it needs to pass the inspection requirement, which is the reason why I am wanting to make sure we know what we are going to install. You go with a landscaping plan for the purposes of our arborist being able to count plants and verify that they've been planted according to that approved plan. What

you're asking us to do is basically come to devise a solution to meet the criteria that you've specified. And I want to make sure that that is going to be clearly conveyed to our staff that this is a negotiated settlement to resolve the screening issue that has to achieve the results that you're specifying: 80 percent within four years, and we will allow our arborist and Mr. Wendling, as well as the other design professionals, to arrive at what that plant material is, based on the current conditions. As I understand it from what we received this evening, the canopy that currently exists there will probably not promote particular type of species growth, therefore we have to be able to have some flexibility to be able to achieve what you're asking. And if we don't want to specify material, but we want to leave that to the design professionals, that's fine.

MR. WHEELER: I think we've come to it. And that was your intent?

UNIDENTIFIED SPEAKER: Yes.

MR. WHEELER: Are there any questions on that?

MR. REICHLIN: I have a question.

MR. WHEELER: Mr. Reichlin?

MR. REICHLIN: Shouldn't these be two separate items?

MR. WHEELER: I think, from what Mr. Zenner just said, we tie them together and then if legal says we can't, then they'll be separated, but -- Mr. Skala?

MR. SKALA: With regard to that explanation, I'm willing to second the motion.

MR. WHEELER: Okay. Ms. Peters?

MS. PETERS: What's the wiggle room in implementation? In other words --

MR. ZENNER: If you -- I will suggest to you, as Mr. Teddy just pointed out to me, this is an off-site improvement. Typically, through off-site improvements you normally have a development agreement that may be associated with them. Council will probably ask, does the applicant consent to this condition. And if the applicant, as he has stated this evening, says he will, you have within the provision we are suggesting that the CO for the Macadoodles site will not be granted until the landscaping to the north of the property that you are approving the site plan for has been installed. It's at that point then the four-year window of 80 percent opacity, which has to go back and be inspected for dead plants and a variety of other things, all of the enforcement side of it becomes basically routine for the City Staff. I would suggest that if the opacity factor is not achieved, we'll probably hear about it from the adjacent property owners as an enforcement or a complaint.

MR. WHEELER: All right. Everybody good? We got a first -- we got a motion, a second. Have you been able to, like, get --

MR. VANDER TUIG: Adjust all this? No. So just for clarification, what's the hours Saturday? I think I have Monday through Thurs-- 8:00 to 11:00? Okay.

MR. ZENNER: 9:00 to 10:00 on Sunday.

MR. VANDER TUIG: Right. Okay. And with the LED lighting or that was not -- LED lighting was included?

MR. TILLOTSON: I thought that's what --

MR. SKALA: That's what he said they --

MR. WHEELER: It's what they agreed to.

MR. TILLOTSON: -- they're doing anyways.

MR. WHEELER: All right. So we have a motion and a second. Discussion on the motion?
Have we worn this one out? Mr. Reichlin?

MR. REICHLIN: Yes, we have. I have a concern regarding the tying of the CO to the landscape plan. I think it's an undue hardship to place on the applicant who's just developing a site and meeting all the requirements of that site. Sure, there's a hammer there, but it seems to me that the requirement to have the property owner to develop this landscape screening should be dealt with separate from -- that's my personal opinion.

MR. WHEELER: Okay. And I don't disagree with you, but I'm betting that this is all condition upon a contract of them getting their plan approved and so I have a feeling they'll work it out.

MR. REICHLIN: I just want to put that on the record.

MR. WHEELER: Okay. Thank you, sir. Any other discussion on the motion? If you can --

MR. VANDER TUIG: I'll give it a whirl here.

MR. WHEELER: Oh, you have a question?

MS. PETERS: No. I just wanted to make a comment that -- I think earlier I said I could think of things that were worse and that probably came out not the way I meant it to. I think this is a nice development, and I think with the screening and working with the neighbors, it will fit into the neighborhood and I think it would be a nice addition to them. I just wanted to say that. Welcome to Columbia.

MR. WHEELER: All right.

MR. VANDER TUIG: So we have a motion and a second for approval of a C-P development plan to be known as Macadoodles C-P Plan. The 1.7-acre site is located at the northeast corner of Providence and Green Meadows. In addition, we will have restrictive hours of operation, which will be a design parameter listed on the plan that will be restricted to 8:00 a.m. to 10:00 p.m. Monday through Thursday, 8:00 a.m. to 11:00 p.m. on Saturday, 9:00 a.m. to 10:00 p.m. on Sunday. And in addition, the CO for this property will not be allowed to be issued until the plantings for 80 percent opacity for year-round to a height of 10 to 12 feet -- is that correct -- is planted, and with that the inspection that takes place within the four year period. In addition, the LED lighting will be installed at the gas canopies.

MR. ZENNER: You just need to add Friday's time spectrum in there. We have it written down, but Friday was not --

MR. VANDER TUIG: Oh, Friday. I'm sorry. Yeah.

MR. ZENNER: Friday is 8:00 a.m. to 11:00 p.m.

MR. WHEELER: Friday and Saturday.

MR. VANDER TUIG: Friday and Saturday, okay. Very well.

MR. ZENNER: They wouldn't have opening hours on Friday. I'm sorry.

MR. VANDER TUIG: Yeah. We got to be open on Friday. Sorry about that.

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

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

12-229 A request by A Civil Group, on behalf of Last Enterprises, LLC, and Ridgemont Properties, LLC, for an O-P development plan to be known as Quail Creek Professional Park, a statement of intent revision, and screening variances. The 1.34-acre property is located at the northwest corner of Rainbow Trout Drive and Scott Boulevard. (Item was carried forward from February 21, 2013 meeting due to weather-related cancellation.)

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

Staff report was given by Mr. Patrick Zenner of the Planning and Development Department. Staff recommends approval of the O-P development plan and statement of intent revision, with the following conditions:

- 1.) That the counseling centers definition in the statement of intent be changed to read as written in Section 29-13.1 (including the exclusion of halfway houses)
- 2.) The following uses be excluded, as they are not options for O-P uses:
 - Wholesale sales offices and sample rooms
 - Testing laboratories
 - Barber and beauty shops

Staff recommends denial of the variance requests for screening and landscaping.

MR. WHEELER: Are there any questions of Staff? Ms. Peters?

MS. PETERS: I have one that's a curiosity question. I notice in Staff recommendation that you're including the exclusion of halfway houses?

MR. ZENNER: That is correct and I apologize. We summarize our recommendation here on the slides. Halfway houses are actually not defined -- they are not included in the definition of a counseling center. If you will note, under our Staff recommendation we're asking that the O-P statement of intent to be modified by changing the counseling center definition to match with what is specifically defined within the zoning code. That specific definition for counseling center does not include a halfway house, and as it is currently written, it does, and that is not consistent with the current code. And then the uses that are below in item No. 2 are not found anywhere within the O-P zone or the underlying zones that would be otherwise permitted within an O-P. So wholesale sales' offices and sample rooms is not a permissible [sic] use in either O-P or O-1, and it will not be found in any R zoning district. Testing laboratories are not allowed in O-P, nor are they allowed in O-1, and

they will not be found in any R zoning district, and nor is a barber or beauty shop. And that may be surprising when you think about service-based uses in an O-P. The idea here is, is that an O-P zoning district is for professional office uses, not retailing of goods and services. And the goods side of what you have in a typical beauty shop or even sometimes a barber shop -- and we don't have many barber shops anymore, but a Supercuts or something else, they're selling product. They're retailing product out. And the idea here is the office use is really what the prominence of the O-P zone is meant for; hence the reason that that should be removed as well, coupled with the fact that it is not allowed within either the O-P or the O-1 will not find them in any R zoning district.

MR. WHEELER: Man, those guys down on Ninth Street called Tiger Barber Shop's going to be upset to hear you say that.

MR. ZENNER: But they do a good job on your hair, sir, so, you know.

MR. WHEELER: Any other questions? If there are no additional questions of Staff, we'll open the public hearing.

PUBLIC HEARING OPENED

MR. WHEELER: Do I need to restate the rules? You won't exceed your six-minute allotment?

MR. GEBHARDT: No.

MR. WHEELER: Thank you, sir.

MR. GEBHARDT: Good evening. My name is Jay Gebhardt; I'm a civil engineer with A Civil Group here in Columbia. And I'm happy to be representing Brad Miller tonight, who is the contract purchaser of this lot. Brad's a dentist in town. He's going to talk after I'm done. He can tell you why he's doing what he's doing and what he's doing. I'm going to try to be quick because you guys got a long agenda and I'm afraid Doug will cut me off pretty quickly. So as far as the Staff's recommendation on uses, we have no issue with that, so that's not a problem. The zoning is O-P already. We're modifying it to add the ability to put the apartments above, and it's six apartments, three in each building, and that's the purchase of the rezoning modification. We don't oppose the removal of the parking along Rainbow Trout. We don't have an opinion one way or the other. That's mainly generated by the use across the street, the daycare is the issue. And Brad has graciously offered up his parking lot for them, to help alleviate that problem during his off hours. The lighting -- we met with the neighbors and lighting was a very -- rose to the top as being a big issue here, so we committed to 15-foot tall poles with LED full cutoff fixtures. We don't want that to be an issue at all with the neighbors. And Kevin has copies of those. We can meet with the neighbors and show them what we have. They have the specs from those on what we're doing. So I want to basically concentrate on these variances, and I've handed out an 11-by-17 of this, and the screen that Pat has up is good. And I want to graciously object to what Staff is saying about a hardship. I think the reason that's being stated that way is because we did not do a good job of communicating that hardship to them. What we have on the north side is Hamlet Park. It's a common area lot. There's no homes on it, and the screen we have up there kind of shows the closest home is up on Shoram

Court that butt the park. We have two creeks that come together here. There's a pretty large creek that comes through the Hamlet and then one through Quail Creek that join right on our north boundary there. And we physically don't have any room there to -- you know, we're not going to pipe that creek. We're not going to create an issue there where we're causing flooding, so we don't want to put the screening there. Now, if there were homes there instead of a park, I wouldn't be asking for this variance. We'd be figuring out a way to do it. But we're screening our trees from their trees, and it just didn't seem like that. In addition, to go kind of with what Karl said earlier about the lighting, with the lighting that we're proposing, the 15 foot tall and the LED full cut-offs, we feel like we're negating the need for that. On the other variance, the one on Scott Boulevard, my drawing does a pretty good job showing that our parking lot is 90 feet from the curb of new Scott Boulevard. And what you have there is the old Scott Boulevard right-of-way that has been set aside as a conservation easement for a mitigation to the U.S. Army Corps of Engineers for working that creek. It's not even really right-of-way anymore. I mean, it is, but you can't build a road in it anymore. It can only be native vegetation, and you can't mow it, you want do anything to it. So that's its own controversy in itself because I think a lot of people would like to see it mowed and taken care of better. But to buffer -- okay. And then our side sits seven feet lower than Scott Boulevard and it's 90 feet away. And we're asking for a variance not to plant three-foot tall shrubs. And we just don't see that they're going to do anything. Now, can we do it? Yeah, we can. But we're planning for a drainage swale along there to be part of our stormwater management plan as a bioretention swale, and we would rather not have those plants in that. So trying to be quick. I'll answer any questions you have, but --

MR. WHEELER: You're well within your time.

MR. GEBHARDT: I'm well within my time. Okay. Does anyone have any questions about the use or the changes or the variances themselves, because I can keep talking, but I don't want to talk at you and waste your time?

MR. WHEELER: Okay. Mr. Vander Tuig?

MR. VANDER TUIG: Yeah. I'm curious because I've been in your shoes trying to meet the stormwater requirements. Is the bioswale required in order to get your level of service?

MR. GEBHARDT: Yeah. Yeah. We're scrambling trying to get our level of service in any means we can, so that bioswale is part of our concept.

MR. VANDER TUIG: It looks pretty tight. And I guess my question to follow that up is it looks like the ditch -- and I don't see any proposed contours here, but the ditch is likely going to be below the bioswale. Is that correct, the ditch that's in the conservation easement?

MR. GEBHARDT: Yeah. There's a -- okay. The way it works, Matt, is there's a creek that comes through the Hamlet Park, and about one-third of the distance on our north line it is joined by a creek from the Quail Creek subdivision. And they come together there and they run about 50 feet to the east and join another creek called Scott's Branch. And Scott's Branch runs in that old right-of-way and comes down to that box culvert at our corner. So the two sides of us are surrounded by

pretty much creeks. The one to the -- Quail Creek is probably draining about 30 acres and the one in the Hamlet's probably draining close to 40 acres. So we have a pretty large confluence there and there has been some concerns from the neighbors about flooding of the park in that. And so we're trying not to do anything but enhance it in getting the water through us --

MR. VANDER TUIG: Right.

MR. GEBHARDT: -- and not trying to back it up in any manner.

MR. VANDER TUIG: Makes sense. Just so I'm clear, the parking lot's up here, bioswale's here, and creek's way down here. Right?

MR. GEBHARDT: Yeah.

MR. VANDER TUIG: Okay. Thanks a lot.

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

MR. GEBHARDT: And I just want to apologize to Staff for not communicating those things clearly before tonight.

MR. WHEELER: Thank you. Oh, sorry.

MR. SKALA: Just one question: That is we've, obviously, exhausted some issues about thickets and different kinds of opacity and -- and you're asking for the variance here. And I can understand your objection to three-foot shrubs which may get in the way. Is there some other perhaps compromise planting that might soften the buffer and at least provide some screening?

MR. GEBHARDT: Karl, are we talking about the north property line or the east?

MR. SKALA: Yeah. The north property line is what I was talking about.

MR. GEBHARDT: Well, there's quite a bit of trees there now and what I call scrub. The Hamlet people are actually cleaning it up by cutting it out and opening it up. So, you know, right now it's pretty -- I can't walk through it hardly it's so thick. Now, it's not year-round green. It's not an evergreen type thing.

MR. SKALA: Right.

MR. GEBHARDT: And we really just -- we would have to cut trees down to plant evergreens to be able to provide --

MR. SKALA: Well, I wasn't thinking so much along -- I'm not a -- I'm not an expert on a lot of these plants. I wasn't thinking of that so much in terms of evergreens or whatnot, but something like pampas or something just to soften that -- the transition between this property --

MR. GEBHARDT: Well, we've got a creek that runs through this and we're trying not to get into it --

MR. SKALA: Into it, yeah. I understand.

MR. GEBHARDT: And so everything that's there around that we're going to try to leave so that it's -- it stays and not disturb it in order to create a screen.

MR. SKALA: All right.

MR. WHEELER: Okay. Additional questions of this speaker? Thank you.

MR. GEBHARDT: Thank you.

MR. WHEELER: Next speaker, please.

DR. MILLER: Brad Miller, 204 Foxwood Court. This is my project. I'm very happy to be here tonight. This is the realization of a dream that I've had in 20 years of practice and living in Columbia my entire life, to be a business property owner. And I believe that this property concept that we have, the mixed use, blends very well with Quail Creek property. If you've seen any of the drawings, the renderings of the property, you'll see that it's designed to be low impact. It's designed to be residential looking in nature. And I just -- I hope that you guys see the potential that we see in this, and I thank you for your time. And I'm glad to see the Quail Creek folks here as well tonight. I think that this is a good blend for our properties.

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

MR. HOUTS: All right. Let's see if I can hit a mike and read. My name is Todd Houts and I live at 4403 Rainbow Trout Drive, located in the Quail Creek subdivision. I'm also the president of the Quail Creek Homeowners Association. Per a majority of the governing board, I'm speaking in my capacity as the president of our homeowners association. At the meeting held with neighbors and other interested parties in January those Quail Creek board members in attendance clearly heard that O-P, when the lots were platted in 1999, was defined city wide to very limited uses, namely daycare and offices. We did not hear that O-P in 1999 allowed a broad range of uses, and the original developer chose to limit the uses to only daycare and offices. But in my research I found reported to our board that at least as far back as 1998 O-P allowed for many of the uses the developer is now seeking. If O-P had been broadly redefined city wide and multiple uses were only now allowed, then our homeowners association believe it would be reasonable to expansion of uses, but that's not the case. The uses were intentionally restricted in 1999 by the initial developer and the 139 lots in our subdivision platted at the same time were purchased with the understanding development would be limited to the currently limited uses. Therefore, as president of the homeowners association, we do not find it acceptable to expand the allowed uses as requested by the developer and recommended by City Staff. With our new understanding of the history of the city's code of ordinances, we want to note the current proposal expands uses from development that would likely be daytime only to a 24/7 operation with the addition of the apartments allowed by expanding use to allow district R-3. However we do not want to appear unreasonable. The City has noted that several of the requested uses are not allowed by O-P and we concur those should be removed. Those same uses had been identified by me personally to the developer at the January meeting in addition to several other disallowed uses that were successively removed prior to the final submission to this Commission. We would certainly be open to the developer withdrawing the current proposal and working with the surrounding neighbors to craft an expansion of use plan that is reasonable in light of the information I presented here. We'd also like to call attention to the flooding, lighting, and buffer issues raised by the resident at 4400 Shoram Court as listed in the Staff report. The Quail Creek board would like to

add that should the nearby stormwater conveyance be blocked, by a fallen tree for example, the area will no doubt flood again. We question the wisdom of including a basement in this development, considering the low lying location. Regarding the use of the parking lots for evening events at the daycare, we'd like to note that no such evening events have ever been held. The need for overflow parking occurs before 5:00 p.m., overlapping with the proposed business hours and thus no such benefit would be realized. Finally, we regret that we may appear as taking a last-minute about-face on this project, but due to our enlightened understanding of the history of O-P zoning and the history of the decision in 1999 to limit development, a limit that was no doubt a selling point to those that purchased the adjoining lots, the Quail Creek Neighbor Homeowners Association is compelled to take this position. Thank you for your time. And I'd gladly provide an electronic copy of this statement to the Commission per written or verbal request. I do want to make one additional note that's not part of my statement, but listening earlier, the Civil Group claimed that the creek in Quail Creek drains about 30 acres. I'd strongly suggest that Planning and Zoning request documentation of this, as a majority of the north side of Quail Creek drains to my backyard, and then there's closed pipe where it never reenters the property in question. Thank you.

MR. WHEELER: Are there questions of this speaker? Thank you, sir. Additional speakers?

MS. FORD: Good evening. I'm Dawn Ford; I live at 1010 Coho Court. I wanted to bring up a couple of issues specifically in light of the first public hearing that you had, some things that were brought up there. My concern with this property -- and I've talked to them and Civil Group about this -- was some of the screening on the west side. There's a -- I believe an 18-foot -- is that correct -- between the back yard of the home that is right there and the building that is being -- that they are proposing. And the screening -- I didn't realize it until after I got ahold of this, and I don't know if you guys have something similar to this or if I should pass it around so you can see -- but it's very limited and there is not much there. And literally, if you're standing on the back patio of that home, you're looking straight into the windows of the apartment that are going to be there. I think I'd ask them to do something to help the screening, to help block more. In light of all the issues we've been talking about with flooding and with the variances they're requesting, maybe they just need to move the building farther away from both the north side and from the west side, and that may take a little bit of working on your part, but maybe that's -- perhaps that's the best option to take as far as that is concerned. Another issue I wanted to bring up was the garbage. I'd heard mentioning about the garbage being picked up. I live -- you can't really tell. There's the daycare across Rainbow Trout. I live directly behind the daycare. There is a green space for Quail Creek between us. There is a few trees on there that we've just recently planted that are very small. I have a direct sightline to the back of the daycare, and I wake up at night when the trash comes to pick up the trash because I hear it. And on this proposed property, they're putting the trash bin behind the building, right next to the home. I can't even imagine how noisy it is going to be with the traffic coming -- with the garbage trucks coming in there and getting the garbage in the middle of the night. I've got probably -- I'm

guesstimating -- a 150, 200 feet between me and the garbage for the daycare. They are right next to, literally, the building and we have neighbors right across from that. And it's going -- there's no screening that's going to stop that noise in the middle of the night. I think that's something that they should take into consideration when they're looking at where they're putting the parking and the garbage for this home -- for this business. The other part I wanted to talk about was the parking. We have brought up our deep concerns about that because the daycare has events, and parking is literally both sides of Rainbow Trout, all the way up to the first street, which is Coho Court, and sometimes down my street, Coho Court. We had taken pictures recently, at Valentine's Day, and Debbie Day, one of the neighbors, had sent them to Daryl Dudley (ph.) who -- John Glasco [sic] is, I believe, who she had said he showed them to, and they are going to be putting no parking. It gets so bad that we have school buses that have to enter on the wrong side of the road, because the parking inhibits so much, so that they can get in. And that's been a big concern for us. I think that the no parking on one side will help, but my concern is the amount of traffic that is coming in and out. And, unfortunately, I don't have anything and I don't see anything that really shows the exits, the egress, from the daycare, but you have on the western side -- there is a berm that goes down the center of Rainbow Trout. On the western side is the in, on the eastern side is the out. That's not what happens. People will easily go out the in to get around the berm, and that happens all the time. We've got buses that come in the entry and they literally stop right there where the berm is, so traffic backed up behind them and can't do anything. Well, you've got the kids from the daycare, they get off the bus and they stand there until someone from the daycare comes out and then they'll walk across the street. In the morning it's the same thing. The bus will stop, honk its horn, the kids then come out of the daycare, walk across the street. And that whole time traffic is at a standstill, and I think that that's something that needs to be taken into consideration when we're looking at where the egress from the -- or the entrance to the new property is, because it literally stacks right above it, and I think that's going to be a huge problem. Any questions?

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

MR. RABOIN: Yes, good evening. Garry Raboin. I live at 4400 Shoram Court, so I would've been the one that sent that information in the packet. I also -- my two main concerns -- a huge one that has to really be addressed is flooding. There's a joke in our neighborhood that the subject property, the reason it hasn't been developed since 1989 is we call it Little New Orleans. The engineer mentioned that of the water drainage that comes into that property. He omitted Christian Fellowship, Stoneridge. You add those acreages in there -- I've lived there since 1999, so roughly 13 years. There's been 25 times -- and if you see our lot, it's a lot that comes out a little bit further. It's at the back of Shoram Court. We had approximately 80 yards at the back of our lot. And there's flood overflow into the Hamlet Park and to our lot. Our lot, for about 60 feet, and the whole south side of that creek that runs halfway through the Hamlet Park, those 25 times that I've seen it flood, that

flood depth is halfway to my knee. I've seen a Christmas tree. I've seen somebody's kid's swimming pool, an eight-foot one. I've seen folding chairs, reclining chairs. You name it, I've seen it. Kids come down there with a canoe. My concern is -- and the stormwater engineer had a picture. I sent it to Daryl Dudley. I sent him a video. It was about 75, 80 percent over what I sent both those people. At the time I wasn't that concerned because I didn't think anybody would ever take the risk of developing this property. But to give you an example how bad the flooding is, last year was one of our driest years in the last 50 years. During that time, from Hurricane Sandy, that whole area was under water, and that's just one time. The other thing I would like to address is the lighting issue. Right now the enhanced lighting on Scott Boulevard is really superior lighting, and almost makes the back of our yard like a Walmart lot. I'm concerned if you don't have a bunch of trees to block some of that lighting that, you know, we could have MU Tigers come there and play a night football game. The lighting with other lighting added in, I'm afraid is going to be too much. I thank you for your time.

MR. WHEELER: Hang on. Are there questions of this speaker? I would like to ask you, so the lighting, the street lighting now is worse than it used to be?

MR. RABOIN: Oh, it's really good lighting. I mean, it's really enhanced.

MR. WHEELER: No. It's really good lighting, but it's bad for you.

MR. RABOIN: Yeah. Yeah. Yeah. I mean, it's like -- it's like a Walmart parking lot. I mean, you can go out there and play catch. And if you add additional lighting, I'm concerned about what the increase lighting might do. Appreciate it.

MR. WHEELER: Thank you. Any other questions of this speaker? Thank you, sir. Next speaker, please. No more speakers? All right.

CLOSE PUBLIC HEARING

MR. WHEELER: Commissioners, who wants to lead off?

MS. PETERS: I have a question to Staff. Has Staff changed its opinion on the variance after hearing further input?

MR. ZENNER: As indicated, I mean, there are practical reasons associated with why the applicant has asked for the variances. However, again, this is a raw tract of land. When asked what does the Staff want, the Staff wants compliance with the code. It is the Planning Commission and City Council's prerogative to address the concerns that have been raised by Staff -- or not -- by the applicant themselves. Ours is to enforce what's written. We don't have the luxury of just being able to waive standards, and that's why the recommendation of denial is the recommendation of denial. And, again, we do acknowledge the rationale that the applicant has asked for the variances with, but this is a raw tract of land. You can accommodate meeting those standards if you change your development program.

MR. WHEELER: That was a no.

MS. PETERS: I got that. And my next question would be what's the distance between the property line and the building? I assume it's within compliance, which is approximately, what,

15 feet?

MR. WHEELER: Can we ask that question of the applicant? Would you mind coming up, Mr. Gebhardt?

MR. GEBHARDT: Jay Gebhardt, civil engineer, with A Civil Group. The building is 18 feet away. The minimum is 10 feet, so we're almost twice the distance.

MS. PETERS: Okay. Thank you.

MR. VANDER TUIG: While you're up here, now that they've mentioned the flooding, I did notice the floodway and the limits of the 100-year floodplain are on the plan, but they end at the -- I guess that's the property line.

MR. GEBHARDT: The regulated floodplain lands about a third of the way north of Rainbow Trout, and it's the end of the re-- that's mapped -- into the mapped --

MR. VANDER TUIG: And into the study.

MR. GEBHARDT: And into the study.

MR. ZENNER: But the floodplain at that elevation is 627 and our basements are two feet above that, meeting the code of -- the City's code for being two feet above minimum elevations. So people are looking at the ground now and saying, It floods. But that's not what it's going to look like when we're done. They're not visualizing what we're going to do.

MR. VANDER TUIG: Okay. I appreciate it.

MR. WHEELER: And as long as you're up here, is there any way to move that can to the front side of this parking lot? I haven't really -- actually, I didn't notice that, but it got brought up so now I'm --

MR. GEBHARDT: We'd prefer it in the back, but if it's a big issue, we can move it to the front. The reason it's in the back is because Public Works is very persnickety about how they get to these and can access them. And that's the shortest distance and they liked that location the best. They're also the ones that we can't control when they go and empty them. So the only way we control that is if we put in a compactor, and then they'll guarantee when they'll empty it. Other than that, we don't have any control over that. But if we -- if it's a deal killer, we can move that to the front.

MR. WHEELER: Yeah. Unfortunately, we don't have any control of when they come out either. And they seem to like residential neighborhoods during the night and commercial neighborhoods, you know, during the day, so -- for whatever reason.

MR. GEBHARDT: I think they only work between 3:00 and 5:00 because that's when they only time that I ever hear that they do anything.

MR. WHEELER: All right. Let's see. Hours of use: While you're up here, or if the applicant wants to come up, that was one of the things that came up and so I just wanted to ask, is there some restriction on the hours of --

MR. GEBHARDT: We're not proposing any. It's professional offices. I can say Kevin's at work sometimes until midnight, but not very often. It's not -- it's not a business-business in the sense that

it's a bar or a restaurant with a lot of people coming and going. His is a dentist office. He's going to take one-half of the north building and, you know, at five o'clock, it's done. So that's the kind of businesses that he's trying to attract, so we expect this to be the normal 9:00 to 5:00 type of office.

MR. WHEELER: So you have no problem with 8:00 to 8:00.

MR. GEBHARDT: I'll let Brad answer that.

MR. WHEELER: Okay. We'll let him answer that. Any other questions of this speaker?

Mr. Miller, would you mind coming up here. There's some concerns about hours.

DR. MILLER: Yeah. Brad Miller --

MR. WHEELER: -- and I understand that normal office hours are -- what we're really concerned about, I think, were hours of operation. Obviously, you work late at night, as all business owners do --

DR. MILLER: Yes.

MR. WHEELER: -- so I think we're really worried about hours of operation, not when you're there.

DR. MILLER: Yes. Well, when you're talking about hours of operation, you're talking about when a business says that they're open? I mean, if we're talking, like, a piano teacher or something, they may be teaching until nine o'clock at night. I know that we have piano lessons going on at our house sometimes in the evening. So I don't know how to answer about a restricted time. It's also -- since we're talking mixed-use residential, it really is a 24/7 operation, as it was mentioned, and that's part of the purpose of a residential area. So I'm not trying to avoid your question. I want to answer your question, but I think if a commercial business is going to say from 8:00 a.m. to 11:00 p.m., then maybe I might want to say that that's a potential as well, because although this is not a commercial application, offices can be open late at night if they need to see clients.

MR. WHEELER: Yeah. I wasn't trying to insinuate that the people that live there shouldn't be able to live there between --

DR. MILLER: Yeah.

MR. WHEELER: -- you know. Yeah. But reasonable hours of ten o'clock or 11:00 p.m.

DR. MILLER: Yeah. I would say, I mean --

MR. WHEELER: Okay. We'll discuss that and maybe it won't be an issue for anyone.

DR. MILLER: Okay.

MR. WHEELER: Thank you. Are there any other questions of this speaker? Thank you, sir. Okay. Commissioners? Oh, come on, guys, it's 9:00. Ms. Peters?

MS. PETERS: The issues that I seem to have heard from the neighborhood was garbage pickup, which sounds like they're willing to move the dumpster to the front. The concerns were also limited hours and it looks like limited use -- but I don't have any notes on what the use would be -- and parking in the neighborhood. So really the issues I think that we're dealing with are hours of operation and garbage pickup.

MR. WHEELER: Variances.

MS. PETERS: And the variance that Staff has insisted -- I'm just clarifying what the issues seem to be. I'm fine with the garbage pickup in front. I think that would satisfy the neighbors. It's the limited hours of operation that I think needs to be put in place. And, you know, actually, tattoo parlors don't gear up until usually after the bars close, so I think that's a concern that that might ever be attracted out there. Limited hours of operation, I would think that 10:00 p.m. for public office would be sufficient.

MR. WHEELER: Okay. Is that all?

MS. PETERS: Yeah.

MR. WHEELER: Mr. Skala?

MR. SKALA: Since we're in that identification mode of some of these issues, I think -- I think the way I see it -- I'm a little conflicted here because I like the idea of the mixed-use concept. I think that's a great concept and I think we're headed in that direction in this city and I think it's a good direction. I'm also a bit concerned because of the explanation in terms of some of the ramifications for this potential for flooding, some of the -- that has already existed. And I know they have been some reassurances that it's going to be very different than what the empty lot looks like, but we're talking about putting impervious surfaces on -- on lots of these areas, and I'm concerned about that. I'm also concerned about the proximity of the residential area to this piece of -- it's awfully close. And I understand there is the issue of the trash, which is -- I think is an issue -- legitimate issue and I think that may be resolvable. But there are other issues even with regard to buffers in general between even a mixed-use situation that has some commercial uses, more or less, that's part of the mixed use, and the lighting and the -- and the hours of operation, all of that, in terms of how close the proximity to the residential areas are. So I'm not sure I know what some of the solutions are, but I wanted to throw some of those issues that I'm concerned with out to help me resolve my decision in terms of how I want to vote for this issue.

MR. WHEELER: Mr. Vander Tuig?

MR. VANDER TUIG: I guess I have another question for Mr. Gebhardt. I'm sorry.

MR. GEBHARDT: No problem. Jay Gebhardt, A Civil Group.

MR. VANDER TUIG: It seems -- looking at this, is the intent with the number of parking spaces to accommodate the issues on the other side of the road or are these the number of spaces that either required by code or desired by the applicant?

MR. GEBHARDT: Thank you for mentioning that. The parking in the back is being done for the -- and meets the requirements for the apartments, so the intent is for the apartments to use the west parking area behind. The parking in the front was calculated as all medical uses, which is 1 to 200, which is what Brad is as a dentist. And we felt that was -- because there's this perceived parking issue and congestion at that -- on Rainbow Trout because of the use across the street, we thought we had better provide belts and suspenders type of parking on our side so that we don't

contribute to that problem. And that's what we've done is we've used 1 to 200 instead of 1 to 300 ratio to calculate the parking, and that's the parking that's required. The end of that parking lot is actually a turnaround for the fire department, so it looks like it looks longer, but those big spaces at the end are actually there so the fire department has a place to turn around.

MR. VANDER TUIG: Thanks a lot.

MR. WHEELER: Mr. Strodtman?

MR. STRODTMAN: I've got a question for you, Jay.

MR. GEBHARDT: Yes?

MR. STRODTMAN: If we weren't to agree to the variances on the landscaping, how would you accommodate that?

MR. GEBHARDT: Well, if you don't agree to the Scott Boulevard one, I'll plant the bushes. But on the north one, I probably would have to put some kind of fence up, and now I'm fencing a creek and it just doesn't make any sense, but, I mean, if you don't grant it, that's what we'll have to do.

MR. STRODTMAN: Thank you.

MR. WHEELER: Thank you. Okay. Commissioners? Dr. Puri? Thank you.

DR. PURI: I think that it's a good development. Mixed use, I think that's the direction we're going. I think this 90-foot, you know, distance from Scott Boulevard, I think, the bioswale is there, it's futile to put those bushes there, and I agree with the engineer on that. On the other side, it's also a waste to block that natural creek and even just fence the creek off. So I intend to support this with the variances. As for the uses or alteration of uses, I leave that to the rest of the commissioners to see -- to make sure that we are all on the same page on that.

MR. WHEELER: Mr. Reichlin?

MR. REICHLIN: I want to concur with Dr. Puri. I'm comfortable with the plan as presented and also in support of the variances.

MR. WHEELER: Mr. Tillotson?

MR. TILLOTSON: I'm just going to go along with Mr. Puri and Mr. Reichlin. I think I'm going to support it as presented.

MR. WHEELER: Mr. Vander Tuig?

MR. VANDER TUIG: Yeah. I think this is a good mixed-use development. The site is a little constrained and I'm a little concerned about the flooding, although, you know, there's ways to accommodate that and engineer around that. The requirement of the bioswale on the front kind of limits any landscaping and it doesn't make much sense to me from the standpoint of Scott Boulevard being there. And it looks like it's pretty tight to the north too, so I think I'd be inclined to support both variances for that regard. Yeah. And as far as the uses, I'd like to hear what others think too. I'm not sure what uses we've got at this point. Maybe somebody needs to -- if Staff wants to go back over that, I -- what uses are being proposed here?

MR. WHEELER: While Mr. Zenner is looking that up, do we have any other comments? I'll go very quickly here. On the east side, I agree. The bioswale, it seems to me we can put some vegetative and I'm sure you'll be very creative there. You'll have to be. With the 90-foot, you know, it's all going to be vegetation of some sort anyway and so I really don't -- I don't see that there's any need there. On the north side, certainly if that was against a lot or a single-family home or any residence, for that matter, I would think it would be appropriate, but given the confluence of streams there, you know, it seems a little bit of overkill. I kind of agree with the trash can thing. Although I don't know as I'm going to make it a requirement, but I think it would be a good idea to move that just simply because I've been close to them too and they're very irritating, although I also know the City likes them so they can drive straight in and back straight out, make it real easy for them in the middle of the night. So I think Staff's recommendation for the -- you know, for those certain restrictions within the uses we were asking for are appropriate. I am concerned about hours of operation. Although I understand we need to have some flexibility here, I do think that some appropriate hours, given how close this is to residential use, is appropriate and I would think that, you know, ten or eleven o'clock at night is certainly not overly restrictive. But with that, I'm going to support this with these recommended uses, provided Mr. Zenner doesn't tell me something that really flips me out here. So are you ready, Mr. Zenner?

MR. ZENNER: Yes, I am, sir. The proposed uses within the Quail Creek Professional Park O-P Plan include all permitted uses in District R-3, which are inclusive of single-family detached, attached, and multi-family. And based on the fact that you have a site plan being approved here which specifies two buildings with a maximum square footage of 31,000 square feet and six total residential units, you don't have either single-family or duplex development being proposed. You have counseling centers, financial institutions -- excluding a traditional bank -- and travel agencies; medical office and dental clinics and medical laboratories; office buildings used for administrative functions of business, professions, companies, corporations, social, philanthropic, eleemosynary, or government organizations or societies; offices for professional and business use involving the sale or provision of services, but not the sale or rental of goods, including but not limited to artists, sculptors, photographers, authors, writers, composers, lawyers, engineers, planners, architects, realtors, accountants, insurance agents, brokers, and other consultants in similar professions; ministers, rabbis, priests, and other clergy members; physicians, dentists, chiropractors, and other licensed practitioners; seamstresses and tailors; teachers of private lessons in art, music, or dance; schools operated as a business within an enclosed building except trade schools and schools which offer retail goods or services to the public; buildings and premises for utility services or public service corporations; wholesale offices and sample rooms -- which is one of the uses we've asked to be removed; hospitals for small animals, if within an enclosed building; research and development laboratories, provided there is minimal or insignificant use of hazardous materials based on a risk assessment; testing laboratories; beauty and barber shops -- which we've asked to be removed, as

well as testing laboratories, which were asked to be removed -- is a slightly abbreviated list of all the uses allowed in O-1 as well as there are accessory customary uses, incidental to anything that is a principle permitted use that I read off. And those typical accessory uses would be a storage building or something else. And those are the uses excluding the desire to have the counseling center definition changed to match what is within the zoning code and then to have the three uses that are in item No. 2 of the recommendation stricken from the statement of intent.

MR. WHEELER: And I'm just going to ask -- I'm asking you guys as well if you don't mind, Mr. Gebhardt, that restriction that we're talking about, counseling centers as well as those restricted uses that Staff's recommending, is it going to be adequate for us to say as recommended by Staff?

MR. GEBHARDT: Yes.

MR. WHEELER: Are you all -- you're in agreement with that?

MR. GEBHARDT: Yes.

MR. WHEELER: Okay. Just in case that's the motion. All right. Thank you, sir. Mr. Skala?

MR. SKALA: Well, just before I comment as to where I am on this, I guess I would like to have some either clarification or a reassurance about the buffer that I am now most concerned about, and that is the one that is the closest in proximity to that home, not only in terms -- I mean, perhaps they can move the trash issue. But were there specifics that I maybe have missed in terms of how substantial that buffer is? Please.

MR. GEBHARDT: Mr. Skala -- this is Jay Gebhardt again. That buffer meets the City's requirements for screening with 80 percent opacity between one foot and eight foot in four growing seasons. And the reason we used trees there -- the green giant arborvitaes is what we're proposing -- is there's a split-rail fence there on the property now. And so putting another fence by an existing fence didn't -- wouldn't look right. That house sits 25 feet from Rainbow Trout, and we're in the very back part. And when we're closest to them, we go from a staggered row to a single row, but we increase the density of those to get that 80 percent opacity. So the city arborist has reviewed that and feels that it's in compliance with the screening requirements.

MR. SKALA: Okay. Thank you. I appreciate that. Well, I guess I'm going to enthusiastically support the part of this that has to deal with the mixed use. I think that that's long past due, and I appreciate you stepping out there and trying to accomplish that. I'm going to reluctantly support this, primarily because of my concerns about flooding issues. With the reassurance of Mr. Gebhardt that this won't exacerbate an already bad problem apparently and that the idea of having a basement is not going to create additional problems. And with the reassurances for the screening to make sure that that opacity is 80 percent and meets the City's codes, I intend to support this proposal.

MR. WHEELER: Okay. Who's going to frame a motion for me? Mr. Skala?

MR. SKALA: I can do that. I can make the motion to approve the request by A Civil Group, on behalf of Last Enterprises, LLC, and Ridgemont Properties, LLC, for an O-P development plan to be known as Quail Creek Professional Park, a statement of intent revision, and screening variances.

The 1.34-acre property is located at the northwest corner of Rainbow Trout Drive and Scott Boulevard. I think there were the additional --

MR. WHEELER: Staff recommended --

MR. SKALA: -- Staff recommendations as listed in the report. The first one was that the counseling centers definition in the statement of intent be changed to read as written in Section 29-13.1, including the exclusion of halfway houses and, two, the following uses be excluded, as they are not options for O-P uses: Wholesale sales offices and sample rooms, testing laboratories, barber and beauty shops. And the variance with the -- with no denial of the variances that were requested. I think that covers it; is that right?

MS. PETERS: Clarification: Staff is recommending denial of the variance and you're motion is to grant the variance?

MR. SKALA: That's right.

MR. WHEELER: And did I hear any hours of operation in that motion? That's completely up to you.

MR. SKALA: No. I think that's -- I mean --

MR. WHEELER: Okay. Mr. Reichlin?

MR. REICHLIN: I'll second that.

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

MR. VANDER TUIG: So for clarification, what are those hours?

MR. WHEELER: I don't think you made a recommendation.

MR. SKALA: Hours were not in there. I didn't think that that was a --

MR. VANDER TUIG: Oh, okay. You said no to that. I see. Okay.

MR. STRODTMAN: And you're also supporting the variances?

MR. SKALA: I am --

MR. TILLOTSON: Without the variances.

MR. SKALA: I am not supporting the variances.

MR. STRODTMAN: Okay.

MR. WHEELER: And you seconded that?

MR. REICHLIN: I'll withdraw.

MR. SKALA: Pardon me?

MR. WHEELER: Your motion is not to grant the variances; is that correct?

MR. SKALA: I'm sorry. I'm mistaken. My motion is to disagree with the Staff, to grant the variance. I'm sorry. My apologies.

MR. REICHLIN: My second's good.

MR. WHEELER: Okay. Man, I'm confused.

MR. VANDER TUIG: All right. Let me try this. A motion's been made and we have a second for Case No. 12-229 --

MR. WHEELER: I want to discuss the motion just for a second.

MR. VANDER TUIG: Oh, we better --

MR. WHEELER: Just for a moment. I just want to throw out there, there's two things that I'm concerned with that I'd like to see fixed before this gets to City Council, and I'm not going to -- we've been here long enough probably on this, but I'd like to see that trash can moved, just me, and I'd like to see some reasonable hours of operation agreed to, but I'm not going to amend the motion. We're going to move forward here.

MR. VANDER TUIG: Okay. So we a motion and a second for Case No. 12-229 for approval of an O-P development plan to be known as Quail Creek Professional Park and a statement of intent revision with Staff's recommendations in the Staff report, except for the denial of the screening variances -- in other words, to support the variances.

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

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

13-06 A request by A Civil Group, on behalf of 8 Ball Commercial, for rezoning from A-1 (agricultural) to C-P (planned business district); C-P development plan to be known as "Grindstone and Rock Quarry Break Time C-P Plan"; and variances to the landscaping/screening requirements and alteration within the scenic roadway overlay vegetative buffer area. The 2.05-acre site is located at the southwest corner of Grindstone Parkway and Rock Quarry Road. (Item was carried forward from February 21, 2013 meeting due to weather-related cancellation.)

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

Staff report was given by Mr. Patrick Zenner of the Planning and Development Department. Staff recommends denial of the rezoning and C-P plan requests. Staff does not find the proposed commercial uses to be appropriate for this location, given the size of the parcel and its immediate proximity to residences. Should the Commission wish to approve the rezoning and plan, Staff recommends revisions to the C-P development plan, such as (but not limited to) the hours of operation for the convenience store and fueling pumps. Staff recommends denial of the variance request to transpose the order of the landscaping and screening, but commends the applicant's representatives for engaging adjacent property owners and seeking solutions to screening issues. Should these property owners voice support for the variances, Staff does not have any opposition to their implementation.

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

MR. LEE: Mr. Zenner, the last time this came before this body, was it Staff's recommendation for denial then?

MR. ZENNER: It was a recommendation of denial at that point as well.

MR. LEE: Okay. Thank you.

MR. ZENNER: One other thing that I forgot to add, and I apologize. I'm filling in -- I'm pinch hitting for Mr. Lepke whose case this was. Included within this plan was a request for a fence on the east side of Rock Quarry road. That request cannot be handled within this particular project. That is a Board of Adjustment variance request to deal with the Rock Quarry Road overlay provisions. The applicant has been informed of that; however we want to make sure that it is clear that the landscape waiver for a fence along Brittany, which is directly to the east of this particular project site where we have some manufactured homes, cannot be approved as part of this. It is an off-site improvement. Again, even though we just handled one this evening on the Wendling property, that is required to comply with a different set of zoning standards. It's not owned by the applicant that is seeking to have this property rezoned, therefore it must go through a separate defined process, and that is the Board of Adjustment. Just to provide that as clarification, even though it was included on the site plan that you see here before you tonight.

MR. WHEELER: Are there any other questions of Staff? All right. We're going to open the public hearing. Before we do, I want to -- this is the one item this evening that the Commission agreed the last time we were together that we would give a little additional time. Hopefully, no more than two minutes -- actually, no more than two minutes. So primary speaker's going to get eight minutes. I will be watching, so please let's -- everybody's been here a long time. So we'll open the public hearing.

PUBLIC HEARING OPENED

MS. LAMAR: Good evening. I'm Phebe LaMar and I have offices at 111 South Ninth Street. I'm here this evening on behalf of MFA Oil. As you know, my client is seeking to put a convenience store, which is the modern version of the neighborhood market, at the southwest corner of Grindstone Parkway and Rock Quarry Road. Ultimately, this decision comes down to what is an appropriate use for the corner of a major intersection here in Columbia. Last time we were in front of you about this project, I presented you with a lot of information. Rather than repeating most of that information, I'm asking you to take note of the minutes from the meeting September 6, 2012. I have copies of those minutes that I'll be happy to pass out to you if that would be helpful. One of the reasons given by Staff for recommending denial of this project is that it's not in compliance with the Metro 2020 plan. A more detailed examination of that plan seemed to be in order. The Metro 2020 plan was adopted in February 2001, which may have been prior to the beginning even of construction and was certainly prior to the completion in 2003 of what is now Grindstone Parkway. One of the underlying premises acknowledged in the Metro 2020 plan is that transportation infrastructure provides the framework for the land use to districts within the community. Since February 2001, the amount of development in the area surrounding the site of this proposed Break Time has been immense. Properties that were farm land have since developed, with almost all that development being either commercial or

high-density residential. There are exactly two tracts along the south side of Grindstone Parkway between State Farm Parkway and Rock Quarry Road that aren't zoned commercial, and the one closest to this property is the tract on which The Crossing is located. This is a very high-intensity use, which for all intents and purposes is commercial in nature, with over 3,000 people and all the corresponding vehicles associated with that traveling in and out on an average Sunday morning, along with some traffic at various other times of the week. At least on one occasion in 2012, that number was closer to 4,000 than 3-. Furthermore, the auditorium was expanded a few months ago to seat a total of 1,400 people in each of three services. Just for comparison purposes, Break Time would anticipate averaging about 1,500 transactions per day, which is only slightly more than the capacity for adults, not counting the number of kids and youth during one service at the church next door. The Metro 2020 plan suggests that the areas along Grindstone between Green Meadows Road and Rock Quarry Road should be a neighborhood district. The reality since 2001 however has been that this area has become one of the main east-west thoroughfares through the city of Columbia, with four to five lanes of traffic throughout, and is not conducive to a neighborhood. As of 2009 the number of cars traveling along this area on Grindstone along the northern boundary of the property was almost 30,000 per day. Rather than being a neighborhood district at this point, this is an area where people seek to locate businesses, churches, et cetera, to gain high visibility and attract people to their properties. There is some single-family residential property located immediately behind this property and across Rock Quarry Road. Those single-family homes are sandwiched between Grindstone Parkway, The Crossing, and high-density student housing. From the rear corner of one neighboring property owner's yard, the current view is of a large parking lot and Grindstone Parkway. On the other end of the street, the view is of student housing and Grindstone Parkway. Clearly, with the addition and later expansion of The Crossing, the addition of several student apartment complexes, and before all of that the construction of Grindstone Parkway, this area has changed substantially in the last few years. There are or will be shortly a total of 6,123 bedrooms of high-intensity residential housing within a few minutes walk of this location. There are, in contrast, only about 603 bedrooms of single-family housing. It is also important to note that the vast majority of the people who now live in close proximity to this location are young and tend to be out and about during later hours, and since Rock Quarry Road is one of the routes by which people travel north to the University Hospital and/or to other locations at early hours, the early morning hours at this location are also important. Given these considerations, it's vital that this store be open 24 hours. Given all of the changes in the area surrounding the subject property, it is difficult to fairly compare this attempt to rezone this property to prior attempts by other parties. What we are proposing for your consideration this evening is that this growing area of the city gain a market for the purchase of a variety of items that will be substantially more convenient for the neighbors than having to drive to Walmart or HyVee or Gerbes. Jackie Maxwell from MFA will talk to you a little bit more about Break Time's neighborhood market concept, which is the pattern for this store. Ken Caspall will also address in

additional detail for you why this location makes sense for this type of development. While this issue comes down to whether it makes sense for the citizens of Columbia as a whole for a store like this to be in this location, the concerns of the neighboring property owners should not be ignored and they have not been. We have attempted to not only ascertain what those concerns are, but also to find constructive methods of addressing them. We have addressed each of the substantive concerns raised by the neighbors, and Jay Gebhardt is going to address in more detail, in a few minutes, landscaping, traffic, and the specific changes on this plan as compared to the prior plan. Noise concerns are being addressed by limiting deliveries to only daytime hours, locating the HVAC at the back of the building instead of on the roof and inside a sound-ending fence, and working with the City to ensure that trash pickup occurs during daytime hours, which should be inline with what is already occurring since, at least sometimes, there is a trash truck already serving the church's property crossing this property at 8:15 in the morning. The property owners across Rock Quarry Road requested that we construct a fence on their property. In the event that this plan passes, we have made a vow that we will work with them, if they still so desire, to apply for a variance in order to do so. With the new lighting Break Time has started installing, which you heard about earlier this evening, there is little to no light projecting out toward any neighboring property from the canopy. And after receiving questions about ambient lighting from the front of the building, we actually removed from the plan a couple of light poles that were in front of the building. As I believe you will see this evening, the plan-based concerns that have been raised by neighboring property owners and City Staff have been addressed sufficiently with the plan in front of you. As such, the question before you is simply whether it is appropriate for this property to be used in this manner. Given the character of the surrounding area and the location of this property on a very busy intersection, I urge you to find that, in fact, it is. I told you I shortened it.

MR. WHEELER: Yeah. I'd say you did. You were almost under six minutes.

MS. LAMAR: I'd be happy to answer any questions.

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

MS. LAMAR: Thank you.

MR. WHEELER: Next speaker. Bet you can't talk that fast.

MR. GEBHARDT: No, I cannot. I wouldn't want to. My name's Jay Gebhardt; I'm a civil engineer with A Civil Group here in Columbia. Basically, I want to talk to you about this plan that has changed since September when it was approved by this body. Basically, we have -- at the advice or urging of the police department, we extended a fence from the back corner that will connect to the fence along our back so that it would restrict access to the back of the building. We have no doors back there, as we said in the last meeting. There is a camera that has a motion light on it, and that's the only light back there. So they asked for that, the police department did, so we're providing that. I want to remind you of the traffic improvements; they haven't changed from last time. MoDOT and the city traffic engineer still have approved these. And it's a lengthening of the right turn decel lane on

Grindstone Parkway from our driveway, our right-in and right-out, and in addition of a left-turn bay on Rock Quarry onto Grindstone Parkway. And then, the pedestrian heads would be completed at that intersection to allow full pedestrian access through that intersection. Stormwater is going to comply with the City of Columbia's new stormwater ordinance. I can honestly say that the impact from stormwater won't be any different than it is today from the field. As far as the variances are concerned, we are asking for this variance because the neighbors have asked us to do this. We don't have -- I don't want to say we don't care, but we don't -- it doesn't matter to us which side of the landscaping the fence is on. So if the neighbors have desire to have the fence along their property line and the landscaping on ours, that's fine with us, and that's the variance that we requested. If you guys find that the variance isn't suitable and you flip that, you'll upset the neighbors, but you won't upset us. Also, I want to talk again about the screening to begin with. The code requires screening of 80 percent opacity between one foot and eight foot, and you can do that with landscaping or you do it with a fence with landscaping that breaks up the fence. We've done, again, a belt and suspenders type of plan here. We did the landscaping that we could use without the fence and then we put a fence on it too. And so we've kind of doubled up what we're doing. I'll wrap it up. Any questions?

MR. WHEELER: You're still 30 seconds out.

MR. GEBHARDT: That's basically it. If you guys have any questions, I'll be glad to answer them.

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

MR. STRODTMAN: Can you explain to me the fence part where the police recommendation was? Can you -- or is there a picture that we can --

MR. GEBHARDT: I don't have a picture, but if you look at the drawing on the site plan, from the corner here down to the fence, and from here down to the fence. They just want a little bit of fence there with a gate that would restrict access to the back.

MR. STRODTMAN: Got you.

MR. GEBHARDT: Just to keep people from going back there and doing things they're not supposed to do, I guess.

MR. STRODTMAN: And then there was reference earlier about some lights have been removed off the front of the building.

MR. GEBHARDT: Yeah. There was some light poles out in the front here and they've been relocated on the site because there was some question about having -- just lighting up the front of that building so much.

MR. STRODTMAN: The overall number of lights is still the same, just been relocated?

MR. GEBHARDT: (Nodded head.)

MR. STRODTMAN: Thank you.

MR. GEBHARDT: And, again, the canopy lights are LED and all the things that were -- we had last time, we still have.

MR. WHEELER: Any additional questions of this speaker? Thank you. Next speaker, please.

MR. CASPALL: Good evening. I'm Ken Caspall, office at One Ray Young Drive, representing the management of Break Time MFA Oil, particularly MFA Oil Company. Just a reminder, I want to talk about why this is an excellent location for our neighborhood market with gasoline. But I'd like to remind you that we work hard to be a good corporate citizen. We've been officed in this community since 1934. We do provide many jobs, as a matter of fact, over 300 in the city of Columbia. We work hard to be a good corporate citizen in the way we support and provide benevolence. Last year we provided over \$230,000 to nonprofits, caregivers, and public education. Our MFA Scholarship Foundation provides over \$600,000 of college scholarship money and much of that money is spent here through the University of Missouri. And several of these scholarships are provided to the local schools here in town. MFA Oil's foundation funds over \$130,000 worth of small town -- some of -- we're including Columbia in this situation, but in those market areas that we serve with improvements, fixed assets, that kind of thing. For these smaller communities particularly, that's very important to them. Grindstone Parkway and Rock Quarry Road, that southwest corner, is definitely the best place for the Break Time neighborhood market store on all that -- on all that road. The Grindstone east of Providence Road, you've got two existing stores there on the north side of that -- of Grindstone: The Petro-Mart out on the east end of the Grindstone and then, of course, the HyVee at the HyVee parking lot, both on the north side of the highway. This location will serve the southbound traffic -- I'm sorry -- the eastbound traffic very, very well with right-in, right-out. The stoplight, with the added turn lanes will provide safe westbound access. Rock Quarry Road is the best access to the University of Missouri, and therefore it's the one location that provides us north-south access as well as east-west access, and plus the fact that there's 30,000 cars during that -- more than that running through that intersection every day, so it's a very good location. But I would like to just say this: Before we resubmitted this rezoning application, we looked at the southwest corner of that Red Oak development with the full access where the intersection is, but we were told that there's trees there that cannot be disturbed. That makes it an inappropriate location for us to locate a store like ours at that particular location. So we did try something else that didn't work.

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

MS. MAXWELL: Hi. My name is Jackie Maxwell, and my office is at One Ray Young Drive, here in Columbia. I'm a vice president with MFA Oil Company, and I'm in charge of the Break Time convenience stores division for MFA Oil. I've worked at MFA Oil for 32 years, and MFA's been in the convenience store business for 28 years, so I've been involved in that division since MFA Oil started. I'm not going to be repetitive again and repeat some of the things we talked about the last time, but there are a couple of things I would like to point out. When we presented previously, we were talking

a little bit about our neighborhood market, and when Jennifer Bach comes up, she's actually going to show you and talk more about what we've included and what does that really mean, what's in a neighborhood market. So I won't go into that. But I would just like to say that part of our goal with that program is that, you know, if there's needs that we want to fill with, you know, expansion of grocery items and so we're starting with the concept that we definitely are expecting to expand over time to meet the needs of the people that live in that area. And then I would also like to add to the discussion that's taken place on lighting so far, and the only thing additional that I'd like to add to that is that --we don't have this concept in our hands yet, but we're also looking at a dimmer that goes on that LED lighting that allows us -- for instance, on a cloudy day when everybody's turning on your canopy lights because it is cloudy, there's no choice typically. It's either on or off. So this dimmer allows us to back off a little bit of the lighting on a cloudy day, that you don't need them all on like that. So the LED already uses a tenth of normal lighting, in terms of energy consumption, and the dimmer will pull that back a little more. The hours of operation have already been discussed previously, and I will tell you we do feel strongly about that, and there's reasons for it. It is modern-day lifestyles that are asking us to do that. There's -- you know, between the medical presence in Columbia and just the lifestyles people lead today, we feel like that's important for our type of business today, so we feel strongly about that. I will say in the recent bad weather that we all experienced, you know, our stores, we provided -- that day we provided free coffee for all the city road, utility, maintenance workers, law enforcement, and emergency services, and we did that across the state of Missouri. We called it our snow day. You know, that's the sort of thing we want to continue doing that. We've also recently started a new program where folks can save money on gasoline through a new proprietary debit card program we have. We expect to make -- break even on that program. So I think that what I'm -- the point there is that we're trying to be a good neighbor and we look for ways to add value and give things back to folks that are doing business and in the community with us. Is that my out-of-time light?

MR. WHEELER: No. That was your 30-second light.

MS. MAXWELL: Okay. And then, I think, as Ken Caspall pointed out, I think that we see that corner as -- you know, it's a significant opportunity to serve the student housing community that's going to be there, and many of those folks don't own a -- may not own a vehicle and would be on foot or on a bike. So I think that we see that as an opportunity to serve that group too.

MR. WHEELER: Are you wrapped up?

MS. MAXWELL: All right. That's it. Thank you.

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

MS. MAXWELL: Thank you.

MR. WHEELER: Next speaker, please.

MS. BACH: I'm Jennifer Back, director of marketing and merchandising for the Break Time stores, offices at One Ray Young Drive. As you've previously heard, we're putting in the

neighborhood market concept at this location. And when we were here a few months ago, we kind of described what that market would look like. Since then, we've put in one of these at downtown Columbia on Tenth and Elm, so we have a few pictures just to kind of show you what the inside of that store's going to look like at Grindstone. On our beverage and beer, on our cooler section, we've put in LED cooler lights to conserve on energy and to make the product brighter and easier for consumers to find what they're looking for. We've put in an expanded coffee selection. You're able to get a cup of coffee that's as good as any coffeehouse that you'll go to at a fraction of the price, and you can select from traditional blends such as -- you can select from our traditional house blends, as well as some origins like Columbian, Kona, Viennese. And then, we'll sure that whatever condiment you're looking for in your coffee, we have that there for you, including whip topping and any kind of creamer or sugar that you're looking for to add to that. We've also expanded our dairy section to include staples like milk, bread, eggs, cheese, and lunchmeat, and it's easy to get in and get out without going to the grocery store for those items. We also have our deli selection where we have fresh fruit available for a healthy snack as well as our deli sandwiches that we make locally in our commissary, and these sandwiches are made with highest quality meats, cheeses, and breads. We've also expanded our traditional roller grill and offering a variety of products including our hot dogs, which you're able at this location to add additional condiments to your hot dogs like jalapenos, chopped onions, and banana peppers as well as chili and nacho cheese. We're also putting in our fillers product, and that's made with Freschetta pizza dough and they're filled with pepperoni and mozzarella or ham and cheese, and these are great grab-and-go for lunch or good afternoon snack. We've put in a 20-head fountain machine, which is larger than any of our other stores, so you're able to find what products you're looking for in the fountain there. We've also added a F'Real machine, which includes real fruit smoothies and milkshakes; probably one of the best milkshakes that you'll get on the south side of town. We've also increased our freezer section to include some frozen foods so grab-and-go pizzas, individual frozen dinners, and then take home products in the ice cream case. We've also increased our grocery selection to include items such as pastas, mac and cheese, bread, canned fruits and vegetables, sugar, and flour. And then we've put in fresh fruit tea brew -- a fresh fruit -- sorry -- fresh brewed ice tea as well as a bank of frozen slushies. So that's just some of what we've put in that store that's different than a normal Break Time store.

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

MR. STRODTMAN: I've got a question.

MR. WHEELER: Sorry.

MR. STRODTMAN: Just for comparison to our presentation earlier this evening, what kind of percentage of gas do you sell at a typical Break Time, maybe not a neighborhood since you don't have a comparison for that?

MS. MAXWELL: So when you're looking at --

MR. WHEELER: Ma'am --

MS. MAXWELL: I'm sorry. Jackie Maxwell, One Ray Young Drive, here in Columbia. Just because of the price of fuel and this location is -- it will do a lot of gas volume, the inside sales probably to total sales is probably 20 percent, so it's probably 80 percent fuel. And it's just there's a lot of dollars that go through fuel, but this will have nice inside sales as well.

MR. STRODTMAN: How is the alcohol handled in this store, like just compared to your traditional store?

MS. BACH: We'll have a beer cave in this store, so there will be a larger selection of beer and we have put in some larger bottles of liquor. But sales are going to be a little bit higher, but you're still in that, like, 20 percent of your total inside sales.

MR. STRODTMAN: Thank you.

MR. WHEELER: Thank you. Other questions of these speakers? Thank you. Next speaker, please.

MS. PRITCHARD: Good evening. My name is Jan Pritchard; I live at 3505 Rock Quarry Road, which is just south of the cul-de-sac that's just south of the proposed site. And I wanted to -- first of all, I want to make a point: This is exactly the same kind of project by project rezoning that Councilwoman Nauser so vehemently opposed during her campaign. She said she doesn't like project by project rezoning that doesn't take into consideration the neighborhood concerns and does not take into consideration the already -- the city planning that's already in place for the neighborhood. All right. We have both of those in this case. This is not a commercial lot that we're putting a gas station convenience store on like Macadoodles. This is not already zoned O-P. This is essentially a large residential lot that is currently zoned agricultural. It is sited to face Rock Quarry Road. The main access to this lot is the driveway off of Rock Quarry Road. What this lot is, is part of a residential neighborhood. It's directly adjacent to residential neighborhoods. And I don't know how many beds are in those fifty houses, but there are fifty if you count all the owner-occupied, mobile homes, plus the site built homes that are probably within a quarter mile. There are 50 single family homes. That's not an insignificant number, and most of those are owner-occupied homes and they've been there for decades. Yes, there is a lot of student housing, and that's just been built recently. But, in fact, there is no commercial use on the south side of Grindstone between -- well, between where AC first came in and AC first left out. In other words, when Grindstone Parkway was put in, the intention was to keep the commercial at either end of the road, and it currently is. So this stretch of Grindstone Parkway has -- is -- is residential and continues to be residential, has always been residential. Anyway, I want to -- one of my concerns is that the access on this lot is not conducive to a gas station. Your access is a driveway off of Rock Quarry Road and that's limited -- the size of that driveway is limited by the scenic road overlay. I'm not sure what the width is, but it's a limited width. And then the other access is a right-in/right-out on a divided highway with a barrier. So how -- where are these fuel trucks going to be coming in to service this property? Where are the commercial vehicles that have to bring goods and services to this property -- how are they going to

get in and out. You know, they either have to somehow or another maneuver so they're coming -- going east on Grindstone Parkway to get in and out -- and I would propose that it's still going to be a difficult maneuver for a fuel truck to go that way -- or they're going to have to come down Rock Quarry Road, which is a residential collector street, to get into the driveway off of Rock Quarry Road. Okay. The other problem is -- and you brought it up with alcohol. Do you know how many underage drinkers live -- you know, all those thousands of beds, most of those students are not legal. If you think we have a lot of police down there now, just wait until you put a 24-hour store that sells liquor down there. You're going to have all of those kids walking over. Somebody 21's going to buy that liquor, but guess who's going to be drinking it. All right. The -- one thing I want to mention is, you know, I've been sitting here tonight, you've talked about hours of operation. Here we have a gas station that wants to operate 24 hours, and compared to everything else that we talked about -- you're so concerned about hours of operations with an office and hours of operation with a gas station and convenience store that has a buffer area before you get to any buildings. What about hours of operation for a convenience store that backs up onto people's houses? That is a problem. That's a real problem. Why are you not questioning that? You know, this just doesn't make any sense. MFA has told you all the good reasons why they want a gas station there, but they haven't -- you know, they don't take into consideration the fact that people live there, you know. What about our property rights? What about our quality of living? You know, there's a reason that that's a scenic road. There's a reason that Grindstone is supposed to be a parkway, and that is because that part of Grindstone has traditionally been residential. There's a reason that the Staff -- okay. And these are my issues. But I want to point you -- don't listen to -- you know, MFA has their side, the neighbors have their side, but you have the advantage of having a third party with no interest who has analyzed this proposal, who has analyzed the traffic, who has analyzed the neighborhood, who is -- who has seen how this area has developed, and they have recommended -- you know, they don't have -- they don't have a dog in this fight. They're the only objective person you have, and the Staff has recommended that this be denied. Now, I would like to propose to you that this is a project by project -- you know, a spot project rezoning, if you will. It's not conducive to the neighborhood. The neighborhood does have an interest in maintaining the integrity of our neighborhood and maintaining the value of our homes and maintaining the scenic road ordinance, all the things we've fought about. There are two churches here. You know, it's just -- you know, there are parks, there are churches, there is housing. And, you know, there is -- there is a definite -- the neighbors have rights here too, you know. And there's also already a city plan for this neighborhood and the city plan is that this is not a conducive use. The city plan is this should be O-P zoning or there should be, you know, residential use like the rest of the surrounding neighborhood. So I suggest that if you would approve this plan, you would be doing exactly the thing that Councilman Nauser was saying should not be done, and that is doing a project by project rezoning in an area that that's not appropriate. So anyway, I -- you have my other comments that are in -- you know, in the packet. Any questions?

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

MR. PRITCHARD: Hi. My name is Dan Pritchard; I live at 3505 Rock Quarry Road. And I've appeared before you before on the last one where you approved it. I'd hope you would reconsider that approval, obviously, or else I wouldn't be speaking from this point of view. I agree with the Staff's recommendation on it. The fact of the matter is I have a bit of a problem with their idea of this is a neighborhood market. That's one of my problems, because they refer to it as a convenience store, neighborhood market is the same thing. Now, maybe I'm just too old, but a neighborhood market didn't have 80 percent of their dollars from gasoline. Most of the neighborhood markets I knew, you walked to, but you didn't buy gasoline. If you did, maybe they had one pump, but they mainly were there for the in-store purchases, not the gasoline. The other thing I want to mention is that with the traffic patterns -- the only reason why this is even arguably a good site on the south side is because of that one right-in/right-out access off of Grindstone. Because if you take into it -- you could make -- under their argument, if this is a major corridor -- Bearfield's starting to be a major corridor too to get to it. Students go there. There's a lot of students. You could just go ahead and rezone one of those residential ones on the corner of Bearfield on the south side ones, you know, just raze that and put in a convenience store or neighborhood market, whatever you want to call it. In fact, you may get more people to walk up there than here because at least they have sidewalks that go there. Number two, you have 30,000 cars, according to them, that go through this lane as a major north-south corridor. Now, honestly, I don't think any of those students are going to be walking to this place unless they're really, really close. I mean, they're not going to do it from the north side. They're not going to do it from east or west. They might do it from The Point, and I'll go ahead and tell you that The Point, they ride their buses probably because they can't get parking at the University. At least -- even when I went to the University, the parking was way out -- I used to park out at the livestock pavilion and walk in, and in February it was a tough go. Also, while I don't think it's an appropriate use for the go to -- for a convenience store to go there, I do agree with Staff that should you decide to rezone it, that the development plan should have a limit on the operation of hours. Now, I've been encouraged by your discussion of operation of hours on the previous two cases, you know, and the distance. This is actually closer. You would think that you would be concerned also with the operation of hours even more with this. Now, I have a problem thinking of the church as a major commercial activity, but I will say this: If it is, I suggest you restrict their working hours to the hours of the church. I would be perfectly happy with that and I wouldn't worry about it. Thank you.

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

MS. YOUMANS: Good evening. My name's Julie Youmans. I live at 2101 Rock Quarry Road, which is north of the intersection so I'm not directly impacted by such things as whether the lights come in my window, but I feel that I am impacted. I should apologize in advance because I am going to repeat what some of the other neighbors have said. I am not in favor of this project. I do take

issue with the simple statement that this is an obvious choice because this is a major intersection. It is, as you've heard, much more than a major intersection. It's the crossing of a major highly used, high speed traffic corridor and a scenic road. The scenic road ordinance was established for a reason. This area that winds its way through town, Rock Quarry Road, has unique geologic and historical features. It's something that makes Columbia a great place to live. The statements that I've heard tonight and at meetings, Well, this is just going to get developed anyway; what did you expect. Well, when we moved in years and years ago to Rock Quarry Road, we expected some respect paid to the scenic ordinance, that that would not preserve it untouched, but let it develop in a way with integrity, that still could use its positive features as a scenic road for Columbia. And what's happening as we watch as these zoning cases come up here and before City Council, piece by piece dismantling the scenic road ordinance, that as you put these high traffic sites in that demand for their needs, that you disregard the scenic ordinance. You need to make the driveways wide enough, provide clearance for turning, and the scenic road ordinance is piece by piece torn apart. As I said, I don't live next to the site, but being on Rock Quarry Road is an important feature for me. I do use the -- both the Grindstone gas stations that are near each direction. At that intersection, there is another gas station the very next intersection north there is a gas station. I can use that. I can turn to the east and there's a Break Time I can use. So there's no shortage of gas stations in this immediate area, no shortage of food stores and specialty food stores. And, again, to repeat, it's not a friendly homey market to go to a gas station. The notion that that's a market -- it's a store. I'm happy to use them when I do, but it doesn't provide that neighborhood integrity, a sense of commons, a sense of community. It's a gas station. Thank you.

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

MR. HAAS: My name is Craig Haas; I live at 3609 Southland Drive. I missed their presentation; I had a nine o'clock appointment. But I'm sure it was still the same as last time. The thing of it is -- the previous speaker talked about living on the north side. Their canopies are all lit up with red neon lights and when you come south, that's going to -- you'll see it like a beacon. The previous applicant that you guys passed, I wish they were there. They're going to shut down at eleven o'clock in weekends. The Crossings church, their lights, they're gone at eleven o'clock. The pre-- and previously the lawyer told one of the largest churches in Columbia on the right-out/right-in, if you don't like it, buy a gate. Well, I guess they'll either buy a gate or hire two more security guards to police the area. You know, the access sucks. Yeah. It will be developed. They're already asking for variances for the scenic overlay for fences and that. Yeah. It will be developed, but across the street it's been passed for three years now. There's going to be some office buildings there. On the west side of the Crossings, Red Oak, you guys were really upset. They got a list a mile long, no gas station, no this. So they took their option. Where's the money? Student housing. You had no say. It was already previously zoned. They done it. And I don't know if this is a bearing, the -- the

Macadoodles, they own that property. They're going to lease it (indicating). So end of the 15 years, if the market goes dry, they're gone. You're going to have a vacant gas station there, you know. Yeah. The LED lighting is good, but drive by -- you talked about going home. Go by their new canopy down there on Nifong. The light bleeds out. They're going to have eight gas pumps. I don't know what Macadoodles was going to have, but, you know, they're going to be stretched out and -- I don't know. But on the main -- just the bearing, whether it's called a market, gas station, you're rezoning from R-1 to commercial. And, you know, if -- if you approve it, they're going to go to City Council, and depending on the election -- if Karl gets in there, they may not even bring it in to a vote. Who knows? So that's, you know, my -- my beef. And, yeah, they do a good job. They donate a lot of money, but we're not here to praise them on their donations. We're here for this project and it does not meet the qualifications that you guys have set forth, and go on that bearing. Thank you.

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

MS. WILSON: Good evening, and thank you for your patience this evening. My name is Vicky Riback-Wilson; I live at 3201 Blackberry Lane, which is about a quarter of a mile north from the intersection of the proposed property. You've heard all of the arguments. You know what the concerns are. I simply want to make a plea for our life in Columbia. We're lucky to have good corporate citizens like MFA, but we're also fortunate to have the kind of community that is particularly known and praised for citizen involvement. One of my concerns has been, through this process, that those of us and many others who've been involved over the years and working on the special area plan, working on the scenic road ordinance, working on Metro 2020, working on the visioning, whatever it is that says, We want special neighborhoods in Columbia; we want to maintain that feel. We want scenic areas in Columbia so that our community will have a higher quality of life. All the characteristics that we have worked for as active citizen participants are threatened by the kind of commercialization that we see going on. Yes, we want Columbia to grow. But when that growth flies in the face of citizen participation and decisions that have been made in the past, and when that kind of decision-making for growth that seems haphazard allows us to sacrifice the neighborhood feel that we value and allow for growth that doesn't seem to be -- supportive growth that doesn't seem to be well planned or well organized or well thought out, then in the end we all lose. In talking about the scenic road and the neighborhood, one of the proposals was -- I was looking back through my notes tonight. One of the proposals was that there shouldn't be any signs larger than 16 square feet. Well, we're talking about 64-square-foot sign now. And no matter how much vegetation you have, a 24/7 gas station does not a scenic road make. I compliment people on trying to make something that compliments the neighborhood, but when the neighborhood threatens to be overrun by short-time residents and commercial establishments without a balance for the long-time neighborhood residents, then I think we've lost sight of what Columbia is all about. And I would ask you to reconsider your previous vote and deny this proposal. Thank you for your time.

MR. WHEELER: Thank you. Are there questions of this speaker? Thanks. Next speaker, please. Any additional speakers? Okay.

MR. ALBERT: Eric Albert, 803 Ann Street. Please start your timer. When you come from the University and you come south, you come into this intersection. It's a great place for a gas station. It'll service the University. When you go east to 63, you want to go into that gas station, you can pull in there, but when you come out, you've got to go to the next -- next entrance on Grindstone back to the west. When you go to HyVee, you go through three intersections, you walk down the hill, up the hill, past Walmart to get gas -- or to get whatever your convenience stuff is. We have a lot of students that walk and take bus to the University. They will use this. There's a lot of people in the neighborhood who will use this. This is going to hire anywhere from 11 to 15 people. We're looking at -- we're looking at millions of dollars worth of revenue that the City would get. There's only four houses to the -- four or maybe five -- to the south side of this property. All the rest of these homes they're talking about are up to two miles away. If you count 50 houses, you're along ways away from the property. There's four or five abutting residential properties to this. This was a commercial property in the get-go. It was an ice plant and a butcher shop originally, before zoning was ever here in the county. The whole Grindstone roadway was built to be a commercial road, and avenue, to connect an arterial feeder road. We need this gas station, so I would ask you to approve this gas station.

MR. WHEELER: You wrapped up?

MR. ALBERT: And I've also talked to other people in the neighborhood who are for it. There's probably 6,000 people in the immediate area who are not here tonight, who weren't notified, and really they don't participate very much. They are a little transient, but they still shop and still pay taxes and they're still voters. They just haven't shown up. These folks are nice folks, be them liberal or conservative. I think it's a vendetta. MFA's done everything they can possibly do. What more can they do? This is a commercial corner, absolutely a commercial corner. And I -- I can't believe that the City would say right off the get-go that they're not for this project. This absolutely meets the mark. Columbia is not friendly towards business. If you -- if you vote against this, you are voting against good, old-fashioned, capitalist business. There's nothing wrong with a gas station on this corner. Good day. Thank you.

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

PUBLIC HEARING CLOSED

MR. WHEELER: Seeing none, I've been asked that we take a short break because I think everybody's been sitting here long enough. So we're going to take five or seven, whatever it takes, and then we'll come back.

(Off the record.)

MR. WHEELER: All right. We're going to call our meeting back to order. We don't have any Staff, but that's all right. I think we were at Commissioners. We are ready for discussion. So who wants to lead off now that we're all ready to go? Mr. Skala, thank you.

MR. SKALA: Let me try. First of all, I think it is appropriate to thank MFA for being a good corporate citizen, with their philanthropy and their foundation and so on and so forth. It's very much appreciated, so thank you. But our job here is not really about your philanthropy; it's about land-use decisions. And as far as I can tell, my position in opposing this the last time has not really changed much, neither has the proposal. I think I commented last time about incremental density, particularly commercial incremental density on a limited -- well, what was supposed to be, initially, a limited-access roadway which has turned into a high traffic trafficway. But nonetheless, the idea was to get traffic from one side at 63 to the other side towards Providence in as expeditious a manner as possible, and that's why it was a boulevard, and it was supposed to be limited access. But you could see relatively quickly when some of the Red Oak development went in and some of the signalization went in associated with that, that there was going to be some diminished capacity for that roadway to carry the kind of traffic we were really interested in. So that was one issue. The other issue that was discussed at the last Planning and Zoning meeting when we took this up had to do with plans and it had to do with lots of plans. There was the visioning plan, the Metro 2020 plan, the Rock Quarry special area plan, the scenic roadway plan. All of those in various ways have impacted this proposal and our decision. And frankly, there has been some discussion recently even amongst the City Council with regard to planning and that some plans are put on the shelf and they're not paid much attention to, and maybe we ought to do something about that. I think this Commission is preparing to do something about that by -- by helping to get some of the past vision and visioning, and some of these other plans, incorporated into the comprehensive plan, which is going to be our task shortly. At any rate, for those reasons -- I'm not going to belabor these points. I think at our last meeting -- my arguments have not changed very much with regard to those particular issues. I will certainly direct the City Council, if they are interested, to take a look at the September 6, 2012 minutes from that last meeting. I don't see that the plans have changed significantly nor have my objections to them changed significantly. And for all of those reasons, I intend to vote no.

MR. WHEELER: Who's next? Ms. Peters?

MS. PETERS: I also have not changed my opinion since this came before us last. I would like to thank Break Time for being good corporate citizens. However citizens are made up of the community and neighborhoods. And I believe that citizen participation is vitally important to how we progress as a city. I've read a number of plans through my years on the Commission and one of them was from, I believe, 1925, which was one of the original city plans. And even in that plan, Rock Quarry Road was deemed by the citizens to be a scenic roadway and that was their intent was that this would remain a scenic roadway. I do not think that this is an appropriate use for this corner. I

think it degrades the neighborhood, and I am supporting Staff and Staff's recommendation for denial on this.

MR. WHEELER: Mr. Vander Tuig?

MR. VANDER TUIG: I also voted no last time around for reasons mentioned already, the access management, which is critical here. You know, with Red Oak, that's a different story. I actually voted yes on that and it was because there is access management with the signal there. This is very different. And I also mentioned plans last time as well. I'd like to just talk about the past cases we've heard this evening and the fact that this one is very different with respect to the proximity to homes and the hours of operation. And I think we've set somewhat of a precedent tonight with regard to that. And to vote for this rezoning and this plan would go directly against anything that we've stated thus far tonight. And so my vote is still no, but probably even more so for the reasons that I just stated.

MR. WHEELER: Mr. Lee?

MR. LEE: Well, I'm going to take the opposing view to my fellow Commissioners who have already spoken. I have to ask myself what I think is the best -- highest and best use of the land. And I believe that this market is the best use of this land, especially given the fact that the amount of volume of traffic on that road and the fact that there are so many apartments so close to this particular site. There's a group of apartments south of this site, there's more apartments going in on the other side of the church, the ones across the street there. And the fact that there is no convenience gas store on the south side makes it difficult for those apartments on the south side to get to something on the north side. And I just believe that this is a good use of this land, and MFA has been very cooperative with the neighbors to try to make it as palatable as possible to them, so I intend to support it.

MR. WHEELER: Mr. Tillotson?

MR. TILLOTSON: This is a tough one. It was tough the last time it came in. What I have seen tonight is the opposition has reduced its ranks quite a bit. It seems like the developers have worked hard with the neighborhood to try to answer their concerns, and most of the people that are here opposing it are people that live quite -- quite a bit further away. Then I sit here and think, if the owner of that property was to walk in and give it to anyone of you today, would you build your home on it? Would you build a residential home on that lot? No, you wouldn't. So when people say this is a residential lot, it's not. There was one time a bank going to there, and I believe that was opposed venomously. So what are we going to put there? What's being proposed is a very good use of the lot, but is it the most favorite thing we'd like to see? I don't know, because I don't know what else would go there that would serve its purpose. The scenic route that everybody talks about, really if you -- it starts from Grindstone north, in my opinion. That's where the scenic route is. What's behind that is nothing but homes, there's some trailers, there's a church. So let's not try to use that as an excuse to bring things in here to fight. It's like we're grasping for straws. I'm real proud of a

Locally-owned company doing what it's done in Columbia. It continues to do a good job. Their type of business is different than the businesses we talked about earlier. It is a business that requires 24/7, and it's a good spot for it. I think back the day we had the big snowstorm, I think it was a Thursday, and people were let off work and everybody was trapped out on -- I don't know how many of you got trapped out in it. I did for three hours. And I watched hundreds and hundreds of students, not by choice, but they were out and they were playing in the snow and they were pushing people out. Students will go -- they will get on foot and they will hoof it from all those complexes there. The people from the church will use it quite regularly. I will use it. I travel that road two or three times a day. I was in favor of it then and I continue to be in favor of it. I commend MFA; they've worked with the neighborhood. They've got -- the really close neighbors that really have a real concern, they've got them on board with it, and have worked hard with them, and I commend you for it. And I do intend to support it.

MR. WHEELER: There's only three of you left. Mr. Reichlin?

MR. REICHLIN: Sure. Yeah. The first thing I noticed was that there was less opposition this time around so that says something to the efforts of the developer. And my position hasn't changed; I intend to support it and would also support the variances.

MR. STRODTMAN: I'll go next.

MR. WHEELER: Mr. Strodtman?

MR. STRODTMAN: I'm going to be a little different. I'm struggling with this one. I voted for it the first time, but I'm really having a hard time this time. And at first I thought -- I'll give a compliment to the citizens that are here. You know, I think part of it may be is that the developer, who has done a good job, has worked with the citizens. My guess is it's almost eleven o'clock and it's the second time around. We probably wore a few of them out. So I do thank you for the ones that did come again for coming. I guess my issue is a couple of things. I've got four or five notes here. You know, one of them is the planning. I was involved in the visioning process and some days I feel like it was a waste of my time. Other days I feel like I contributed something and that that will come to fruition down the road, hopefully with the comprehensive plan. So I'm really looking at the Metro 2020, you know, the scenic roadway, the Rock Quarry Road special area plan, kind of looking at those thinking that we should probably give it more credit than I'm giving it in the past. You know, the City Staff denial is a big one for me. I put a lot of faith in their expertise. They're professionals at this. I'm not. I'm just a volunteer citizen here, so I look to the City Staff as kind of an expert in the industry, if there is. The connectivity to the church still just kind of baffles me. I don't quite get how that component of it is going to work late at night or 3:00 a.m. I still struggle with that, that dark parking lot -- that, you know, couple of acres of dark parking lot concerns me, and if someone can get right into that parking lot easier from the convenience store, that concerns me. And then, just the transition to the neighborhood; you know, someone mentioned -- Matt maybe mentioned it earlier that we've kind of set ourselves with the other two examples earlier today about hours and transition to neighborhoods

and dumpsters for noise and all that, and I guess I'm looking at this one as that we should be doing the same thing in this one. And as much as I hate to go against something I voted for earlier, I'm going to vote against it tonight.

MR. WHEELER: Dr. Puri?

DR. PURI: Last time I voted for this, and I intend to do so again. I mean, I think that corner is commercial. You're never going to put a house on that corner. I don't think it's feasible. So you have to look at, you know, what is going to, you know, flourish there. And, obviously, I mean, I think that MFA has done a great job at putting this concept together of the neighborhood market. I think it encompasses the things that student housing on the corner need, also residents, you know, could use. A residence is never going to be at that property. And everybody makes it sound like Rock Quarry is scenic roadway. I mean, that is -- it's been designated that, yet it still needs a lot of work. And as a Commission, you guys know we have been working on that, to draft that ordinance and trying to do that because there's -- if you drive down Rock Quarry Road right now, it's anything but scenic, in my opinion. There's refrigerators out there, broken cars out there, and that all needs help. And that's another, you know, undertaking. But despite that they're putting up a nice building with very nicely landscaped front and sides. Yes, there's some limitations there to access. I agree with Mr. Vander Tuig on that. However, sometimes you -- I mean, you cannot have everything. You can't have your cake and eat it too. Under those circumstances, I think that the concept is good. This can never be residential. The corner has accessibility to do this. They're putting another lane in to handle the traffic to go right-in/right-out. There's not gas station on that side. I agree with one of the citizens that spoke up here that you have to turn around all the way at the other intersection to turn around and come down that way after you get gas on that side. There's nothing on south side of that, you know, intersection. So I think that it's ideal. I think that it's not an eyesore. I think they'll work to get the landscaping and the fence like the citizens surrounding the property wanted it. So I think they've done everything they can to make it as best as it can -- as low impact as it can be, so I intend to support this.

MR. WHEELER: All right. I think my position on this has not really changed, but let me start by saying I heard something interesting tonight that I just want to point out to City Council, and that is -- and I don't totally agree with this, but students don't walk. They actually have cars. They do walk at times, but they do have cars and so you ought to take that into consideration downtown. But I lived in Southridge. That was my first home in Columbia. I came out -- when it was two-lane road, went down to Rock Quarry, took a right. Drove Rock Quarry every day. Crazy, dangerous road, with all the students driving it, you know, no improvements. Can be pretty. Frankly, has been altered quite a bit. That changed significantly when AC was put in. That road is no longer the same. That intersection is no longer the same, never will be the same. And that was the decision of the State actually. It's a state route. And I wasn't here. I was on the Commission when Walmart was approved. You know, we -- I would have supported connecting up the Walmart parking lot to Rock

Quarry, and I know the neighborhood probably fought that and that's the reason it didn't happen. But that would've been the appropriate planning, in my opinion. The four-lane intersection immediately to the west of here, this body voted against that. There were some people that supported it. And, obviously, the zoning's in place and we've approved some things there since, but we didn't support that four-lane -- or four-way intersection and I still don't think it's appropriate. I would still have voted against it. That said, I don't know what you do with this piece of property. It would've been nice if this had been developed with Sun Court, but it simply was not. Now you have -- you know, the issue of spot zoning has come up and I just want to -- and I'm going to ramble on a little bit here, but we are faced as a Commission and City Council is faced with islands of property that have to be zoned. We either can leave them as A-1 on a corner of a major intersection or we can rezone them. So for it to be said that we're doing spot zoning, jumping from here to there, I don't think that's fair to us. We are faced with these decisions. It would be nice if we could take huge blocks of land, 1,000 acres at a time, and plan it, but that's not typically the way it works for us. So, you know, the area's changed, the roadway's changed, student housing has changed it a bunch. In 1925 they had no idea what was going to end up down here, you know, so -- and as far as the 80/20 on -- you know, we've talked about 80 percent gas, well it is, I'm sure, by volume 80 percent gas. But someone should ask MFA what they make on a gallon of gas. And MFA does better than most on a gallon of gas. And so they do 80 percent of their volume on gasoline, but I'll guarantee you that 80 percent of their profit does not come from gasoline. It comes from inside sales. Inside sales is where it's at with any of these. And so because of these things, I think we've gained some off-site improvements that we wouldn't get otherwise. I think, as Dr. Puri said, we've got a use here that although is not perfect, it is probably as good as we're going to get. I can't imagine what else we'd get here except for a strip mall or a little strip center, which I think you'd be opposed to as well. Is it perfect connecting it to the church access? No. But I sure like the stacking distance a lot better for that right-in. So I'm going to support it. I won't belabor it. I'm going to support it, somewhat reluctantly, but I'm going to support it. So somebody want to frame a motion?

DR. PURI: I'll take a stab at it.

MR. WHEELER: Dr. Puri? If I can, real quickly, I'm in favor of the variance request. Frankly, Staff's, you know, in a catch there. They have to oppose anything like this because it doesn't meet their rules, and I understand that. But if this is the way the abutting property owners want it, then I think it should be that way.

DR. PURI: I make a motion to accept a request by A Civil Group, on behalf of 8 Ball Commercial, for rezoning from A-1 to C-P, planned district; approval of a C-P development plan to be known as "Grindstone and Rock Quarry Break Time C-P Plan"; and grant the variances to the landscaping/screening requirements and alteration within the scenic roadway overlay vegetative buffer area. The 2.05-acre site is located at the southwest corner of Grindstone Parkway and Rock Quarry Road.

MS. PETERS: Clarification: Staff has recommended denial, but if the Commission is intent on approving it that there be a limit to the operation hours of the store and the fueling pumps. Do you wish to add that to your motion?

DR. PURI: No, I will not add that.

MR. WHEELER: Someone want to second Dr. Puri's --

MR. TILLOTSON: I'll second.

MR. WHEELER: Mr. Tillotson. Discussion on the motion?

MS. PETERS: I'd like to go. My reference to the plan in 1925 was to reference that as a city we continually have citizen participation and spend big money on plans, and apparently it means absolutely nothing. That was my point was at some point we need to start -- if we're going to spend money on plans and ask for citizens to be involved, we need to make considerable effort to actually follow the plan. I will not support this. I truly believe that Staff is spot on on this. As far as what would go on this corner, office has been recommended and it would be a good fit. I most definitely would not support this without limiting the hours. And as a Commission, I think we look extremely foolish to require limited hours of operation on a similar gas station this evening and not on this one.

MR. WHEELER: Mr. Skala?

MR. SKALA: Yeah. Just one more comment, and that is the very thing that makes this a very attractive location -- business location, a commercial location, is the high-traffic volume. That's the same very thing that makes it problematic in terms of access and some of the other issues. And the arguments have been made by several of the Commissioners about this not being a suitable corner or location for residential, and I'd have to agree with that. But that was not the suggestion that was made by Staff, nor is that the only alternative that we have because it doesn't necessarily have to be just residential or just commercial. It can be some other -- some other entity that is consistent with at least the idea behind why some of these plans were constructed in the first place. I'm very worried. Even at this point we're not quite yet to the comprehensive plan, but without respect for some of the past plans that we have that apparently have languished -- I think we have to establish a new respect for the plans that we are about to adopt, and the only way to do that is to pay some attention to what the folks before us have suggested.

MR. WHEELER: Dr. Puri?

DR. PURI: I'd just like to clarify on this hours situation. I think that the previous example they had submitted their own hours of operation. So some of us that are -- in my case, I would speak for myself and other Commissioners can interject. Had those hours that had been proposed there been different, I didn't have any objection to those. They were proposed by the applicant and we accepted them as they proposed them, and that satisfied some of the other Commissioners. So it has been indicated that we would impose hours on one and not on the other. This business is requiring -- that's their mode of operation. So I am acceptant of that as I am acceptant of the previous applicant, so I want to point that out, that's not a selective acceptance. It's what the other applicant submitted and

that was submitted. This applicant submits this for their business to work. Both are arterial roadways, they run 24/7, they don't stop. And Walmart is open 24/7 across the way. It doesn't shut down. So under those circumstances, I don't see any problem with this and I would not have seen a problem with the other one because it was an arterial roadway. So I just wanted to point that out.

MR. WHEELER: I'm glad you mentioned that actually because that was -- I felt like they submitted the hours and we accepted them.

DR. PURI: Exactly.

MR. WHEELER: And that was their choice, as far as the one. And I brought up hours on the O-P, but I felt it was appropriate. I don't -- Scott Boulevard to me is a different kind of roadway than AC. It may be four lanes, it may carry a lot of traffic, but it's mainly just carrying people to home. So this is -- you know, there's a lot of commercial services in the area and so I look at them as being very different. The public may not, but in my opinion it is, and I know there are people on the Commission that disagree with me. So is there any other discussion on the motion? Okay. May we have a role call, please?

MR. VANDER TUIG: A motion's been made and seconded for approval of Case 13-06 for approval of rezoning from A-1 to C-P and approval of a C-P development plan to be known as "Grindstone and Rock Quarry Break Time C-P Plan," along with the variances to the landscaping/screening requirements and the alteration with the scenic roadway overlay vegetative buffer area. Is that true?

DR. PURI: Yes.

MR. VANDER TUIG: Okay. That was the motion.

Roll Call Vote (Voting "yes" is to recommend approval.) Voting Yes: Mr. Lee, Dr. Puri, Mr. Reichlin, Mr. Tillotson, Mr. Wheeler. Voting No: Ms. Peters, Mr. Skala, Mr. Strodtman, Mr. Vander Tuig, Motion carries 5-4.

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

13-08 A request by The Trustees of Boone County Hospital (owner) to rezone 13.77 acres of land from O-P (Planned Office District) and R-1 (One-Family Dwelling District) to C-P (Planned Business District), and for approval of a development plan to be known as Boone Hospital Medical Park South C-P Plan. The subject site is located on the southeast corner of Forum Boulevard and Nifong Boulevard.

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

Staff report was given by Mr. Steven MacIntyre of the Planning and Development Department. Staff recommends approval of the following:

- 1.) Rezoning from O-P and R-1 to C-P, and associated statement of intent; and
- 2.) C-P development plan and design parameters, including variance from Section 29-17(d)(6) regarding screening along the southeast property line.

MR. WHEELER: Are there any questions of Staff?

PUBLIC HEARING OPENED

MR. SCHNEIDER: Mr. Chairperson and members of the Commission, I'm Tom Schneider. I'm a lawyer with offices at 11 North Seventh Street here in Columbia, and it's been my privilege to represent the Boone County Hospital Board of Trustees for the last 15 years. The hospital trustees are locally elected officials who, by statute, are charged with operating or causing to be operated the local county hospital and to engage in community healthcare services and activities. With me tonight are Jay Gebhardt, who is going to address development issues. I intend to address the change in use issues. Mr. Gebhardt will describe the efforts we have made to address the needs of the -- and concerns of the neighbors and how that will be done. And also with me is Mrs. Barbara Weaver, who is a 32-year veteran of the Boone County Board of Trustees, and she will address, basically, the trustees' vision and the history of this particular property and why it's time now to put it into healthcare services. The uses have not yet been determined. A typical medical plaza like this could typically involve an ambulatory surgery center, perhaps dialysis and endoscopy services, medical offices, imaging centers, diagnostic services, and pharmacies. The community health needs will be carefully studied by BJC, which leases the hospital, and trustees in order to tailor the services that will be provided at this location to the community needs. What it won't be is a situation where pad sites are rented out to or sold off to something like a fast food franchise or to a big box store. This development is going to be unlike Biscayne Mall, for example. The need at this time to move forward starts with the rezoning process, because until the uses that can be considered are known and the design parameters are established it's difficult to determine what those medical services will be to meet the community needs. The reason for the increase in zoning uses being requested is really three-fold. There are some uses which would be highly compatible which are not permitted under the existing zoning. For example, we can do nonprofit counseling and nonprofit education for such things as drug and tobacco cessation, but that could go for profit in the future, and that's not permitted under the existing zoning. There are situations where due to the evolution of business plans some of the uses that are typically or historically medical are shading into a more commercial mode. A pharmacy would be a good example. A pharmacy today has a different business model than it did 50 years ago and shades more towards the commercial retail in addition to true pharmacy services and products. And at some point zoning enforcement might say this is taking on too much of a commercial character and therefore the current zoning is not permissible. It's grey areas like that that we want to avoid problems with. The trustees, since they are charged with healthcare, are limited in terms of what they can do or lease to at this location. There has to be some tie in or some link to healthcare however indirect. And so in a medical complex such as this uses -- commercial uses which would facilitate, which would accommodate or support or somehow be symbiotic with the healthcare uses would be considered, and we would like to make those available. An example of that might be, we, of course, have a Wellaware facility, which is physical therapy after someone's had a surgical procedure. Well, it might make sense to make daily memberships available to these families who are

coming in, bringing their loved ones that are going to have some sort of a surgical outpatient procedure and recovery, which may be four, six, or eight hours, and having a facility where what might be viewed as a fitness club as to those individuals because there's no medical tie in as there is with Wellaware. Another example might be an internet cafe. Instead of having the families waiting for their loved ones to recover cooped up in a doctor's office for four, six, or eight hours, who want to remain in close proximity, that's something that we would consider to be accommodating or tied in as well. There is no specific timetable for this, but the trustees feel that it's time to move in that direction to expand their mission in this community. Do you have any questions?

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

MR. GEBHARDT: Good evening. My name is Jay Gebhardt; I'm a civil engineer with A Civil Group here in Columbia. I want to talk about the traffic improvements. We've worked closely with the city traffic engineers to develop conceptual traffic off-site improvements to Forum and to Nifong Boulevard. On Forum, we're basically starting down at the south end of this tract and building a new lane on the west side, right-hand side, for a right turn lane. And that right turn lane would go all the way up to the intersection and through to a new Australian right onto Nifong. That right turn lane would accommodate both our entrances there on Forum Boulevard. And if you've been out there in the mornings, you know that there's a lot of people wanting to go right who can't now because you have to wait for the green light to let you through -- the through traffic through. So we feel like that's -- the city traffic engineers feel like that's an improvement that's needed there. We're placing an eight-foot pedway on our side of the road because Forum Boulevard needs a pedway and we've decided on our side as the best side for that. On Nifong Boulevard, we've looked at what the City's going to ultimately want for lanes on Nifong in both directions, and we have agreed to place and build the pavement south of the existing pavement down to the new -- where the future curb line would be. And that's what Steve was alluding to in his report. We're going to be building a lot more pavement than necessarily is needed right now, but when we're done, the City will be able to widen the rest of Forum and Nifong and not have to touch our property. In other words, we're building the improvements where they need to be in the future. We'll move the light standards on the traffic signal on that. So everything on our side of the road will be improved. We'll be building those medians for the right turns, right-in and right-outs as shown. We did meet with the neighborhood and it is late, but I didn't expect any of them to show up tonight if it had been early because I feel like -- there may be some here, but I feel like we've addressed all their concerns. We met with them at the church early on and they had a lot of concerns about flooding, lighting, mosquitoes in our detention ponds, things of that nature, and we've tried to address that. The request for the variance, real quick, we're asking for this variance, but what we did is we took the number trees that we were going to need if we put them on the property line and we put them along our parking lots instead. And then the neighbors asked for additional landscaping to try to buffer this more, so there's a second row of trees that you see on your second sheet that are on the east side of the detention ponds. All those trees were

added just this week. It's not on the plan Staff has for approval, but we've agreed with the neighbors that we would add those trees. The trustees graciously gave me the ability to negotiate that with them. So my time is up. I'll answer any questions.

MR. WHEELER: Are there questions of this speaker? Ms. Peters?

MS. PETERS: What type of vegetation trees are you proposing to install for the neighbors, the additional screening?

MR. GEBHARDT: We are going to work with a professional landscaper to select the actual varieties, but they would have to be an evergreen type tree.

MR. WHEELER: And just for my knowledge, you're putting in the south lane of what would be the eastbound Nifong. Correct?

MR. GEBHARDT: Yes.

MR. WHEELER: Is there -- which is quite a concession, I'll agree. But is there a deceleration lane for --

MR. GEBHARDT: Yes.

MR. WHEELER: Would there be a deceleration lane as well --

MR. GEBHARDT: There will be a --

MR. WHEELER: -- for your entries?

MR. GEBHARDT: From the center line, we would be putting in two through lanes and a right turn lane into our property. And that right turn lane, Doug, ends at our last driveway, where it veers back to just two through lanes.

MR. WHEELER: So it's almost three lanes.

MR. GEBHARDT: Yeah. It is --

MR. WHEELER: Two additional.

MR. GEBHARDT: It is three lanes. They won't stripe it that way when it first gets built because the north side won't be done. But when the City comes in and lines the north side, then it will all be -- it'll all fit and work.

MR. WHEELER: Thank you. Any other questions? Mr. Strodman?

MR. STRODTMAN: I have a couple. This looks to be, like, maybe a walking trail that's down along the retention area.

MR. GEBHARDT: That's exactly what it is.

MR. STRODTMAN: Who's to use that walking trail?

MR. GEBHARDT: Well, originally we showed that connected to the street sidewalks. And the neighbors were the first ones to object to that, in Bedford Walk. They didn't want people cutting through there. They're fine with the employees and people using the facility to use it, but they didn't want to encourage neighborhood traffic through that because they felt like they'd cut through their yards and stuff to get to it. And the trustees, one or two of them, raised some question about liability of that, if you've got a public way back there and people back there, at all hours of the day. You

know, they didn't -- they weren't real comfortable with that. So we disconnected it from the street sides, but it is an internal walkway back by the creek.

MR. STRODTMAN: Last question, it's kind of minor. Why are the dumpster enclosures so far from the buildings on two of them and then the one's self-contained?

MR. GEBHARDT: Yeah. It's a great question. It's where Public Works will let me put them.

MR. STRODTMAN: Really?

MR. GEBHARDT: Yeah.

MR. STRODTMAN: Because I have found in my business, one, the employees don't want to take the trash out there because it's so far away and then, two, the businesses have a hard time managing those and before long you get the couches and the sofas and everything else dumped out there because the --

MR. GEBHARDT: Right.

MR. STRODTMAN: -- individuals that dump it there feel like they can get a little further away and they're not under the microscope.

MR. GEBHARDT: We actually had them closer to the buildings that they serve, and we were asked to move them to the locations shown by the trash guys.

MR. STRODTMAN: Thank you.

MR. WHEELER: Mr. Skala?

MR. SKALA: Yeah. Just one question: I'm always fascinated by the dynamic that occurs around trails. And I remember a little bit of a controversy -- there is a question in this -- but I remember a little bit of a controversy when The Links Golf Course trail was established. It was supposed to have been a private -- private trail, similar to kind of what you're describing here. And some of us advocated for it being -- having public access. And as it turns out, it is now incorporated into the phase two part of the Hominy Branch Trail, which is supposed to go underneath the highway and so on and connect all the way into Stephens Park. But my question is, so is this -- does this have public access or are you excl-- is there some -- are you actually excluding public access? I know you're discouraging it because it no longer has the connections to the street.

MR. GEBHARDT: Karl, we're not excluding you. If you go to one of these businesses and you want to go for a walk down there and enjoy the landscaping, you're welcome to do that. It's just we didn't want to connect it to the public sidewalk system because the neighbors felt like it was a cut through.

MR. SKALA: No. I understand. But, you know, in some cases I think maybe some of those neighbors will want to take a nice walk along this path. I'm just -- I'm just curious as to whether or not that there is access should someone want to do that or not.

MR. GEBHARDT: If they want to come through the parking lot and get on it, they can. It's just not encouraged.

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

MS. PETERS: Can you tell me what Mill Creek's like? I've seen it, but I haven't seen it recently. As I remember, it's fairly deep and hard to cross.

MR. GEBHARDT: It's a substantial stream, yeah.

MS. PETERS: So cutting through a neighborhood yard isn't real practical to get to the trail?

MR. GEBHARDT: Not for me, you know, but for children it's probably not a big deal at all. You wouldn't catch me doing it.

MR. WHEELER: Are there any other questions of this speaker? Thank you, Mr. Gebhardt. Who's our next speaker?

MS. WEAVER: Good evening, and it has been a long one and Doug even threatened to table our request. Not hardly. I am Barbara Weaver, 1415 North Countryshire. And I have happily served the citizens of Boone County as a trustee since 1981. There are five of us that are elected, one every five years; we have five-year terms. And back in 1993, Cletus Baurichter, who owned the Baurichter farm that was at Bethel and Forum and Nifong, was going to sell his farm. And he had been a volunteer at Boone Hospital for 25 years. He eventually sold that land to the Lutheran Synod out of St. Louis. And he came to me and he said, You know, if you-all are thinking about purchasing any land in the southwest part of town, you really need to look at this because the Synod did not want the entire tract of land. And so we were able to negotiate with them. Because we had been looking at land for a site in the southwest for a while. We had looked at land on Forum and some other places. This seemed to be perfect because as we looked at how Columbia was growing, we knew that we wanted a presence in southwest Columbia. So we purchased that 13 acres in 1993 with the vision of that being that we would be able to fulfill our mission, which is to improve the healthcare of the citizens that we serve. We have held onto that land all these years, and we have had multiple offers to purchase, to lease, to build, to do everything on that land. We said, No, that land is for the future. And that's one of the things that's really hard to do when you're a trustee and you're trying to figure out what's going to be relevant in the future. But I am so glad we were able to purchase that land and that it will enable us to fulfill that vision. Thank you.

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

PUBLIC HEARING CLOSED

MR. WHEELER: Commissioners, who wants to lead off? Ms. Peters?

MS. PETERS: I would say that I totally support this. I'm very glad that they're working -- or have worked with the neighborhood and have found additional screening to be satisfactory and helpful to the neighborhood. I am especially glad to see that the roadwork is going to be installed ahead of time. I would like to see a heck of a lot more of this go on in Columbia, and perhaps this will set an example.

MR. WHEELER: Mr. Skala?

MR. SKALA: Yeah. I like this proposal a lot, and I like it for several reasons, one of which Ann alluded to, that is some of the traffic considerations are necessary in this particular area as we grow. Another is the concept of offering some of these amenities to folks in terms of -- in addition to the healthcare needs that are necessary here. What I really like about this, and we've been talking about this some tonight, has a lot to do with buffered areas. And this seems to be one of those kinds of developments that fits itself into the land and is enhanced by just the topography of itself, the creek there and the riparian area along with the bioretention. And I have to commend the folks at the hospital and Jay for helping out to enhance even the screening that was already there. It makes this kind of a natural area on the end of this development which provides the perfect kind of buffer for the neighborhoods. I mean, frankly, from my perspective -- and I probably disagree with some of the neighbors there -- it would be nice to connect that somehow to the neighborhood because I think they would probably like to take advantage of that trail or have easier access to it. I don't -- I don't pretend to suggest that they need to endanger themselves by trying to get across the creek, but at any rate, I like this plan. I appreciate the thought that went into it, and I'm fully prepared to support it.

MR. WHEELER: Mr. Vander Tuig?

MR. VANDER TUIG: Yeah. I had the pleasure of working with Boone County Hospital on the patient care tower and the Board of Trustees has a good track record of working with the City of Columbia with regards to roadways. William Street was the road in that particular case and this is another great example. And this piece of property is perfect for this development and it's a very nice layout, and so I intend to support it.

MR. WHEELER: Mr. Reichlin?

MR. REICHLIN: Presently, I walk out of my home on Fall River Drive, and what stares me in the face is the Walgreens' sign. I'm going to be very pleased to have something else to look at. I intend to support it. I've heard comments back from my neighbors and they've all been positive. The concern about the trail was -- you know, trails have been a contentious item in our subdivision for a period of years. Although very many people like them, some people feel like it's an intrusion on their privacy. So the concessions made with regard to the handling of this item on this piece of property has been something that has been noted by very many people in the area. So I'm -- we're happy -- everybody in Bedford Walk that I've talked to is happy to see it go forward.

MR. WHEELER: Dr. Puri?

DR. PURI: Yes. I echo all the Commissioners' sentiments here. I think it's a well laid out plan and it's very attractive; attractive to the neighborhood and attractive to infrastructure, and Mr. Gebhardt has done a good job, and I fully intend to support this.

MR. STRODTMAN: I think this is a natural. As Dr. Puri just mentioned, it's very attractive, it fits the area, it's very complimentary. It's a corporate sponsor that's going above and beyond to fit in and to continue to be a fixture in the community, and I plan on supporting it also.

MR. LEE: I would only echo what everyone else has said. I think it's a great use of the land.

MR. TILLOTSON: I'll agree with that. I don't need to say much more. It's late. I intend to support it.

MR. SKALA: Want me to frame a motion?

MR. WHEELER: If I may, I --

MR. SKALA: Oh, sure. I'm sorry.

MR. WHEELER: I think all of us met with somebody on this one, or most of us did, and I'm very happy to see off-site improvements. I'm not going to belabor any of that. I had concerns, frankly. That's just me. I had concerns Boone County Hospital being in the commercial rental business, and so I'm very pleased to be educated tonight that these are services that are complimentary -- or I don't think that's the word you used, but it's not -- you know, we're not really leasing to -- you know, I mean, we're not going to see a retail clothing store or something like that. You're not in that business, and I'm glad to hear we're not, because I'd hate to think we're using public dollars for that. And I just had to throw that out there because it's one of my little deals. Mr. Skala, please.

MR. SKALA: Yeah. I'll frame the motion. I make a motion to recommend approval of a request by The Trustees of Boone County Hospital to rezone 13.77 acres of land from O-P (Planned Office District) and R-1 (One-Family Dwelling District) to C-P (Planned Business District), and for approval of a development plan to be known as Boone Hospital Medical Park South C-P Plan. The subject site is located on the southeast corner of Forum Boulevard and Nifong Boulevard. And I think there are -- along with the Staff recommendations there is a C-P development plan, a design -- there's a variance from Section 29-17(d)(6) regarding screening along the southeast property line.

MR. WHEELER: Do we need two separate votes on this or can these items run together, the zoning action?

MR. SKALA: That's true. We might want to separate those.

MR. WHEELER: I'm asking here because --

MR. ZENNER: You can. I think historical pattern has been that you have done them independently.

MR. SKALA: That's true.

MR. WHEELER: Great.

MR. SKALA: So can I -- if we are going to do that, can I just adjust that for the rezoning and we can repeat the process.

MR. WHEELER: I think the zoning and -- unfortunately, I don't have it pulled up here right now, but the zoning and --

MR. SKALA: Well, the zoning is the first part of that, a request by The Trustees of Boone County Hospital to rezone 13.77 acres to those designations. Right? And that -- and so --

MR. WHEELER: The associated statement of intent. Right.

MR. SKALA: Right. What I just said without the C-P plan, or without the --

MR. WHEELER: That's next.

MR. SKALA: That's next.

MR. WHEELER: So we've got zoning with statement of intent. That's your motion?

MR. SKALA: Yes.

MR. STRODTMAN: I'll second it.

MR. WHEELER: So we have a motion and a second. Discussion on the motion? Seeing none, roll call please.

MR. VANDER TUIG: We have a motion and a second for approval of Case 13-08 for rezoning of O-P and R-1 to C-P and the associated statement of intent.

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

MR. WHEELER: Recommendation for approval will be forwarded to City Council. If you don't mind, in fact, you can make the motion. It's a C-P development plan, design parameters, including variance and that would include along the southeast property line, including the additional screening. I think that's --

MR. SKALA: Yeah. That's what's left. Did you make the motion? I'll second it.

MR. WHEELER: I'll make the motion, yeah. You'll second it?

MR. SKALA: Second.

MR. WHEELER: Discussion on the motion? No discussion. All right. Roll call, please.

MR. VANDER TUIG: All right. We've got a motion and a second for the second part of Case 13-08 for the C-P development plan to be known as Boone Hospital Medical Park South C-P Plan in addition to the variance to the screening on the southeast and the additional screening as requested by the residents to the southeast.

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

MR. WHEELER: Recommendation for approval will be forwarded to City Council. Our next case number is 13-13. We've actually received a request to table this until our March 21st meeting. So unless someone's here to -- this was an advertised public hearing, so if someone wants to speak on this, come on down. Otherwise we're going to take action on the tabling. Seeing no one, Commissioners? It's my understanding they are asking to table this item so they can meet with the neighbors. Seems appropriate. I would make a motion that we table this item to the March 21st meeting.

MR. LEE: Second.

MR. WHEELER: Mr. Lee is going to second that. Is there discussion on that motion?

MR. VANDER TUIG: I'm sorry. What's the date? The date that we're --

MR. WHEELER: Oh, March 21st.

MR. VANDER TUIG: March 21st.

MR. WHEELER: We're going to table that until March 21st. And I think we can do that with a voice vote, can't we?

MR. ZENNER: Yes.

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

(Unanimous voice vote for approval.)

MR. WHEELER: So that one's tabled. Moving on, Case No. 13-16. You don't see any way to combine 13-16 and 13-17, do you, Mr. Zenner?

MR. ZENNER: They actually are already combined for you.

MR. WHEELER: Well, thank you. And we'll take two separate actions just to keep you happy. So we're going to hear Case No. 13-16 and 13-17.

13-16 A request by Stephens College (property owner) and the Hagan Scholarship Foundation -- "HSF" -- (contract purchaser) for rezoning from R-3 (medium density multiple-family dwelling) to O-1 (office). The 8.22-acre site is located north and south of Broadway at the Dorsey and Ripley intersections.

13-17 A request by Stephens College (property owner) seeking comments on its revised 2013 Campus Master Plan. The campus is generally bounded by Windsor Street to the north, William Street on the east, Bass Avenue to the south, and Waugh Street on the west. It also includes the equestrian facility west of Old Highway 63. The portion of campus being removed from the plan covers approximately 8.22 acres.

MR. WHEELER: Mr. Zenner, Staff report, please.

Staff report was given by Mr. Patrick Zenner of the Planning and Development Department. Staff recommends approval of the rezoning from R-3 to O-1 and Staff recommends approval of the submitted master plan.

MR. WHEELER: Are there any questions of Staff?

PUBLIC HEARING OPENED

MR. WHEELER: Are you going to be my primary speaker?

MR. HAGAN: I think so. Good evening. My name is Dan Hagan; I'm the trustee of the Hagan Scholarship Foundation, and my office address is 36 Broadway Village Drive, Columbia, Missouri 65205 -- excuse me -- 65201. I had a real upbringing. I attended four small public schools and located in rural counties. I worked during high school and attended college without incurring debt. Now, however, due to the high cost, many aspiring students from rural counties cannot afford a college education. I established the Hagan Scholarship Foundation to help students from a background similar to mine, students graduating from a public high school located in a rural county. The award of a Hagan Scholarship will provide each recipient with the opportunity to obtain a college education and graduate debt free. The first year we awarded 33 scholarships. Last year we awarded 57 scholarships. This year we will award over 80 scholarships. We have expanded each year and

this fall we will be accepting scholarship applications from ten states. When fully phased in, we will have 500 or so scholarships outstanding at any one time. In addition to the scholarships, the Foundation provides workshops to help recipients obtain a practical understanding of important life skills they may not be taught as a part of the school curriculum, such as financial management, time management, investing for financial security. The scholarship recipients are remarkable individuals who aspire to achieve their full potential. After their first year of college, the average recipient had earned 47 credit hours -- this included AP courses and dual-enrollment credits while they were in high school -- achieved an average GPA of 3.74, worked 468 hours, earned an average income of \$4,142. This is more remarkable in light of the fact that one-half of the scholarship recipients are the first in a family to attend college or have a zero family FASFA expected family contribution. The Hagan Scholarship Academy will help similar students, but two years earlier. The Academy will be a college preparatory high school designed to accommodate initially 50 to 60 students plus faculty and staff, up to a maximum of 100 students. Students will attend the academy without cost to them or their parents. All tuition, fees, room/board, books, and supplies will be fully paid by the foundation. The facilities of the Academy will be used to hold the mandatory workshops during the summer months. The Academy will have an interior courtyard. The buildings will be constructed using high-quality materials, similar to what you would find at a nice college or university. The Academy will have a lot of green space. Students will not be allowed to bring vehicles to Columbia. This is an ideal site for the Academy for the following reasons: It is next to Stephens College, the second oldest women's college in the U.S. One-half of the Academy students will be young women. Academy students will be able to walk across Ripley Street and take college level courses at Stephens College. Academy students can walk across Broadway or Williams Street and perform volunteer work and job shadow professionals at Boone Hospital. Academy students can walk to downtown Columbia, Columbia College, UMC, or take the shuttle throughout Columbia. It's close to Stephens Park, Stephens Stables, and Columbia Country Club. Academy students will be living in a nice and safe neighborhood. The property is currently zoned R-3, and the Academy could be constructed on this property without rezoning. However, Stephens College is opposed to having residential housing developed on this property in the even the Academy should fail or relocate. To protect Stephens College from the possibility of residential housing being constructed on this property and to protect the Foundation from the possibility of losing its investment should the Academy fail or relocate, we are requesting the property be rezoned from R-3 to O-1. A rezoning to O-1 is acceptable to Stephens College, the Benton-Stephens Neighborhood Association, and East Campus Neighborhood Association. Each of the four primary buildings will be unique and will require many changes during the design and construction process. O-1 zoning will provide design flexibility similar to R-3 and allow the architects to make changes quickly and in a cost efficient manner and enable the Academy to open as scheduled in the fall of 2015. Failure of the Academy is unforeseeable since the Foundation has sufficient capital to construct the Academy and provide for its ongoing expenses in perpetuity.

Failure of the Academy to maintain full enrollment is also unforeseeable since the Academy will pay all tuition, fees, room/board, books, and supplies for students selected to attend the Academy. I believe the Academy and students attending the Academy will be an asset for the community and the neighborhood for the foreseeable future, and we would like to ask for your support. If you have questions, I would like to answer them or have someone with me answer them.

MR. WHEELER: Thank you. Are there questions of this speaker? Let me ask you a question. Are we going to set this up as a deed restriction?

MR. HAGAN: Yes.

MR. WHEELER: Okay. So deed restriction --

MR. HAGAN: It will be very specific. It will restrict use of the property only for use as the Academy.

MR. WHEELER: Right.

MR. HAGAN: Or if the Academy does not need, for example, the auditorium site in a few years, as we decide our final plans, it could be used only for one thing: Office. In other words, all the underlying uses, none of those are available. It can only be for Academy use or office. And before the office use could be put on, like, the auditorium site, the Academy has to be established before anything can be done, you know, after that.

MR. WHEELER: Am I to understand that you're going to house these students there as well?

MR. HAGAN: It'll be a boarding college preparatory high school. They will live on site as well as some of the staff.

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

MR. HAGAN: Thank you.

DR. LYNCH: Good evening. Good morning.

MR. SKALA: Almost, yeah. Right.

DR. LYNCH: I'm Dr. Dianne Lynch and I live at Stephens College; I'm the president of Stephens College and my address there 1209 Locust Street. I'm here tonight to talk to you about Stephens' perspective and position on this incredibly important project. I asked, actually, Mark to show you some photographs of Stephens and some of our remarkable, historic, traditional buildings. Stephens cares very deeply not just about its own campus, but its community, and we've invested and will continue to invest in those buildings on campus that are core to our mission and that have huge historic value and importance to us. We've been here for 180 years. We have every intention of being here for another 180. And because we care so deeply not only, again, about our own mission but about our community, we made some really innovative, I think, and important decisions about these two properties that we've been talking about. We began talking about rightsizing the institution last year, about a year ago; looking at our core mission, looking at our anticipation of our projected enrollments, looking at the changes in higher education that are coming in the next two to five years, and anticipating the right size, the right footprint of Stephens College in downtown

Columbia. The two buildings we're talking about, the two properties, are not necessary or central or core to our anticipated activities in meeting that mission going forward. So started to talk about how would we best divest ourselves of those properties. It's important for those of you who know Stephens, to me, that you recognize that this is not a fire sale. Stephens is in great financial condition. We are not selling these properties because we need to. We are selling them strategically as a business decision and the resources will go back into the institution and maintaining and developing those facilities on campus that are our core mission. As you can imagine, we started to have -- as we started to do some outreach, we started to have a lot of interest. We're located in downtown Columbia and there's an enormous amount of high-rise student housing development going on all around us. I will admit that we started this conversation that that may very well be where we ended up, and there was a lot of local and regional interest. A guy walked into my office one day with an eight and a half million dollar offer, unsolicited. He lived in Texas. We started to look at the impact on our neighborhood and the fact that we do expect to be here for 180 years at least. And I went back to the board and we had a conversation about highest and best use, and we made the decision as an institution for our community, for our campus, and for our mission that we would be very selective about what we did with these properties. And then I started to talk to Dan Hagan. And he has a project that is not only incredibly philanthropic, but extraordinarily inspiring, and could make such a difference in our community. It's consistent with our mission. It's about education. It's about giving opportunity to students who would not otherwise have it. And so over the next couple of months, Dan and I had lots of conversations, and we did -- this is a request from Stephens to deed restrict this property because we don't want to be surrounded by high-rise student housing and all of the impacts of that housing on our community and our campus. We restricted the list of the things that would be appropriate -- would be allowable use for 99 years. We expect to be here. Dan's resources suggest that he too will there, the Foundation will be there. And so we have a list and it's very explicit and it is office buildings and it is O-1. And so it was our decision as an institution for the good of our community, the good of our campus, and in being committed to our mission that would come to you and ask for deed restriction that would allow us and him to move forward on this very important project.

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

MS. MALEDY: Hello. My name is Teresa Maledy; I live at 215 West Brandon Road. I'm here representing the Board of Trustees for Stephens College. I'm currently the Chair of the Board of Trustees. Dianne was very eloquent and I'm going to be very, very brief. I just want to emphasize, on behalf of the Board of Trustees, that we are very committed to the neighborhood surrounding Stephens College and also the Columbia community. Although we did not have these properties listed, as Dianne mentioned, we were approached and given offers related to high-rise or multi-family and student housing. But when we were approached by Mr. Hagan with his concept of the Academy,

it was a wonderful fit, not only for our school, but we also thought for the community surrounding us. The trustees gave this proposal a great deal of consideration and thought and we really do feel it is the highest and best use for this property. And the Board of Trustees carefully considered all of the other proposals that we received and did not feel that student housing was something that would be best in the interest of our students. So as such, the College is respectfully requesting your approval tonight so that we can go ahead and deed restrict the property. So thank you very much for your support and approval of the proposal.

MR. WHEELER: Thank you. Are there questions of this speaker? Thank you, ma'am. Any other speakers? Just curious about the outcome.

MR. ALBERT: Kurt Albert, 1512 Windsor. 1977 my wife and I bought our first property in the Benton-Stephens area. Sometime later I served as one of the first presidents of that neighborhood association. This is one of the nicest developments that I've seen come through this area. I was hoping that we could ask you to take our lead, our neighborhood association, which can be cantankerous, and vote unanimous for this development, and I see that we are missing Ms. Peters here, so maybe it won't be unanimous tonight, but maybe in the future. Again, there were maybe more than 75 of us at the meeting. It went very well. We had a nice presentation. I think you understand what you're looking at here is a wonderful, wonderful thing. Thank you.

MR. WHEELER: Are there questions of this speaker? Just so you know, she abstained, so, you know, you're going to get -- probably get what you're wishing for anyway.

DR. WALKER: Good morning. My name's Dr. Bruce Walker and I live at 6013 Dornough Court in Columbia. I've been a volunteer with the Hagan Scholarship Foundation since its inception. We're now in the third year, so I've come to know Dan Hagan, one of the co-applicants or co-proposers, I think, fairly well and can speak to the caliber of all of his activities. I look at this proposal, this overall project, in a way that I would call win times four. I really think that there are tremendously beneficial outcomes that will come from this project. I'm an outsider to Stephens, so I'm being presumptuous here, but seems that in the case of Stephens College, it will have or has a means of selling of property that does not fit its core mission and assuring that it will have a high quality and complimentary neighbor. For Mr. Hagan, he will have a needed and very desirable location for his new high school, The Hagan Scholarship Academy. Also, I think high school students who have strong academic credentials and substantial financial need, they live in rural communities in Missouri and adjacent states, they will have the opportunity to receive a high quality education at little -- or maybe based on what Mr. Hagan said tonight, at no cost. And finally, I think the City of Columbia will benefit from the highest and best use of this land, in my opinion, as well as in influx of talented young individuals to our community, which I think will help increase the richness and vibrancy of our community. So first, at this hour, I want to commend all of your public service; I really admire it. And I ask for your consideration and approval of the project, and I thank you for your time.

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

DR. SMITH: My name's Dr. Gary Smith; I live at 316 Rothwell Drive, and I am going to be extremely brief. I think what I'd like to say to make sure that you all feel the way I do in terms of this proposal, it's very simple: It's a very good proposal for the young people who will experience these educational endeavors. It's good for the City. It's good for the neighborhood. And it compliments Stephens' efforts. Thank you very much.

MR. WHEELER: That's pretty brief. Are there questions of this speaker? All right. Are there any other speakers?

PUBLIC HEARING CLOSED

MR. WHEELER: Oh, you want to lead off, Mr. Skala?

MR. SKALA: Yeah. Sure.

MR. WHEELER: Please.

MR. SKALA: Let me do that. I think this proposal has wonderful promise. I've heard this presentation now -- this will make the third time, and you're getting better. The first time I heard it was at the Benton-Stephens meeting. And on behalf of my former constituents in Benton-Stephens -- some of you know that I'm a -- I'm running for office, candidate, and my campaign theme is linking neighborhood values with community solutions. And I can't think of a better fit than this Hagan Academy and the Foundation in terms of Stephens College, in terms of the Benton-Stephens neighborhood, and in terms of our community. I think this is one of those -- you know, I wish I -- I wish there were more of these kinds of proposals. I mean, we often sit up here and we have controversy and one side disagrees with the other, and we're sure to irritate at least half the people in the room. There's no question about it. I've never quite seen the amount of consensus behind something like this in my 15 years of doing this kind of thing. And I think it's a wonderful opportunity for all of those stakeholders, and not the least -- not to leave out the kids. Right? And that's -- that's the big deal. These are folks that otherwise would not have this opportunity. It's an example for the neighbor -- for all of those groups that I mentioned: For the neighborhoods, for the higher -- the higher education institutions that we have here, and more than anything else I think it's an example for the people who live in our community. So I'm -- I'm very happy to support this proposal, and I hope the rest of the Commissioners will see that as well.

MR. WHEELER: Who's going next? Mr. Vander Tuig?

MR. VANDER TUIG: Well, I actually worked with Dan Hagan once before and have a lot of respect for him and was pleasantly surprised to read his name in the Staff report and see what he was up to here. This is a really neat project. It's in my neighborhood and I drive this route to downtown all the time. I'm very excited to see it happen. I'll just touch on the O-P versus O-1 issue. I don't think that's an issue at all. It makes complete sense in this case with regard to the incremental project that is taking place. And I fully support this.

MR. WHEELER: Mr. Tillotson?

MR. TILLOTSON: I'm in support of it. Thank you.

MR. WHEELER: That's brief. Anybody else want to talk about it? Well, let me just say briefly, and I rarely say this, but wow, Mr. Hagan, this is -- I mean, this is incredible. What a gift to the community. What a gift to the kids. Having been one of those rural kids with very little means, you know, this is awesome. And it's one of those things it's easy to get behind and support. I, too -- since we're actually here to talk about zoning, I, too, think this ties in. It's right there by Boone Hospital's campus. I think it ties in and, you know, normally I'm -- I probably would agree with Staff on -- we'd normally go after O-P here, but I think O-1 is appropriate. And I'm happy to support it. So if no one wants to talk about this, it is getting pretty late. If someone wants to frame a motion.

MR. TILLOTSON: I'll put it to a motion. A request by Stephens College (property owner) and the Hagan Scholarship Foundation asking for rezoning from R-3 (medium density multiple-family dwelling) to O-1. The 8.22-acre site is located north and south of Broadway at the Dorsey and Ripley intersections.

MR. SKALA: Second.

MR. WHEELER: Mr. Skala. Motion's been made and seconded. Any discussion on the motion? Mr. Lee?

MR. LEE: No discussion. It's a great project.

MR. VANDER TUIG: We've got a motion and a second for Case No. 13-16, a request by Stephens College and the Hagan Scholarship Foundation for rezoning from R-3 to O-1.

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

MR. WHEELER: Recommendation for approval will be forwarded to City Council. Case No. 13-17, basically, I think we're just going to -- I think we need to make a motion to recommend approval of the revision to the 2013 Campus Master Plan is the way I'm understanding it. Mr. Skala? Oh, Mr. Reichlin?

MR. REICHLIN: I said I'll second.

MR. WHEELER: That's quick. So Mr. Skala made the motion and Mr. Reichlin seconded it. Is that okay with you, Mr. Skala?

MR. SKALA: That's fine. That's fine.

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

MR. VANDER TUIG: We've got a motion and a second for Case No. 13-17, the revised Stephens College 2013 Campus Master Plan.

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

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

VI.) COMMENTS OF PUBLIC

There were no comments from the public.

VII.) COMMENTS OF STAFF

MR. ZENNER: Your next meeting will be on March 21. We will have an agenda. Got a meeting on the 21st, work session at 5:00 p.m. in our regular place, regular time and then we have our regular meeting at 7:00 p.m., followed by an April 4th meeting and work session. Our upcoming items, basically our 13-26 Academy Subdivision, this is a final minor subdivision plat, and then a public hearing for Doris Overton Trust annexation and RMH. This is down on South 63 towards where the fuel facilities are. Here are your location maps for each. The plat that I referred to here earlier as it relates to the Hagan Foundation and Stephens College Master Plan update, this is the plat, Academy Subdivision. It is the final plat that will ultimately consolidate the lots individually on either side of Broadway, and that is currently in review. And then you have an RMH plan here over on your right-hand side on your screens, which is the Doris Overton Trust annexation and RMH. This is an existing mobile home park, currently located outside the city limits. And directly -- immediately to the west of this, across 63, you can see the fuel facilities that are down there. We have the mobile home sales dealership just to the south of this as well. The property immediately to the north of the mobile home park is part of the south farm property for the University, and then just a little bit further to the northwest is the Discovery Ridge-Gans intersection -- interchange. This is part of, potentially, a much larger annexation proposal that may be coming in at a later date. This is probably the first piece of it at this particular juncture. We also have for April 4th your Keevins Estates plat. This is going to be a final subdivision. Again, a final minor one-lot and this is located off of Rock Quarry Road. This is a relatively large tract of land, as you can see. We have Rolling Rock and the student housing duplex development up in here, and then we have some existing single-family residential development on the back side -- on the west side of the property. It is a one-lot subdivision plat. Mr. Keevins is, as best I know, looking to build a single-family home on the property, but it needs to be platted before he can do so. That is all we have for the upcoming agenda. You guys have cleaned us out for a while hopefully. And let's hope we don't get any more snow. Thank you very much. As we indicated today in work session, we will be sending out to you all the copy of the draft of Columbia Imagined Comprehensive Plan, which we do want to start at our next work session. We will be breaking it into components like we did with the task force, so you guys won't feel overwhelmed, but we're going to give you the document as a whole to begin with. Thank you very much.

VIII.) COMMENTS OF COMMISSIONERS

MR. WHEELER: Comments of Commissioners, and they're scattering, so we're going to -- oh, Mr. Skala?

MR. SKALA: Just one, at the risk of enduring everybody's scorn here. I won't go long. I'm kind of reminiscing about the old days when we used to have meetings to -- at any rate. Well, just before you -- so you don't miss it Mr. Tillotson --

MR. TILLOTSON: I don't want to know.

MR. SKALA: At any rate, there was a presentation before the Environment and Energy Commission by the woman by the name of Adrian Stolewick (ph.), and she was talking about accessory dwelling units, sometimes known as grandma and grandpa pods. And it's the kind of thing that might be attractive in some of the neighborhoods as infill development and so on. And I thought we might want to -- might want to suggest to put that on the list of work session topics. She really -- she would be happy to talk to the Planning and Zoning Commission about that.

MR. WHEELER: Absolutely. Absolutely. All right.

MR. REICHLIN: I move we adjourn.

MR. WHEELER: Oh, what a great idea.

VIII.) ADJOURNMENT

MR. WHEELER: We're adjourned.

The meeting adjourned at 12:17 a.m., March 8, 2013.

(Off the record.)

Matthew Vander Tuig – Secretary

Doug Wheeler - Chair