

MINUTES

PLANNING AND ZONING COMMISSION MEETING

APRIL 7, 2016

COMMISSIONERS PRESENT

**Mr. Steve Reichlin
Mr. Rusty Strodtman
Mr. Brian Toohey
Ms. Tootie Burns
Mr. Dan Harder
Ms. Lee Russell
Ms. Joy Rushing**

COMMISSIONERS ABSENT

Ms. Sara Loe

I) CALL TO ORDER

MR REICHLIN.: I will now call the April 7th, 2016, Planning and Zoning meeting to order.

Mr. Secretary, may we have the roll call please.

MR. STRODTMAN: Yes. Mrs. Burns?

MS. BURNS: Here.

MR. STRODTMAN: Ms. Loe? Mr. Harder?

MR. HARDER: Here.

MR. STRODTMAN: Mr. Reichlin?

MR. REICHLIN: Here.

MR. STRODTMAN: Mr. Stanton?

MR. STANTON: Here.

MR. STRODTMAN: I'm present. Ms. Rushing?

MS. RUSHING: Here.

MR. STRODTMAN: Mrs. Russell?

MS. RUSSELL: Here.

MR. STRODTMAN: Mr. Toohey?

MR. TOOHEY: Here.

MR. STRODTMAN: We have a quorum.

MR. REICHLIN: Thank you, Mr. Secretary.

II) APPROVAL OF AGENDA

MR. REICHLIN: Mr. Secretary. At this time I'd like to ask if there are any adjustments to the agenda, no late additions or anything?

MR. ZENNER: No late additions, Mr. Chairman; however, the minutes will need to be modified from the last meeting. We had an error captured in them. Ms. Loe was aware of that, and I forgot she was not going to be here this evening, so.

MR. REICHLIN: In my review -- well, let's deal with the agenda first.

MR. ZENNER: No changes to the agenda, but the minutes will need to be modified.

III) APPROVAL OF REGULAR MEETING MINUTES

March 24, 2016

MR. REICHLIN: So we have no adjustments to the agenda from Staff and/or from the commission, so we will touch on the approval of the minutes. And through my review, if anybody cares to comment regarding the errors that were found, now would be the time speak up.

MR. ZENNER: I do not have a copy of them in front of me. Do you, Mr. Strodman?

MR. REICHLIN: I do. At least the one I captured was on page 34 where Quail Creek was referred to as Trail Creek, although I think we referred to it correctly as Quail Creek, but it was transposed to Trail Creek. That's the only -- that's the one -- that's the most glaring one that I saw. It's on page 34, comment by Chairman Reichlin, myself, and then Mr. Pitman. Both of those items should be -- they should be Quail Creek and Quail Creek West Subdivision. If there's anybody else who knows of a problem in a different area?

MR. ZENNER: It is in a different area, and it does deal with the voting that was associated with our final item, if I recall correctly, on the agenda. And for the life of me -- maybe, Ms. Russell, I believe you are aware of that issue. I had repeated in the minutes a vote of, I believe it was 6-2 on that, 6-2 for approval. It was actually a vote of 5-3 for approval. And that has been noted and signed, the minutes themselves, with an s-i-c in brackets of the voting that our transcribing folks from Tiger Reporting has is correct; it should be a vote of 5-3 and not a vote of 6-2. And the minutes would need to be reflected on that case to reflect that as well.

MR. REICHLIN: Okay. And that's on page 56 or. Yeah. Okay. Go ahead.

MS. BURNS: May I make a motion?

MR. REICHLIN: You may.

MS. BURNS: I move that we accept the minutes from our previous minutes as corrected.

MR. STANTON: Second.

MR. REICHLIN: Take a thumbs up on that.

(A unanimous vote for approval.)

IV) SUBDIVISIONS

Case No. 16-30

MR. REICHLIN: Thank you. And then from there we will move on to our subdivision portion of the meeting. Typically when we deal with a subdivision matter, we will entertain some comments from principles, in order that they may help flush out any of the vagaries of the proposal and help us come to a decision. So with that, we will address Case No. 16-85, a request by Jerry Campbell on behalf of Evangelical Free Church of Columbia for approval of a one-lot final minor plat with an associated sidewalk variance to be known as Compass Church Subdivision. This 17.71-acre subject site is located at the northeast corner of Silvey Street and Worley Street. I think that's all of it.

With that, may we have a staff report please?

MR. SMITH: Yes. Thank you, Mr. Chairman. It is a request for Compass Church Subdivision; they are requesting approval of final minor plat with an associated sidewalk variance for a portion of the property. As you can see here on the aerial, it is at the northeast corner of Worley and Silvey. Here's kind of a broader overview of the site to the north. You can see generally undeveloped properties and I-70 Drive Southwest. To the south generally you've got residential development, schools and a park and - basically in that vicinity. The planning of this property is fairly straight forward. Basically they are requesting to consolidate a couple different pieces of property. Some of that being two existing platted lots that would become the southern portion shown in red here, Lots 1 and 2 of Smithton Park, a plat that was previously approved. They are also combining that with some nonplatted or unplatted property just north. That's the property highlighted in blue here. As part of the request, they are in need of additional dedication of right-of-way for at least a portion that had been previously unplatted along Silvey. A sidewalk is required for new plats as well. I'll touch on a little bit more on the sidewalk portion of this in a minute. I would point out, there are some existing trails on the south two lots currently and to the kind of east of the red lots is an existing city park that the City currently owns and maintains. The portion of this outside of the platting is a request for a sidewalk waiver to the requirement to construct sidewalk along the street frontage of the newly platted property. This is kind of turned on its side, so your right here is south and to the left is north. But if you see on the right, you can see the existing trail. That is on Lots 1 and 2 of the Smithton Park plat that I previously mentioned that had been previously platted. That was platted with the approval for an alternative sidewalk construction. So the trail on this lot basically met the sidewalk construction requirement at that time. So combining it with this additional piece of property does not require the construction of sidewalk because the trail met that requirement when it was platted. So the additional requirement for sidewalk construction is just on the previously unplatted portion which is generally the portion that I'm showing here in the red dashed line that is directly kind of to the west of the Compass Church and basically its associated parking facilities. You can see basically on the east side of Silvey there directly kind of almost adjacent to the parking lot is generally where it would be required to be constructed. So for some context, here's a few images of the site. Starting kind of the upper left corner, this is -- to give you some context, these pictures will be moving generally from the far right of your screen to the left, so basically from the far south of the property to the north. Couple points of reference. They have two paved drives. In the far north they have a gravel drive. So we're kind of viewing these in pictures to give you a little context of where we're looking, so. Basically the upper left—hand corner, you're standing in the southern driveway looking south. It basically looks on to the currently platted property. You can't quite see the trail; it's approximately 50 feet or so to the south of this location. Basically turning around in the driveway and looking back north is the next picture to the right. That's looking basically down Silvey. You see their parking lot there on the right, the established landscaping that's also located in the current -- currently on the property, which could be partially in the right-of-way in the future. Generally where the sidewalk would be located would require removal of most of the landscaping as you can see in this picture. Kind of back down to the left, again, this is moving

down Silvey. We're standing in the next paved driveway looking back south. Shows a little bit more of the evergreen bushes as you can see here from the previous picture. Also a little bit of a storm water feature that's allowing drainage from the parking lot into the curbed drainage ditch. There's some additional landscaping. Generally in this picture, you can see the back curbed parking lot. Given kind of the general location of where the right-of-way will be, sidewalk would be required to be constructed almost directly adjacent to the existing curb of the parking lot, to give you some idea. Moving to the right, we're now in the basically unpaved driveway, so it's about the northern extent of the property. Looking back south, again, you see some landscaping in the aerial. And this may be close enough to the road where some of this may not be affected by sidewalk installation, so. Bottom left we're turning around and looking north so we're looking kind of at the north edge of the property, looking off the property. So this is basically going north on Silvey. Once you go past the property and travel down Silvey, you do notice a significant, steep grade going down. And you can see that on the next picture on the bottom right. So that road does have some grade issues. I know in the winter it is closed frequently due to some concerns with traveling on that road, and ice is an issue. So just to point out, it is a fairly significant grade there. Future construction there will have to take that into account. That's kind of an overview of the site conditions right now. I'll kind of briefly summarize the four standards. Because this site is located on Silvey and Silvey is an unimproved road, which basically means it doesn't have curb and gutter, the variance request is reviewed through the lens of City Council's Policy Resolution 48-06. It lists four standards that have to be met in order to grant the variance for a sidewalk in those situations. The four points I have here kind of summarize those, so, kind of more in depth in the staff report. But generally the first one is what portion of the total cost of the project does the sidewalk represent, the cost of the sidewalk. We weren't able to get a full estimate of the future construction costs in time for this report. The applicant may have a little more information available to that. So at this point we can't say assuredly whether or not it represents a high portion of that or a low portion. So we consider that not to be met. Number two, is construction generally feasible, physically feasible. We point out there are some obstacles with the construction. There may need to be some small retaining walls, landscaping may need to be removed, some of the features may need to be accounted for. But in general, it is feasible. Number three, the location of the sidewalk. It is located on a low-traffic street generally. However, the standards list asks whether or not it's on a local, basically a local neighborhood street. And this is, as I point out, is a collector street. So it doesn't meet that standard. And also the area generally that has been developed has sidewalks. That includes most of the residential areas around here, the site. The streets that front the park to the south along Worley, also the schools in the neighborhood all have sidewalks currently installed. Any future development on sites that haven't been developed currently would also require sidewalk construction. And the last one generally asks if it's near uses that will generate pedestrian activity, and it lists parks and schools. It is directly adjacent to an existing park and also to the south, also adjacent to a middle school. And then also a little further to the southeast is an elementary. So it's located within a fairly developed residential neighborhood. Church would normally expect to generate

traffic potentially from the residential neighborhood, pedestrian traffic to this site on some occasions. So overall we found that the standards to grant the variance have not been met. We did provide some additional language if the Commission does wish to look at other alternatives. But generally based on Staff's review, we are recommending approval of the plat; however, we are recommending denial of the sidewalk variance. And I'd be happy to answer any questions.

MR. REICHLIN: Do we have any questions of staff? Yes.

MS. RUSHING: I was curious if they were to develop the southern part of the property where the trail is located, would they at that time be required to build a sidewalk along Silvey, or if the trail's interfered with by that development?

MR. SMITH: That's actually a very good question. It's one that I don't think I've got confirmation on. But I would say that the way the policy resolution is, as long as that trail is maintained in place, it would serve basically as the sidewalk requirement. However, if there was any further development or the removal of that trail, they would not be in conformance with that requirement and they would be required to install the sidewalk.

MR. REICHLIN: Mr. Strodman?

MR. STRODTMAN: Just to continue, only on the portion, the southern portion would they be required to put sidewalks at that point?

MR. SMITH: If they took out the trail.

MR. STRODTMAN: Right.

MR. SMITH: Yes.

MR. REICHLIN: Any other questions? Mr. Stanton.

MR. STANTON: I just wanted you to scroll back to that aerial view of the property.

MR. REICHLIN: Was there a question?

MR. STANTON: No. I just wanted to see that.

MR. REICHLIN: Anybody else has questions of Staff? Seeing no one, okay.

At this time we would welcome perhaps one, no more than two speakers regarding this matter. If you have anything that you feel would be helpful in our understanding and decision—making process, you're welcome to approach the podium now.

MR. GEORGE FORBES: My name's George Forbes, and I'm a member of Compass Church, also a long—time resident in the area. Yes, sir?

MR. REICHLIN: May we have your address please?

MR. FORBES: Yes. 2021 Cobblestone Court. Just down the road a piece. I've been a member of the church for quite a number of years and so by being a resident in the area, I'm very familiar with what goes on in that particular area. This particular slide was the one I wanted to go back to, so. It's kind of why I jumped up here, just because I think it basically illustrates kind of the situation that we're trying to address is that in terms of sidewalks, I have no opposition of the need for sidewalks and I think they're a necessity for neighborhoods, where you've got the need for them. But as you have been a frequent

person into this property and going to the church and whatever, you look at the practicality. And looking at the road as it currently has been for all the years we've been going there, it's basically an unimproved road. It does have traffic, practically no pedestrian traffic at all. You can drive there about any time of the day, whatever, and you won't see any pedestrian traffic, particularly where the red area is. There's really none all along there. Any of the activity is in the ballpark and on the trail area. But as you look at the picture and you say the red line is where you're looking to put a sidewalk, what does that sidewalk do. All it's going to be is a line of gravel or a line of concrete there, because you have nothing to the right. And if you've ever walked this area or drove down this area and you get from the left-hand side going north, you're going down the hill that was discussed earlier. That hill is so steep it is closed off in inclement weather. And if you drive down that road, it is steep and there's about this much shoulder to it. How in the world would you put sidewalks into that piece of property to go down to I-70 Southwest road that's down there? So you're putting in a piece of expensive concrete that would have no practical use at all because there would be no need for a sidewalk going on down and you don't have a sidewalk to the right. So is it reasonable and is it practical, and I think it's no. Thank you.

MR. REICHLIN: Any questions of this speaker? Seeing none, thank you.

MR. CAMPBELL: Good evening, members of the Planning and Zoning. My name's Jerry Campbell. I live at 4920 Booth Lane in Boone County. I attend this church and I wanted to also speak on this topic. Mr. Forbes spoke about the, you know, impracticality of the sidewalk. We like to use the term is the sidewalk goes to nowhere. It would literally be unused. And the discussion, couple of discussion points I want to talk about, what George spoke about, how the walk goes over the hill. We have a video to watch here. This is a video currently looking from the south going north. You can see the unimproved portion of the road here where the asphalt's severely damaged. As you're looking at our parking lot, this is our southernmost asphalt drive. The shrubbery on the right is what is being requested to be removed. Can I pause this also? I think I can. So shrubbery on the right is requested to be removed as well as the trees, because the sidewalk will end up back at the curb on the far right that you see there. There's a drainage structure that's right below the camera currently that goes into the road, drains to the west. That'll have to be improved and a box built, so the cost is growing. The grade at that spot is going to cut into the curb that you see on the right, so there'll be a retaining wall there to get the sidewalk down to an accessible level at a cost. Whenever the sidewalk crosses that drive, there'll be ramps on each side adding cost. The trees that you see at the far end of the picture in the bright green grass will all be removed, therefore taking down our natural landscape barrier that's going to be there as well. We'll progress down and now we're looking at the top of the hill. And you see at the right there's a drainage ditch. And this is not our property now, but it's going to give you an idea of why this sidewalk goes to nowhere. As you come over the hill, the grade is pretty severe. It's dropping 60 feet I believe. I can't remember the exact grade number, but it's pretty dramatic. As you go off the right side of that road, you see the grade's fairly -- it's about three or four feet higher than the road now and as it drops over the hill, it drops down about six or eight feet lower than the road surface. This is looking down the hill again. Now

resetting, go to the top. But it's a pretty severe grade. Trying to illustrate to you that that sidewalk, you know, in my experience probably not going to be constructed down that hill in the future. Even on the other side, the sidewalk would be, if it ever gets extended, would be quite severe. So it's a pretty steep grade. This is a three—minute video. This is where I wanted to go. So you can see how steep it is and how the truck's and the trees are vertical at that point. It has some grade to it. If you want to continue watching, I'll leave it. Or I can stop it here if you don't want to.

MR. REICHLIN: Stopping it's fine.

MR. CAMPBELL: So I could go and do a Google Earth and walk you through the complexities of the trees and -- but if you have a clear picture, I won't continue with that. So our church, it's not a business, right? A church is a nonrevenue generating space, facility. A business is revenue generating. These people are here, are representing their tithes, they're representing their church tonight. And they were all ready to come up and speak, at least six of them. But, most of them won't volunteer. But anyway the idea is they're here to support the money they give to run this building. So the money that's given doesn't go to, you know, it's hard to get money out of people to build a building and work on a building. It's giving; it has to be a good purpose. So this renovation caused the platting, right? So the renovation is money that they gave, that they've worked hard for to do the renovation. The sidewalk is pulling away from that revenue stream to do that renovation. You have an estimate, I believe, in your packet of the walk. That estimate is only for this portion of the walk. Thank goodness the southern portion of the walk is relieved because that was going to compound that cost. So if I had to say a couple different things why the variance should be approved, it would be cost is a major factor. It is actually a complex and difficulty to construct that walk due to the trees being removed and the other things, so. And consequently the access, that people just don't use it. They don't walk up and down this hill. You see people go to the bottom, they look up, and they'll walk on around the other side without having to climb the hill. It's just, it's not going to be used. So as a church you look at your money spent and you look at the use of those tithes. It's not good stewardship to build a sidewalk in a spot that's unnecessary, so. I can talk all night about this topic, I really could. It's very important to us as members of the church that that money gets put into our building, not into a sidewalk that nobody's going to use. So I would like to talk about some alternatives so that we could maybe approve the variance. Or if the variance is denied, let's tweak it so we can get it approved. And I'm here all night to make sure we get that accomplished. So how do we work through that?

MR. REICHLIN: Do you have any questions of this witness?

MR. TOOHEY: I have a question. So is this the only bid you got, or do you have other bids?

MR. CAMPBELL: We got a bid. It wasn't requested of us to get multiple bids, but we could go get bids and they'll be comparable to that.

MR. REICHLIN: Is there anybody else? Mr. Stanton?

MR. STANTON: That was my concern. It didn't seem like we were very clear on the true cost. And I see both -- I see your points. We have a mission of trying to connect all the communities, and

I'm hoping to hear what your alternative is. Do you use that trail that's by the ballpark? Is that your property or is that City property? What is that?

MR. CAMPBELL: So if you could go back --

MR. STANTON: The trail.

MR. CAMPBELL: -- to the aerial side. So that trail is our property. In fact that property goes -- you can see a little park up at the far right, there's a little white dot there. It goes about halfway between that, and the trail is a line that goes back in the trees. So we own some 17 acres, plus or minus. So what happened back, I don't know how many years ago, the City needed a park. They came to our church and they asked to work out a deal that they could lease that ground and create a park. So if you come by when it starts warming up about any day, any afternoon in the summer, Saturdays, whatever, you'll see there's a tackle football team that plays there every week, there's baseball teams that play there every week, there's soccer teams that play there every week. Just like that piece of property is a city park over in Cosmo. It's an alternative area for the people to use a park property in the city of Columbia. So what they do is they park in our parking lot. The City has an agreement with us to use the property, they mow it which is great; that's a lot of money to mow that property. But the City uses it. Individuals in the city use that property as it's a city park. So we would hate for that relationship to be severed. We don't want it to be. But each party has to do their deal to separate it; there's a mechanism in the contract. We enjoy the relationship. When they're playing football and our church is open, they use our restrooms. The City doesn't have a restroom there. They come into our building and use ours. They park in our parking lot. The southern third of that parking lot is filled with cars when they're practicing. So the relationship is there. The traffic flow doesn't go down the hill. They just literally park there and use that spot. So I agree with the connectivity a hundred percent. This walk's not going to create connectivity. This walk's going to create a walk that's never going to be used. It's a poor use of funds. So the alternatives that I have, I don't want to do the sidewalk. So my alternative is we have a great facility the way it is right now; there's no walk needed. But I think the variance should be approved. If the City has some alternatives, I would like to talk about that.

MR. STANTON: Do people just walk across the grass to get to the parking lot and all that stuff?

MR. CAMPBELL: Where they park, they walk across the grass to get to that field. They park on Worley to get to the field. They park on Silvey to get to the field.

MR. REICHLIN: Thank you very much. I think that pretty well sums it up.

MR. HARDER: I have one question. Did you say that people also park in the parking lot of the church too?

MR. CAMPBELL: Oh, they'll fill the parking lot, the majority of our parking lot. But if the practice is in the south, they park on Worley and not have to walk all the way across the field. There's really no parking there; they just do it.

MS. BURNS: One question. Do you operate a Mother's Day Out or any type of child care during the week at your church?

MR. CAMPBELL: There's a nursery that operates out of the church and they park in the back parking lot and they use the area back there.

MS. BURNS: Thank you.

MR. CAMPBELL: But there's multiple facilities that do things at our church or groups, so.

MR. ZENNER: If I may ask a question of Mr. Campbell. Can you express to the planning commission, I realize that this was being used by the City as a park. Has that arrangement expired, or is it still in effect with a lease agreement between the City for the use of this particular area?

MR. CAMPBELL: Yeah, so great question. We got the lease back out and looked through it. The lease agreement is a perpetual agreement. It has a certain day period that each party has to write a letter to the other party to sever the agreement. That's never taken place; we hope it doesn't. That's why I'm saying, we don't want that agreement to sever. But it had a ten—year lease and then at the end of ten years, it continued unless either party terminated. That's what our legal counsel said, so.

MS. BURNS: So it continues year-to-year or another ten years, it rolled over and it's --

MR. CAMPBELL: It continues until somebody writes -- yeah, year-to-year and day-to-day until somebody writes a letter to sever it.

MR. REICHLIN: Is there anybody else?

MR. HARDER: I have another question. I noticed the trail was around and you say it also goes in the woods. What kind of surface is that, and who maintains that trail?

MR. CAMPBELL: So the trail goes around the property, and there is one that goes into the woods back there off the playground. I've never actually gone on that one, but I think it goes back down and connects somewhere. The surface is a chat, a chat gravel trail. It's leased by the City; the City maintains it. It's chat gravel; it doesn't take much to maintain it.

MR. REICHLIN: Seeing no one else, thank you for your comments.

MR. CAMPBELL: You bet. So how do we work through the process of talking about the alternatives?

MR. REICHLIN: I think that would be something that would happen going forward depending on what our recommendation is and/or how it proceeds going to Council. Would that be an appropriate response?

MR. ZENNER: It would be correct. I believe if you read your staff reports, Commissioners, there is an alternative that is offered. It is not our recommendation. However, there is alternative addressed within the staff report.

MR. CAMPBELL: Love to talk about what that is, so.

MR. REICHLIN: Somebody have that within their purview? Mr. Smith?

MR. SMITH: I would love to summarize that real quick. Just in light of the nature of the variance, we offered some kind of guidance if the variance wasn't considered, felt like if that was something that the Commission wanted to look at, felt it would probably be important at some point at the very least to have a connection from the trail to the site, so. And somewhere basically along this vicinity so that you at least

have a surface connection from Worley along the trail and then a hard surface, it would be a sidewalk at least for a portion connecting to the parking lot. The remainder of that portion of the sidewalk that would be required would be basically considered as a fee in lieu. We've accepted a couple of similar kind of situations recently. The City has kind of a standard way to request for that, fees in lieu that meet the requirement in that fashion as well, so.

MR. REICHLIN: So basically it's either a connection to the parking lot and/or a fee in lieu of the building of the sidewalk?

MR. SMITH: Uh-huh. And again, I wouldn't consider it an alternate recommendation, just some additional guidance if that's something wants -- the Council, Commission wants to discuss.

MR. REICHLIN: Gotcha.

MR. ZENNER: And probably need to add too that it's not necessarily mutually exclusive either. Construction of the sidewalk, as Mr. Smith just pointed out, is the connection from a trail which does look like you access the sidewalk, the public sidewalk that's on Worley that ties in the existing park improvements that the City maintains to the east as well as it provides access from Smithton Middle School. And what is to the west of this particular property does obviously serve a beneficial connection given the way that this field is used as Mr. Campbell has pointed out. So while access can be gained from the field area to the parking lot by just walking across the trail and grass that's there, that may not always be accessible to those that may have disabilities of some nature that need to use something that is actually a more maintained travel-way. So a connection of some nature, as small as that may be, could be valuable. Again, the policy resolution is very clear. For waiver of a sidewalk, it should not generally be considered on an unimproved street without some type of compensation being received, be it fee in lieu of or some other line of dedication, right-of-way or something else. We have seen such recent actions taken. So not necessarily mutually exclusive is what I'm saying. The connection of the sidewalk stub from the trail to the driveway may be very beneficial in addition to a fee in lieu of in order to stay consistent with the policy resolution that exists. And that would be very consistent with what we have had done recently with more contemporary sidewalk variance requests.

MR. REICHLIN: So basically it's up to us to decide which we think is most appropriate?

MR. ZENNER: That would be correct. We provided you the information. The applicants provided you the information as to their viewpoint to the technical feasibility of it. And we are leaving it in your capable hands as the Commission.

MR. REICHLIN: Thank you, sir.

MR. TOOHEY: I've got a quick question.

MR. REICHLIN: Go ahead.

MR. TOOHEY: So across the street from where this variance would be, isn't that a platted area? Won't that have a sidewalk at some point?

MR. SMITH: That's correct, yes. This portion is platted, the subdivision, the name escapes me off the top of my head. Smithton Villas, yes. So it's currently platted. So at the time that it is constructed

and developed, sidewalks will be required at that location. Their plat though was approved many years ago, did not include a variance to the sidewalks, so they would, at this point, would be required to install.

MR. REICHLIN: So is it safe to say that even if we platted this and didn't approve the variance, there would be no particular trigger to put a sidewalk in place until some other development occurred, or is the renovation doing the trigger?

MR. SMITH: Yeah. So it's kind of a complicated triggering mechanism, if you will. So as Mr. Campbell pointed out, basically the property right now is an unplatted property and so any additional construction they wish to do requires it to be on a legally platted lot. So they have kind of, they've submitted some plans, so that triggered the need to plat it. So the platting would -- Staff recognized it would need sidewalk as well. So that kind of triggered that when they realized they had to plat it. So that's kind of the stepping scale that gets us to this point. That's what triggered the need for the plat, and the plat triggers the need for the sidewalk. At this stage the sidewalk would generally be subject to a, I think a performance contract requirement. It requires it to be installed within three years unless they are actually building on the site at the time. And then usually occupancy for the new addition is conditioned on the sidewalk structure.

MR. REICHLIN: That mud cleared it up little bit.

MR. SMITH: Kind of just point it out on this so you can see it in this aerial. This is the platting that was being discussed previously. This is platted, just not constructed at this point.

MR. ZENNER: I think Mr. Toohey, to the point Mr. Campbell has raised, where the driveway entrance is is actually north of the northern driveway, the gravel driveway where the grade starts to shift significantly. While this plat may have been approved without a request for a variance, the practical capability of building that sidewalk may be realized at the time that they actually come in and try to pull a building permit. And that actually at that point as a result of permits being issued may trigger a request. I would not be shocked that if the same argument and the same facts that are being presented here this evening would be brought to us when Smithton Villas comes to build. Just the reality of I think this roadway segment has challenges vertically with the decline off the property to meet other ADA requirements.

MR. CAMPBELL: Can I talk for a minute about a couple of those topics?

MR. REICHLIN: Well, let me just ask the fellow commissioners, do we feel like we have enough information at this point in time?

MS. RUSSELL: No. I'd like to hear what he has to say.

MR. CAMPBELL: So I'd like to reiterate, the park is -- the City has no cost. The only cost they have is mowing it and then maintaining the gravel. That's it. So the City is getting that for free as an asset, so keep that in mind when we walk through this process, so. The other piece of it is is that when we talk about the alternatives, I like the alternative that was suggested by the planning team about the connection, you know. If you go back to that aerial that was horizontally shown, the sidewalk, if you wouldn't mind. Is this a pointer deal?

MS. RUSSELL: The other one, the aerial.

MR. CAMPBELL: You said what?

MR. SMITH: It will not show up on the screen.

MR. CAMPBELL: Oh, okay. Yeah. So if you could put your arrow on where you wanted that connector from the parking lot to the trail, like somewhere right in there. So what we've seen people do is they literally won't go down the hill. What they'll do is they'll come down the sidewalk on the west from behind the subdivision, the condos. They'll walk down the walk, walk right across into our parking lot and then they'll hit the trail. So I would like to present an alternate for fixing the whole deal right now, if you guys are open to my suggestion. My suggestion is that we go ahead and build that connector walk from the parking lot to the trail, make it accessible, because it's going to take a little bit of grade to get it up there. And then we also make a connector walk that would come across from that drive to the south and connect to the sidewalk on the west. We're going to create a loop that -- they're not going to go down the hill. So that would create a loop that gives them some kind of an access point to walk around. They don't have to cross through the ditch, which is a challenge. Let's just do all that and make this thing thumbs up and everybody's happy.

MS. RUSHING: What was the second portion of your proposal? Is it a crossover from the end of that sidewalk or?

MR. CAMPBELL: No. So we would go right across the driveway to the --

MS. RUSHING: That I got, yeah.

MR. CAMPBELL: Okay.

MS. RUSHING: And then that connects to the trail.

MR. CAMPBELL: We create a loop so they have a nice flowing path. We create connectivity.

MR. STANTON: Where's the other connection?

MR. CAMPBELL: Yeah. It would be across the street. It would be on the opposite side of our property.

MS. RUSHING: And what would the Silvey -- or what can be done to protect that crosswalk or to mark it?

MR. CAMPBELL: It'll be striped, it would have that striping on it.

MS. RUSHING: Because that was what I was thinking, that people would be walking down that sidewalk into their parking lot and that there should be something to protect pedestrians as they cross that road at that point.

MR. CAMPBELL: There's some other logistics to make that work, but yeah, it would signify, This is where people are walking, slow down. We would love to do that. It's not taking away enormous funds that we project -- and I want to go back to that estimate you asked about, Brian, is that that estimate was actually made up of two companies putting numbers together to do that. We had a contractor that deals with sidewalks and we had a contractor that deals with retaining walls and grading. Put the numbers together. We can get more if we need to, but I'm going to suggest they would be very similar to that. So

if we can make that alternative work, then there won't be a variance. It will be an alternative.

MR. REICHLIN: Lee?

MS. RUSSELL: I have one. So are you saying that the congregation is willing to absorb the cost of creating the crosswalk and the sidewalk to connect to the trail?

MR. CAMPBELL: That's right.

MR. REICHLIN: What's Staff's position?

MR. ZENNER: We had contemplated the alternative, the sidewalk connecting to the driveway as a possible option. However, we have not had an opportunity to talk about traffic as it relates to the creation of the sidewalk across Silvey. If the Commission is inclined to grant the variance with that condition or a condition that the sidewalk crossing Silvey is subject to approval of our traffic engineering department, if that's how you would like to frame your memo, we can move the item forward with that and then basically work with our traffic division to ensure that the actual crossing point is something that they agree to. The crossing point would also have to be constructed according to City standards and specifications. Your motion would need to include that as well. We don't know what those would be. It would likely be striped crosswalk and signage and then basically a connecting stub from the sidewalk that currently is on the west side to connect appropriately the handicapped ramp access to meet ADA --

MR. CAMPBELL: And drainage.

MR. ZENNER: And drainage. So all of those issues, unfortunately we have not had a contemplated conversation with our engineers about and they're not here to speak to that. So that solution, that then leaves the remaining portion of the frontage, and that is, again, at the discretion of the planning commission as to how you would like to handle that. If you believe that this connection point and the additional work that would be done to be able to get access to the west is sufficient, make a motion accordingly.

MR. REICHLIN: Thank you, Mr. Zenner.

MR. CAMPBELL: Encourage you to make a motion that way. We'll sit back and listen to you.

MR. REICHLIN: Thank you. Have a good evening. Okay. I'll turn this matter over to my fellow commissioners. Mr. Stanton?

MR. STANTON: I want to form a motion, but I need my colleagues' help. I'd like to propose --

MR. REICHLIN: Let's flush it out a little bit.

MR. STANTON: It's kind of a win-win.

MR. REICHLIN: I'd prefer to flush it out.

MR. STANTON: I want to help, but I need help. Flush it out.

MR. REICHLIN: Anybody have any comments regarding this to discuss other than the motion?

MS. BURNS: I do. You know, I understand, I totally see the church's position here, and I'm thinking how I would walk down this road. And what you're proposing as far as with the sidewalk and then connecting to the trail seems to be how I would think best would handle the situation. That being said, we try to encourage connectivity where you do have a nursery school, you're near Smithton Middle

School, but I think I'm in favor of the variance as proposed as far as doing the sidewalk and the connector to the trail.

MR. REICHLIN: Correct me if I'm wrong, but I'm interpreting what you're saying that you feel it's sufficient to just connect the parking lot to the trail as it sits and not necessarily the crosswalk.

MS. BURNS: Given everything else that we've heard as far as the steep incline of the road and who would be using this particular sidewalk, to me that makes the most sense as far as the situation that everyone could be agreeable with.

MS. RUSHING: But you would put a crosswalk across --

MS. BURNS: And again, this is all -- there are questions still and I hope that the applicant understands that there will be city engineers and others looking at that and determining how best that would be served.

MR. REICHLIN: Okay. Is there anybody else that would care to comment on this?

MR. HARDER: I'll comment, yeah. I mean, I like that the church and the City are using the same space as a park. I had no idea that was even there, so. I know how steep that road is as it, you know, to the north, so I know a lot of people normally don't use this road very often. I definitely like the arrangement with the crosswalk. I think that that connects it. I don't think that much is going to happen north of here based on the topography.

MR. REICHLIN: Anybody else? Ms. Russell?

MS. RUSSELL: I agree with the grade on that road on Silvey. I've driven it before, but I didn't make a special effort to go look at it again this time. And I like the idea of the crosswalk, subject to the city engineers and I like that connection to the trail making sure that there's some handicapped access and that drainage issue is taken care of.

MR. REICHLIN: I'll just mention for the record that Staff was comfortable as an alternative, the parking lot going to the trail. So my point of view, I'm comfortable with just leaving the parking lot and the trail, getting some kind of connection and foregoing the crosswalk, personally. That's my -- just to throw it out there for comment and conversation. Because so many people -- but that was where I was coming from. So with all that information if somebody wants to frame a motion. Mr. Smith?

MR. SMITH: I'm sorry to interrupt you, Mr. Chairman. Any motion, I'd just ask you be clear about whether or not you're waiving responsibility for the rest of the sidewalk or if the fee in lieu would apply in addition. So just make sure there's that clarity.

MR. REICHLIN: That has to be addressed.

MR. SMITH: Whether or not the connection, the crosswalk meets the full requirement and the variance would waive all of the requirement or a fee in lieu would be required for the remainder as well.

MR. REICHLIN: Okay. Okay. All right. Well, I think we have all the information we need to frame a motion. Is there somebody --

MS. RUSHING: Mr. Stanton, I know --

MR. REICHLIN: Mr. Stanton, are you feeling brave?

MR. STANTON: No. I'll back up.

MR. REICHLIN: Ms. Russell?

MS. RUSSELL: I will. First of all in the case of 16-85, approval of the final plat for Compass Church Subdivision with the condition that the minor technical corrections are completed prior to forwarding to Council. Additionally, approval of the variance, the sidewalk variance request with an alternate option approved to do a sidewalk connection across Silvey which is approved by the city engineers, a connection from the parking lot to the trail from the church, and that connection needs to have handicap access and appropriate drainage.

MR. REICHLIN: But we didn't touch on if we're releasing the --

MS. RUSSELL: I did. I said approval of the variance.

MR. REICHLIN: Approval of the variance, does that release all -- does that unto itself release all responsibility for --

MR. SMITH: That's the way I interpret it. If that's the way you meant it, I think that's the way it was intended.

MR. STANTON: I second that.

MR. REICHLIN: Mr. Stanton seconded that. With that, we'll take a roll call.

MR. STRODTMAN: Yes. Mrs. Burns?

MS. BURNS: Yes.

MR. STRODTMAN: Mr. Harder?

MR. HARDER: Yes.

MR. STRODTMAN: Mr. Reichlin?

MR. REICHLIN: Yes.

MR. STRODTMAN: Mr. Stanton?

MR. STANTON: Yes.

MR. STRODTMAN: My vote is yes. Ms. Rushing?

MS. RUSHING: Yes.

MR. STRODTMAN: Mrs. Russell?

MS. RUSSELL: Yes.

MR. STRODTMAN: Mr. Toohey?

MR. TOOHEY: Yes.

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

V) COMMENTS OF PUBLIC

MR. REICHLIN: Okay. Well, with that item resolved, we will move forward to comments of the public, if I'm not mistaken. Just double checking. Yes. Comments of the public. Anybody care to? Seeing no one jumping.

VI) COMMENTS OF STAFF

MR. REICHLIN: Comments of Staff?

MR. ZENNER: You all have worked so hard, we're going to give you a meeting off.

MR. REICHLIN: Sorry?

MR. ZENNER: You got a meeting off. Are you not happy?

MR. REICHLIN: Meeting, next meeting, is that the May meeting?

MR. ZENNER: The April 21st meeting we do not have any agenda items, so give you a meeting off before we start our meetings at 6:00 p.m. in May which will be on May 5th. That will be our revised meeting schedule through July. 6:00 p.m. our public hearings will start and the extra hour we are adding is to accommodate our review of the unified development code or code update project for our zoning and our subdivision regulations for the City. Your May 5th agenda then will consist of these three items: We have a single platting action for the city parking garage subdivision which is at Fifth and Cherry. And then we have two public hearing items. And the highlighted item will be the unified development code; that is what we'll start our May 5th meeting with. We are allotting a two-hour period of time in each of the meetings, May 5th, May 18th or 19th, our two June meetings, and the first July meeting to allow the public to come and hear about the code, make comments on any portion of the code that they would like. And then we will begin our regular meeting items to the subdivision items and then University Avenue CP plan at 8:00 p.m. If we do not have a significant amount of public to speak, we will provide a presentation for the unified development code and have any discussion with those who are in attendance, any questions of the commission. We will then move into the public hearing items, our regular meeting agenda items. So we start at 6:00 p.m. May 5; we'll start with the unified development code. Then we'll move into the regular agenda items like we normally would. So you have parking garage, subdivision plat, it's basically a consolidation plat of our existing parking structure for the purposes of getting ready for some conveyance that we're doing on that land and then we have the University Avenue CP plan. This is a rezoning request to zone to CP for an existing structure and parking lot that is proposed to be razed and redeveloped with both office and residential development on it under a CP zoning designation. Your maps for the two projects, the current Fifth and Cherry street parking structure, Fourth Street is on the west side of that and Flat Branch and all of our restaurants and businesses to the west. And then we have on the right—hand side of your screen the University Avenue CP plan. This is off of University Avenue immediately to the west of the University Avenue parking structure and immediately to the south is -- it's southeast of the Hitt Street parking structure. This is a proposed CP plan for a six-story building with approximately 250 residential units on floors two through six. I have gone back through the minutes, and I apologize, we are going to backtrack a little bit about our minutes from March 24th. I was looking at Ms. Loe's emails to me and I was looking at the minutes themselves. The case number that we were referring to was the rezoning request that was off of Vandiver Drive, and the vote that was made and tallied according to Tiger Court Reporting was a vote of 6 noes, 2 yeses. And I repeated exactly what ended up happening in the minutes as they were captured, it was 5 and 3, and that is not correct. The correct version of the minutes is 6-2 to deny that M1 rezoning request. And that is how the minutes

should be reflected, not as discussed within the minutes as captured following the vote. It was Ms. Rushing's vote that was confirmed as a vote to deny, not to approve and that was where the confusion was. It was about 11:30 at night and Ms. Loe took that vote and she was a little bit confused as well as I. So if we are in agreement, that is what the vote should have been.

MS. RUSHING: No. I think it -- she changed her vote. Isn't that the one that she changed --

MR. REICHLIN: No.

MR. ZENNER: So what I have -- what I have is in her email as well as what was captured in the minutes is a 6-2 vote to deny. And that is the vote that should be captured. All of the minutes that refer to the 5-3 vote are actually incorrect. It's 6-2 denial. Ms. Loe referred to it as an MC request; it was actually a request to zone M1. So reverses of correction only in the minutes. So we have that correct, that that is a 6-2 vote, so it should have been recorded and discussed. I apologize for that. If I'd been looking at the minutes, I would have captured it at the beginning of the meeting. With that as minor adjustment as I discussed, we will be starting our meetings at 6:00 p.m. May 5th. We do not have an April 21 meeting. Please enjoy your time off. And we will come back with staff reports to start with an overview of the development code process and project as well as an overview of the results from the code testing activities that were done by Clarion & Associates on May 5th. That'll be our first meeting. And then we will proceed forward in the module fashion that the code was presented to the public. Module 1, module 2, module 3. We have some built-in time in case we do have to adjust that schedule, but each of the meetings will be allocated up to two hours per meeting dedicated to the code-up meeting beginning May 5. We will have material available for the public as to content, what we'll be discussing. Ours will be likely all of our planning commission activities as well as we will have a code compiled as the hearing draft. We will be taking final public hearing in July on the actual code as fully presented. Actually we'll complete the draft review process in July. We will take a month off approximately. Compile all comments from that, come back for a final hearing before the planning commission in late August or the beginning of September. And that will be the final public hearing draft. And that meeting will be the standard 7:00 p.m. meeting, one regular meeting to move the recommendation forward to Council. We'll keep informed as go through work sessions as well as keeping the public informed through our website. Just want you to be aware of those meetings changing. We will be meeting at 5:30 for our regular work session in order to prepare you for the evening's meeting. So we will have regular meeting starting at 5:30 and then we'll start the public hearing at 6:00. And they will be held here. The public hearings will be held here at council chambers. If you have any questions. That's all we have to offer tonight. Thank you.

IX) COMMENTS OF COMMISSIONERS

MR. REICHLIN: I'll now entertain comments of commissioners. Ms. Russell?

MS. RUSSELL: We received an email from Amy Pescaglia after the last P&Z meeting. I just had a couple of comments I wanted to put in the record for that. First of all, Columbia's growing, and I really believe this property is eventually going to be developed. The neighborhood seems to think that it's not. I

think they should be relieved that someone like Thompson Homes wants to develop that. Mike Thompson cares more about the land than probably any developer I know. So I wanted to make sure that that was in the records. To me, I took it as an insult, her comments that we should drive out there and see the property. I think almost every one of us takes a trip to see the properties that we're not familiar with. I did go out there and look at the property and I just wanted to put it in the record that we do pay attention and we do drive out and we do look at the land. And thank you.

MR. REICHLIN: Mr. Stanton.

MR. STANTON: I just wanted to say I will not be attending the May 5th fifth meeting. I'll be in Louisville the first Saturday in May.

MR. REICHLIN: We'll have to take that through the appropriate vetting process.

X) ADJOURNMENT

MR. REICHLIN: With that, I'll entertain a motion for adjournment.

MS. BURNS: I move to adjourn.

MR. STANTON: Second.

MR. REICHLIN: Thumbs up?

(A unanimous vote was approval.)

(The meeting adjourned at 8:05 p.m.)

(Off the record.)