

**MINUTES**  
**PLANNING AND ZONING COMMISSION MEETING**  
**APRIL 10, 2014**

**COMMISSIONERS PRESENT**

**Dr. Ray Puri  
Mr. Andy Lee  
Ms. Sara Loe  
Mr. Steve Reichlin  
Mr. Anthony Stanton  
Mr. Rusty Strodtman  
Mr. Bill Tillotson  
Mr. Doug Wheeler**

**COMMISSIONERS ABSENT**

**Ms. Tootie Burns**

**I) CALL TO ORDER**

DR. PURI: Planning and Zoning Commission Meeting for April 10, 2014 will come to order.

**II) APPROVAL OF AGENDA**

DR. PURI: All right. Approval of agenda. Any changes? Staff?

MR. ZENNER: No.

DR. PURI: All right. Approved.

**III) APPROVAL OF REGULAR MEETING MINUTES**

**• March 20, 2014**

DR. PURI: Commissioners, any comments?

MR. WHEELER: Move for approval.

DR. PURI: Mr. Wheeler moved for approval.

MR. STANTON: Second.

DR. PURI: Mr. Stanton, second. Thumbs up?

**(Unanimous vote for approval.)**

DR. PURI: Okay. Approved.

**IV) PUBLIC HEARINGS**

**Case No. 13-248**

**A request by Osama Yanis (owner) to annex 15.37 acres of land into the city, and to apply R-1 (One-Family Dwelling District) as permanent City zoning. The subject site is located on the east side of Forum Boulevard, approximately 350 feet north of Old Plank Road.**

DR. PURI: May we have a staff report, please?

Staff report was given by Mr. Steve MacIntyre of the Planning and Development Department.

Staff recommendation: Approval of the proposed R-1 permanent zoning.

DR. PURI: Commissioners, any questions of the Staff? Mr. Reichlin?

MR. REICHLIN: Just could you point out -- you said there is still some County zoning. Can you

point out where that is in relation to the subject property?

MR. MacINTYRE: Yes. Actually, it's just to the east side of this site, so Bethel Drive West, all of the homes on that and Hickam Drive West as well as the neighboring properties to the east are located within the County. Those are unincorporated. We -- as far as City areas go, we have a three-acre parcel toward the northeast side of the site that was annexed into the City just a couple of years ago and zoned R-1, and the entire Cedar Lake neighborhood to the north of the site is within the City's limits. And to the west, the neighborhood there, which I believe is part of the Highlands neighborhood is also within the City. Also, we have property on the south side of the site. One parcel is in PUD, and the others, R-1 that are within the City's limits. So it is surrounded on pretty much all sides, with the exception of a small opening and immediately adjacent properties to the east still being in the County.

DR. PURI: Mr. Wheeler?

MR. WHEELER: And the County properties are zoned R-S?

MR. MacINTYRE: Yes.

MR. WHEELER: Okay. Thank you.

DR. PURI: Any other questions, Commissioners? Okay. Seeing no one. We will open the public hearing.

MS. LOE: I had a quick question.

DR. PURI: Hang on a second. Ms. Loe has a quick question. We'll open the public hearing in a minute.

MS. LOE: I noticed in the report that this project is in an area that is designated as a second-tier priority park acquisition service area, and I was wondering if the Parks and Recreation had an opinion on parcels in this area about the value of this parcel or are there other parcels that might fill their need?

MR. MacINTYRE: Well, in our initial review comments, actually, Parks failed to respond within the time allotted for view, so I'm going to give you a little history here on this because there was some back and forth and discussion of the potential here for a City neighborhood park that I did not include in my staff report. But, apparently, the Parks Department did approach or was approached by neighbors in the area and there was some potential interest in trying to acquire the park for a neighborhood park -- a City neighborhood park. The price apparently was too high, and they dropped their attempts at acquiring the property. Because it is in a secondary priority acquisition area, as they call it, and they believe that there were other options available, it didn't seem -- or it doesn't seem that the Parks Department is too concerned about this particular site, and they are holding out and exploring other options for future acquisition to meet the need in this area. I have had conversations with both neighbors from the surrounding neighborhoods who have expressed interest in trying to acquire this -- or seeing if the City might be able to acquire this land for a park, as they do have some use of the land right now via mode trails through the grassed areas and I noticed there were a few single-track trails through the wooded areas, and it seems to be serving a function for the neighbors directly adjacent and providing an amenity as a rustic type of park land. However, when I followed up with the Parks planner -- or manager,

apparently there is still no progress or headway in trying to negotiate a price, and, of course, Mr. Yanis has an interested in develop-- either developing it himself or having the property sold to developers for a profit. So at this point there has not been any indication that the City Parks Department is still interested or able to acquire this for park land.

DR. PURI: Any other questions, Commissioners? Okay. All right.

#### **PUBLIC HEARING OPENED**

DR. PURI: Please approach the podium and state your name and address. You have six minutes for organized proponents, and organized opposition the same. Each additional speaker has three minutes. So please go ahead.

MR. GEBHARDT: Good evening. My name is Jay Gebhardt. I'm a civil engineer with a company called A Civil Group here in Columbia. I'm here tonight representing Mr. Yanis, who is the property owner of this property. I believe this is a pretty straightforward request for R-1. We have been talking to the neighbors since last summer about this. We've had two meetings -- maybe three with them concerning this and went through a lot of different ideas, and we landed on the R-1 as the most viable. So I'm not going to talk too much about that. I think it is pretty straightforward. As far as the park issue, I've talked to Mike Snyder and I've got some notes here that might help you guys. Well, the first thing I want to say is the R-1 zoning and the annexation would do nothing to prohibit this from being a park. So what you're -- the actions that you are taking tonight or recommendations would not prohibit that from occurring. Mike Snyder said that there is three funds that they have for land acquisition: The first fund is called land acquisition, and then they have \$590,000 in it; they have another fund for neighborhood parks that currently has \$250,000 in it; and the third fund for trails has \$380,000 in it, for a total of \$1.2 million dollars. This land -- or the target land acquisition funds are broken down into three priority tiers. This general area is noted as a secondary acquisition target for a neighborhood park. So they currently have five primary targets, so they have five other -- have identified five other areas that are ahead of this, you could say. And they have 10 secondary targets, which this property is one of those 10 secondary targets. So it's -- it is in the mix. It is not a -- it is not at the very top of that list. That is my point. And what we are doing tonight is not prohibiting that, it is -- the land is for sale, and if the City would like to purchase it, I'm sure we can talk to them about that. But, currently, my understanding is the Park is not pursuing that because they have other priorities. So I'm going to quit talking, and if you guys have any questions for me or Mr. Yanis, I would be glad to answer them. I'll just leave it at that.

DR. PURI: Mr. Wheeler?

MR. WHEELER: Mr. Gebhardt, could you just inform -- what's the stem?

MR. GEBHARDT: What's that thing in the middle?

MR. WHEELER: Yeah.

MR. GEBHARDT: Yeah. That's an old Boone County Regional Sewer District lagoon site that was -- that has been closed, and the sewer has been hooked up to the City sewer system. Originally when this Norvell Subdivision was platted, that was platted and a deed was given to the sewer district for

that property for sewer purposes. That deed has a reversionary clause in it so that it reverts back to the original 1950-something owners, and so -- I don't know who those are and I don't know who they're inherited -- who has inherited from them. It's a mess is what it is. And so the sewer district still uses it for sewer purposes, and we've quit trying to pursue to buy it because we would have to track down the heirs to those 10 original property owners. And Boone Central told me it would be a nightmare to try to do that, so I just advised Mr. Yanis not to do that. So it is currently a land owned by Boone County Regional Sewer District and it will probably stay that. I see us incorporating that if we do develop this as some kind of part of the amenity of the neighborhood.

MR. WHEELER: No simple vacation, huh?

MR. GEBHARDT: No simple vacation. Yes.

MR. WHEELER: Thank you.

DR. PARKE-SUTHERLAND: Hello, my name is Dr. Tina Parke-Sutherland. I live at 654 West Bethel Drive, the house right at the end of that road. I sent an email yesterday to Steve MacIntyre asking him to forward it to you. If you have read it, you know how I feel about all of this. Tonight -- and I'm not going to try to read it into the record, but tonight I want to talk about the park situation. Our neighborhood has been actively pursuing this option and were led to believe from Mr. Snyder that if the price that the City felt that they could offer Mr. Yanis wasn't acceptable to him that the neighbors could fundraise to make up the difference, following a pattern that has been used before, I think, at the park that's out at the eastern end of University -- the -- do you know? I think it's called the Wilson Park.

MR. MacINTYRE: Grasslands -- oh, next to Grassland Park.

DR. PARKE-SUTHERLAND: Yeah. And so I'm a little surprised to hear tonight that that is kind of off the table, first off. I mean, we haven't gotten any feedback from Mr. Snyder about that. Okay. I want to fill you in, if you haven't read the document that I sent, about the history of this area. It is kind of special. And as far as what you have to do tonight as far -- you know, the deciding on the zoning, if that doesn't affect the prospects for a park, then I guess maybe there is no need for me to say this to you, except I do want you to know that this isn't a farmer's field that is -- has been bought, and we're looking at a subdivision like many of the areas around town. This area was established by Phil Norvell, who maybe some of you know or remember. Right after World War II, he started the neighborhood as an intentional community, actually, and kept the green space open and refused to sell it, even after the Highlands came in and the property became more and more valuable. So this has been intentionally a green space in south of Columbia for more than 50 years -- an intact neighborhood for more than 50 years. And I think that whatever we do as we -- as you all move forward in deciding the fate of this land and the trees and all of that, that its history ought to come into play, perhaps, at some time. And I have one question. This hearing doesn't involve, and we have not seen a plan about what actually the subdivision would look like. Right? So is there going to be a time, if this -- if the park thing doesn't work and if this is going to become a subdivision, is there going to be a time that we are going to be able to -- the neighbors are going to be able to see the plan?

(No audible response.)

DR. PARKE-SUTHERLAND: Okay. All right. And there will be another hearing and all that that we'll be able to --

DR. PURI: Mr. Zenner, do you want to address her question real quick? And are you organized opposition to this or are you just an individual speaking on this matter?

DR. PARKE-SUTHERLAND: I'm from the association -- the Old Plank Owners Association.

DR. PURI: Okay. So you are organized opposition?

DR. PARKE-SUTHERLAND: We're not -- you know, it is hard to say. What we want is -- you're talking about bringing things into the City as R-1, and we're not opposed to that. I guess what we are saying is we want you to know the history of the land use and how this happened. And maybe that is not any of your concern.

DR. PURI: Mr. Zenner will address your question here. I think you will -- go ahead.

MR. ZENNER: As it relates to the subdivision action that would be forthcoming, most likely, it is a technical item. Our subdivision regulations are reviewed based on technical merits of meeting our City code. It is historically or typically not a public hearing item; however, it does come back before the Planning and Zoning Commission as a preliminary plat, and that then is presented to City Council, who would approve it, at which point you would have the opportunity to address Council. You would likely have the opportunity to address the Planning Commission. But both bodies are limited in their ability to deny a project that meets the technical requirements of our City code. Following a preliminary plat approval, the developer or a builder would have to record a final plat in order to create the actual lots for the purposes of sale. Again, both of -- it is a technical process that has to meet our City code requirements, and it is approved only by City Council, but it is approved through a two rating process -- an ordinance versus a resolution. Again, Council, as with any item on its agenda, will entertain public input, but, again, they are also limited to the denial of a final plat. If it meets the technical requirements, it is required to be approved. Obviously, the ability to work with the developer and have an opportunity to influence that design is something that as the plans are presented and you are made aware of them, either through contact with the developer or his project engineer through noticing surveying stakes or things of that nature out there, is left up to you as a homeowners association. We will provide whatever information we have available that is part of the public record at that time, and let you then deal with the applicant and his consultants.

DR. PARKE-SUTHERLAND: We'll get a notification in the mail of these --

MR. ZENNER: No, you do not.

DR. PARKE-SUTHERLAND: Okay. So we have to watch what is going on?

MR. ZENNER: The preliminary plat would require a public information meeting just to allow the adjacent property owners the ability to know that there is a development forthcoming. That would probably be your only notice. They do show up again though on our agendas for the Planning and Zoning Commission, which is in this forum.

DR. PARKE-SUTHERLAND: Very good. Thank you.

DR. PURI: Anybody else wishing to speak on this matter?

MR. MUSKET: Hi. Paul Musket, 5109 Rosewood Court. I live in Cedar Lake. I have a question for Mr. MacIntyre. He stated that the City doesn't have an interest possibly yet in the property as a park, and there is five homeowners that live along the property line in Cedar Lake, and Mr. Yanis had offered us the property -- part of the property to buy as a buffer zone. So we employed Allstate Consultants to help us determine the value of the land. On 3/31, Kyle Newland from Moore & Shryock contacted me and said he was working on behalf of the City to determine the value of the land and working to try to make Mr. Yanis an offer. And so is that true or is this person --

MR. MacINTYRE: Well, quite honestly, I wasn't aware of that. Nobody from Parks has notified me of that and I don't know where it stands as a result.

MR. MUSKET: Okay. Thank you.

DR. PURI: Okay. Let me just mention that tonight we are here to do zoning on this property. It can still become a park later if it needed to be. That's not going to impact our decision here today. So if anybody wants to speak for this zoning and whether we should make it R-1 or not R-1, they should approach the podium. Is there anybody else wishing to speak on this matter?

MR. LICHTY: My name is Curt Lichty; I live at 501 West Hickam. I do not have any issues with the R-1 zoning, but I do have some concerns with -- and I don't know if this is the right time or place. Previously, when the property marked on the map R-1 -- that three-acre lot to the north and east of where I live. Yes. When that was accepted in as R-1 zoning, they were granted a variance not to put in a sidewalk. And I think that was a mistake at that time, and I think it would be a mistake not to put in sidewalks in the upcoming subdivision if and when it should occur. We have several families in our neighborhood that have small children and many of us walk in the evening, and with increased traffic, we would need sidewalks. And so that's one concern that I have. Another concern I have is one that some of my new neighbors may not agree with. We will also need, I think, a through street of some kind. My understanding is that 15 acres could accommodate 40 to 45 houses, which is a lot of increased traffic. It is an odd request to have a through street. We have been blessed up to this point with not having a through street, and I think all of my neighbors would agree with that -- that we don't have any traffic cruising through our neighborhood and subdivision. And that is a nice thing to have, but with 40 to 45 additional lots, it is my opinion that we would need a through street of some kind for public safety, first responders, traffic -- to ease traffic congestion and that kind of thing. So those are the two points I wish to make.

DR. PURI: Thank you. Anybody else wishing to speak on the matter?

MR. GABEL: My name is Travis Gabel; I live at 901 West Old Plank. It is directly south of the proposed area, and I'm in opposition of the R-1 zoning because I feel like if a subdivision were to go there, we have a -- we are not only south, we are directly downhill from that area. And so, right now, river runoff is already increased. I have only lived there for a year, but my neighbors have lived there for 15

years and say that river runoff has been worse and worse and worse as more planning has been happening. And so there is a little intermittent stream that is right behind my house and the last rain last week, it -- water went way up. And if the same proposed area had a full subdivision, I can only see that it would be much, much worse. So that's my stance.

DR. PURI: Commissioners, any questions of this speaker? Seeing none. Thank you. Next? Going once. All right. I see no one.

#### **PUBLIC HEARING CLOSED**

DR. PURI: Commissioners, discussion? Mr. Wheeler?

MR. WHEELER: Okay. Well, let me ask a question of Staff first. I remember when that three-acre piece came in that the argument was really that it was R-S and we were going to R-1. The only way you can access City sewer is to annex, and we know annexes are R-S. R-S is the equivalent -- it is the County equivalent of R-1. So all we are doing is giving like zoning for the County and giving access to sewer, primarily. So that said -- and we did pass that with -- our recommendation was without sidewalk, but I doubt that it made it to Council -- did it make it to Council that way? Do you guys recall?

MR. MacINTYRE: I actually don't recall. However, I do doubt that there was Staff support for a sidewalk variance in this situation.

MR. WHEELER: There never is.

MR. MacINTYRE: Not by me.

MR. WHEELER: Okay. I just -- I think when that is built, you will see a sidewalk there. I do believe we sent our recommendation with the recommendation of not having a sidewalk simply because a sidewalk would have just been there and nowhere else. But I can assure you a new subdivision will not get that. That said, to me, this is a pretty simple request as we are really giving equivalent zoning for County -- what is already zoned R-S in the County. I believe access will be on Forum because it just makes good planning sense. Mr. Gebhardt is not nodding, so maybe I'm wrong, but I'm sure we'll see that if indeed -- so I'm going to support the request.

DR. PURI: Mr. Strodtman?

MR. STRODTMAN: I'll follow along. And like Mr. Wheeler, I kind of believe the R-1 is a good use for this particular parcel. It is the lowest choice of density next to agricultural, which probably doesn't make sense in this area of town, so the R-1 is the next best -- or is the solution, I believe, for a City parcel. So I do intend on supporting the R-1.

DR. PURI: Any discussion? Ms. Loe?

MS. LOE: It is a parallel zoning transfer. It is just bringing it into the City. So I don't have any objection to that. I support that. However, shouldn't -- when a planning plat comes forward, I will expect to see some opinion from Parks and Recreation on the value of this land as a park, and that they aren't interested in it.

DR. PURI: Do we have a motion then? Mr. Wheeler?

MR. WHEELER: Well, I just want to clarify. It would make a great park; however, I will support it

as R-1. And I'd also point out that almost every City park that has ever been brought into the City since I've been here, including 400 acres south of the Phillips tract, the City brought in as R-1. So that's -- they like their parcels R-1. I guess it's so they can put single-family houses on it. But with that I'm going to recommend approval -- or make a motion to recommend approval of Case No. 13-248. Do you want me to read that out or is that good enough?

DR. PURI: No. You're fine.

MR. WHEELER: Okay.

MR. STANTON: I'll second.

DR. PURI: Mr. Strodman is seconding it. Okay. Please have roll call.

MR. STRODTMAN: Yes, Mr. Chairman. A vote yes is for approval to City Council.

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

MR. STRODTMAN: The motion has been passed for approval.

DR. PURI: Okay.

#### **Case No. 14-31**

**A request by Thomas and Pamela Kardon (owners) to rezone property from C-P (Planned Business District) to C-3 (General Business District). The 1.1 acre site is located on the southeast corner of Coats Street and North Boulevard, and includes 1200 & 1206 Coats Street, and 808 North Boulevard.**

DR. PURI: May we have a staff report, please?

Staff report was given by Mr. Steve MacIntyre of the Planning and Development Department.

Staff recommendation: Denial of the requested C-3 zoning.

DR. PURI: Any questions of the Staff? Seeing none.

#### **PUBLIC HEARING OPENED**

MR. KARDON: My name is Thomas Kardon. I live at 4103 Heartfield Drive. I am the owner of this two buildings rezoning today. I've been in this area for 38 years. I have a building exactly front of the Brammer's Auto, which one is zoning C-3. If we look at the entire -- I looked through the City -- the entire Business Loop from the Highway 70 to Stadium Boulevard, I'm the only one having a C-P. I'm the only one. I'd like to change this thing. Next to me, it's Auto Zone. Auto Zone has got C-3. Behind Auto Zone, which is way far into a -- it's a C-3. If we look across the street, it's O'Reilly's. Across the street from me is a big store which sells carpets, and that's C-3. The problem with this area, it's not -- Tom's Imports, which is my building, and Auto Zone, the other building -- it's -- both of those buildings is mine, and I take care of those buildings for years. The one building is 36 years old. My original building is 24 years old. I keep maintenance and I take care of the thing. I don't have any problems with the neighbors. The mechanics does drive across along the neighbor -- they know how to do it. They go slow and they take care. We are careful. We have no problems with the neighbors at all. The problems in this area -- it's



not Tom's Imports or Auto Zone or O'Reilly's across the street. The problem is with the bars. We have three bars. We work between 6:00 and 6:00 -- those buildings -- all those buildings are open. After 6:00 in that area, it is a zoo. It looks like downtown Tijuana after hours -- after 7:00 -- the shooting, the killing, and any and all kinds of stuff. Last summer -- the building I have -- the old building -- the old -- across the street, it is just front of Brammer's building -- they put 26 bullets in it. They destroyed four windows, they hit the gutters, they hit the air compressor outside, and one car was at the bar and was on the other side. I never seen anything about the neighborhood association to talk about those bars. Thirty-six years ago the City was ready to take all the buildings, including mine. I was -- say, yes, take it. Please take it out of there and do something, like make a little flower pot, something. Get rid of all these junky buildings. So the buildings we are zoning today, I pay taxes. This year for those building was -- the City needs the money. This year I paid \$8,997.44 for those two buildings. And I knew they were just for a year and a half ago -- we pay tax -- half of them as an open lot, which I pay \$71,000 [sic], and then I pay another \$3,000 for the building. So those two buildings, I pay to the City. I pay my tax. Over \$10,000 next year, and I've got the papers here if anybody wants to see it, they can see it. I called the City and said, Why I have two different taxes on the existing building and different for the one I just built? Because half of year was -- (inaudible) -- \$71. The rest was building and I paid for a half of year. So I pay my taxes there. And I'd like to help like anybody else -- I don't want to feel minority. I've been in business for 44 years, so I've been in this area for a long time. So it's not something new to me. I know what the problem -- but I know what it is. It's not the problem. The new building, I don't if somebody -- if you guys see the building, it looks nice. I make one mistake. I spent more money than supposed to be. I have the plans. I went to the bank and I got the loan -- \$250,000 to build the building. I build the building the way I wanted, not the way the City says so. I put up more insulation; I put in heavy floors; more -- the building is stronger. So we got all kind of stuff in the building. And when I was short the money -- and when I didn't have enough money to finish the building, I went back to the bank. I said I need \$50,000 more. He said, No, you can't get more money. I said, Why? Because, he said, The building, it's not zoning on the C-3 area. I said that's -- the building is built for repair shop. It's not going to change anything to me. The building is going to be a repair shop, and when I go -- my son already is working with me -- one of my sons. He is going to be the new owner. He's been with me for five years. He's got a good trainer. So some of the neighbors say, I believe you'll change it or you'll sell it or -- I can't open a bar. Across the street from me is the church parking lot. From my parking lot to the church parking lot is really a close area. I can't open a bar. Even if I want -- if somebody said do the bar, I'm going to be against the bar because every Sunday and every Saturday if you look at my exits, both of them, I've got a chain. And I lock the parking lots so those drunks not come inside. They hit the cars, they threw bottles everywhere. They break -- hit the cars and do all kinds of stuff. So that's why I'm here tonight. And everybody -- I called the association three different times to call me on the meeting. They never call me back. They said, Well, we're not going to -- (inaudible) -- and this or that because they don't want to hear the truth. The truth is I'm supposed to have the C-3. The C-3 belongs to me. Why everybody else got them? If somebody can explain to me and

say, Well, you're not supposed to have C-3 -- I'm right in the Business Loop. My property line from the Business Loop is 14 feet. That's what I am. And what I've got in front of me there? Old junky buildings which needs to come down and get rid of it. The other thing is we'll expand this building -- I've got support from the City and some neighbors that did support me to expand the building. I need that building. I need that room. It's not easy for me now. I can't push the carts like I used to push. I was young. I used to push carts by myself and I can't anymore. Thank you.

DR. PURI: Commissioners, any questions of this speaker? I have one question. What is C-3 zoning going to gain you? A break on your taxes? Or what are you looking for?

MR. KARDON: When I get the C-3, the value of the building is worth more. If I get this C-3, I'm going to go the next day across the street. That's where the bank is. I'm going to go to the bank and I'm going to get \$50,000 more to finish the building. The building is not done. The side of it is not done; the inside is not done. The outside pole lights are not done. The gate in the back is not done. Inside the building, I don't have the smoke -- exhaust system to get all the smoke out of it. A lot of things needs to be fixed. I'm here for money.

DR. PURI: So you are doing it to -- because your bank says that you need to --

MR. KARDON: Yeah. If the bank say -- if the zoning was C-3, the building is worth more money and we can loan you more money. But the thing is when I call the City for the tax -- the property tax, I say, How do you guys charge me for tax? By square feet, not by zoning. Zoning does not exist to the City. I'll pay \$10,000. I'll pay my tax. And all the small business collect money for the big City. My shop last year collect for the City tax \$26,000 -- City tax. And I pay my property tax.

DR. PURI: Thank you.

MR. CULLIMORE: Good evening. My name is Dan Cullimore; I live at 715 Lion Street. I'm the secretary for the North Central Columbia Neighborhood Association. I'm speaking tonight to oppose this rezoning. Mr. Kardon is a good neighbor. He's obviously a good businessman, otherwise he wouldn't still be in business. But I think he also makes some very poor choices, and one of those is expressed by his failure to get more money from his bank. What you heard him say tonight was that he didn't build the building as it was originally planned. The new building that we supported, by the way, when he originally agreed in 2011 to rezone as C-P what was an R-3 lot. We supported the building of that building because we support his business. But he didn't build that as it was intended, he increased the insulation, which is probably a good thing to do, but he also increased the concrete. So he increased the cost of that building, which means that he couldn't finish the rest of it. And now he -- his bank is refusing to loan him more money, and so he approaches you to fix this problem for him. I would submit that the Staff is right. This rezoning to an open commercial classification is detrimental to the residential zoning to the south because even though Mr. Kardon is a good businessman and a good neighbor, the person who comes after him may be neither of those and the zoning goes with the land. And so while Mr. Kardon will say that he won't put a bar there and he won't put a liquor store there and he won't put a strip joint there, that is what exists to the north of North Street. And somebody else who buys that property in the future may

very well do just those things because the zoning goes with the land. And right now at C-P, that won't happen. Thank you.

DR. PURI: Commissioners, any questions? Seeing none. Thank you. Anybody else?

MS. FOWLER: Good evening. My name is Pat Fowler; I live at 606 North Sixth Street. I'm a member of the North Central Neighborhood Association, and you will recall that I used to be the president of the neighborhood association. I was the president or just about becoming the president the last time we were here with the C-P rezoning, and that was a negotiated agreement between Mr. Kardon and the neighborhood and the City about how to best enhance his ability to manage his business, to add to his business space to solve some problems that we've had for years along that street, which is the parking of cars that are there for his business. And so while we agreed to that and we want to encourage his business to do well, we also are a residential neighborhood. We also are a mixed-use neighborhood, and we need to find ways for all of those uses to co-exist well together. So I appreciate that you are taking careful consideration of this. I know you know that his property does not front on Business Loop, and so I think that there's a mis -- disconnect there between commercial property that is on Business Loop and commercial property that is touching the residential portions of our neighborhood. Thank you.

DR. PURI: Commissioners, any questions?

MR. LEE: Ms. Fowler?

DR. PURI: Mr. Lee?

MS. FOWLER: Sure.

MR. LEE: It just so happens that this -- Mr. Kardon's last request before this Commission was my first meeting, and you --

MS. FOWLER: Oh, yes. Was I here?

MR. LEE: Yes.

MS. FOWLER: Yeah. I think I was. Yes.

MR. LEE: In fact, my point is that you spoke in favor --

MS. FOWLER: Yes.

MR. LEE: -- last time that he wanted a change in zoning.

MS. FOWLER: Well, we agreed to the C-P because it had protections for the neighborhood, and we also understood his desire to expand his property. We spent a lot of time looking at the plans and in consultation with the City on stormwater issues and other issues that might have negative impacts to our neighborhood, and we came to an agreement. And C-P was that agreement.

MR. LEE: Thank you.

MS. FOWLER: Thank you.

DR. PURI: Anybody else wishing to speak on this matter? Seeing none. Close public hearing.

#### **PUBLIC HEARING CLOSED**

DR. PURI: Discussions, Commissioners? Mr. Wheeler?

MR. WHEELER: Well, I was around here in 2011 when this came through and as I remember --

and of course I won't remember this exactly, but as I remember, we did C-P with most C-3 uses, some restrictions within that. And I believe that is correct, is it not? You don't remember either, do you? Okay. That's fine.

MR. MacINTYRE: I believe it was restricted more tightly than that. And their hours of operation restrictions --

MR. WHEELER: All the things to protect the neighborhood, which is where I'm going with this anyway. C-P was used for some protection for the neighborhood. It also had a buffer requirement with -- so that there was a buffer between the C-P and the adjoining single-family or residential-use. And so the thought process at the time -- or at least mine -- was that this was the most appropriate zoning classification that would allow Mr. Kardon to expand what he was wanting to do and give those protections. And so with that in mind, I don't -- I don't see any way that I can support giving an open zoning classification here that would not have the restrictions that were negotiated or what -- that seemed reasonable. It may be that there are some restricted uses that would be appropriate, but I've -- I personally think that it would have to stay under the C-P zoning.

DR. PURI: Mr. Lee?

MR. LEE: I agree with what Mr. Wheeler just said.

DR. PURI: I, too, was here during this time. This actually came twice before the Commission. The first time I think it came as C-3 and then we did not go for that, and then it came back as C-P, if I'm not mistaken. Under the circumstances, I think I agree with Mr. Wheeler. We agreed on C-P based on the discussion back then and all of the support that it carried. I also don't agree with the fact that any property C-P -- I think you should re-talk with your bank. I've been doing business for over 30 years and have never heard of C-P property being less valuable than C-3 properties. It was just what your business cash flow is and what the property can be used for and reconfigured. So I think you have a discussion you need to have with your banker on that matter. This zoning should not affect your ability to gain financing. I am no banker, but I've been doing this for about 30 years. Under these circumstances, I think we are comfortable with C-P, and I don't plan to support this either. Anybody else? A motion then?

MR. LEE: I would make a motion to deny.

DR. PURI: Mr. Lee is making a motion to deny.

MR. REICHLIN: I'll second.

DR. PURI: Mr. Reichlin seconds. May we have roll call, please.

MR. STRODTMAN: Yes, Mr. Chair.

**Roll Call Vote (Voting "yes" is to recommend denial.) Voting Yes: Mr. Stanton, Mr. Strodtman, Mr. Wheeler, Mr. Lee, Ms. Loe, Dr. Puri, Mr. Reichlin. Voting No: Mr. Tillotson. Motion carries 7-1.**

MR. STRODTMAN: The motion has passed for City Council.

DR. PURI: Deny.

MR. STRODTMAN: The motion to deny has been passed. Yeah.

**V) COMMENTS OF PUBLIC**

DR. PURI: Comments of the public?

**VI) COMMENTS OF STAFF**

DR. PURI: Comments of the Staff?

MR. ZENNER: Your next meeting will be April 24th. We do have a regular work session preceding the regular meeting at 7:00 p.m. On your agenda for the 24th, you will notice we have a pretty chalked full meeting: Three subdivision actions, and then two public hearings. We will have that second public hearing as the revisions to the C-2 district, which are the interim standards that have been requested by City Council. So that should be an interesting discussion at that meeting. Here are your maps associated with it. The University Center Subdivision, this is a final minor and a variance. Again, our final minor plats now are coming back to the Commission per our revised platting standards and requirements. The variance here has to do, I imagine, with the sidewalk. Crystal Lake, this is down off of Gans Road and is in the existing subdivision. It is a replat -- obviously looking at taking the two lots and combining them into one. We are looking at Academy Village Plat No. 2. This is a final minor. You will notice Green Meadows and the traffic circle and immediately to the south is Christian Chapel Church. What this is dealing with basically is bringing in some additional right-of-way that was ceded to the developer, Mr. Wendling, but has never been combined. And part of what we are doing here is we are basically replatting the property for the purposes of being able to adjust the front setbacks in that C-P zoning district that is on it. With this particular project and with the conveyance of the road right-of-way, there were very specific standards associated with how the actual C-P plan would be modified. And that will be explained during the staff report for this particular project. But, in essence, we are bringing a small strip of the old frontage road that was ceded by MoDOT, given to the City, and then, in turn, it was transferred to Mr. Wendling in exchanged for some other roadway improvements for Carter Lane. The slide on the right hand is Avanti Properties. This is a C-P rezoning request. This is basically at the extension of Chapel Hill West. The vacant parcel that you see to the north of that is the current Arbors Development that was developed by Americare, and its dementia unit that would be on the very end of the cul-de-sac. This is almost one of the last parcels left in The Colonies development on the west hand side of -- or on the east side of Colony Drive, which is a private roadway. That is all we have for the meeting as it is coming up. As I indicated the -- I would say maybe the premier issue on next meeting's agenda is the C-2 revisions, which Mr. Teddy will give that staff report. We don't often put him in front of the microphone at this venue at least.

MR. TEDDY: We'll find out why.

MR. ZENNER: He gets to speak for all of us at Council though. And we will have, as I said, another work session at 5:30. We will be discussing in general with our staff the ideas of the infrastructure scorecard and the process that Boone County utilizes as it helps us understand potentially how we can fulfill one of the goals and objectives of Columbia Imagined. And that is better assessing the impacts of development as it relates to our infrastructure availability -- probably something very timely for

us to be taking up. Other than that, we appreciate your presence here this evening, and the discussion we had in our work session.

DR. PURI: Thank you, Mr. Zenner.

## **VII) COMMENTS OF COMMISSIONERS**

DR. PURI: Comments of Commissioners? Mr. Tillotson?

MR. TILLOTSON: A comment. Since that meeting on the 24th is going to be so enlightening, maybe we start our work session at 6:00 -- or start it at 5:30 and end it at 6:30 -- a one-hour work session, so we're not here all night. I guess it's just a question.

DR. PURI: Well, I talked to Mr. Zenner on the matter and he said he needed the time, I think --

MR. ZENNER: Were you looking at -- let me ask the question just for clarification.

DR. PURI: Uh-huh.

MR. ZENNER: Mr. Tillotson, are you suggesting we start the public hearing earlier?

MR. TILLOTSON: I say we either -- we allow either -- we shave 30 minutes off the work session.

MR. ZENNER: Still starting your public hearing at 7:00 then?

MR. TILLOTSON: Yes. That was just my request since it was going to be kind of a long evening anyway, it sounds to me like.

MR. ZENNER: Dr. Puri, I -- our Staff can prepare an abbreviated form if you would like us to start the work session at 6:00. And that 45-minute work session, if you would like, we can carry the topic over, which we had anticipated anyways because it is an issue that we are going to have to -- we have to, one, I think give you an understanding of the scorecard process that the County utilizes, and absorb that as it is a relatively complex process. So we're not going to get into a tremendous amount of material in depth. I think we want to cover it. And I'm not objectionable on our end, from a Staff perspective, if we need to push it into another meeting. We are still following your work schedule, so we are not out of alignment with that at this point. And based on the meeting's contents, if you believe that it is necessary that we shorten it, I can deal with that and our Staff can.

MR. TILLOTSON: To me it doesn't -- I was just making the suggestion. If you want to put it to a vote, you know --

DR. PURI: Technically, all we are -- you know, start at 5:45 and end at 6:45 -- one hour. But --

MR. TILLOTSON: We don't walk out of there much before five till 7:00.

DR. PURI: Yeah. But, I mean, if you want to -- the thing is that they need some time to assimilate and some people file in. If you were to come late, that's okay. I mean, it's no problem -- there's no problem with that.

MR. TILLOTSON: Okay.

DR. PURI: You can come late --

MR. TILLOTSON: Thank you.

DR. PURI: -- as long as we can start the session on time.

MR. TILLOTSON: Everybody else be there so you can have a quorum though.

DR. PURI: But I think there is nothing to vote on. The minutes we can ratify later anyway, so --

MR. ZENNER: That's true. I can roll the minutes into this meeting if you would like.

DR. PURI: Yeah.

MR. TILLOTSON: Okay.

DR. PURI: So that's -- don't worry about it. Just take your time.

MR. TILLOTSON: Okay.

DR. PURI: Okay. All right.

#### **VIII) ADJOURNMENT**

(The meeting was adjourned at 7:57 p.m.)