



Columbia Planning & Zoning Commission Meeting Recap

Council Chambers, Columbia City Hall
7:00 PM Thursday, September 20, 2018

CALL TO ORDER (Members present: Loe, Russell, Burns, Harder, MacMann, Rushing, Toohey.)
(Members absent: Stanton and Strodman.)
(Ms. Loe presided over the meeting in the absence of the Chair.)

APPROVAL OF AGENDA (Agenda approved as submitted.)

APPROVAL OF MINUTES ([September 20, 2018 Regular Meeting minutes](#) approved.)

TABLING REQUESTS

Case # 18-76

A request by McClure Engineering Company (agent) on behalf of P1316, LLC (owner) for approval of a PD (Planned Development) Plan to be known as Discovery Park South, along with an associated statement of intent and design parameters. The 40.6-acre subject property is located at the southwest corner of Ponderosa and Discovery Parkway.

(A request to table this item to the November 8, 2018 Planning Commission meeting has been received. This is the applicant's second request).

(Action: Staff indicated that the applicants have asked for the tabling to consider some additional options for the property. Russell indicated that she was contacted by the HOA but did not meet with the group. Toohey also indicated that he had been contacted by two people indicating they had not received sufficient information. Loe indicated that she had received an email relating to this item.

Staff told the group that any project that is delayed by more than 2 months required additional public hearing and that an additional public information meeting will need to be held. Such a meeting will be planned, and neighbors will be notified.

MacMann asked if the request to table to November 8 would provide enough time? Staff indicated that they could not answer that question. The chair opened the floor for discussion about tabling this item.

No one came forward.

A motion to table this item was made and seconded. The motion was passed unanimously.)

Case # 18-166

A request by A Civil Group (agent), on behalf of Gary Ridenhour (owner), to have 64.32 acres permanently zoned R-1 (One-family Dwelling), 2.29 acres permanently zoned M-N (Mixed Use-

Neighborhood), and 2.38 acres permanently zoned M-C (Mixed Use-Corridor) subject to annexation into the City of Columbia. The subject site contains a total of 68.98 acres and is presently zoned County A-2 (Agriculture). The site is generally located east of Masonic Drive, west of Alfalfa Drive & Oakland Gravel Road, and north of Prathersville Road.

(A request to table this item to the October 18, 2018 Planning Commission meeting has been received. This is the applicant's second request to table).

(Action: (Action: Staff stated that this request is related to issues relating to a sanitary sewer line that needs improvement and the Boone County Regional Sewer District.

One member of the public commented on the tabling of this issue and stated that, as a group, the neighbors are highly concerned, and they have been waiting to see details since the last time this issue was tabled. They are anxious to see that information, they are paying attention, and believes that they currently do not have enough information. Loe asked if the October 18 date would provide enough time for the civil engineer to provide additional information. Staff stated that they thought it would be enough time and that this would be going forward with a preliminary plat for approval. The development agreement is what seems to be holding this up. Additional language in the agreement is what is being waited on. We are confident that we can meet the October 18 deadline. We expect some action as early as tomorrow.

A motion to approve the tabling request was made and seconded. The motion to table until October 18 was approved unanimously.)

Case # 18-180

A request by Crockett Engineering (agent), on behalf of the City of Columbia (owner), seeking rezoning and PD Plan approval for development of a 10-lot single-family subdivision to be known as "Cullimore Cottages". The subject 1.32-acre site is presently zoned R-MF and is located 350 feet south of the intersection of North Boulevard and 8th Street.

(A request to table this item to the October 18, 2018 Planning Commission Meeting has been received. This is applicant's first request).

(Action: Staff stated that this plan was actually coming forward from the city and that this tabling request is simply made to allow the Community Land Trust and other interested parties to make appropriate comments. Staff recommends approval.

MacMann stated that this plan is located in his neighborhood, and this has been discussed by the neighborhood association in that area, but he is not a voting member, he is just disclosing that fact. Loe indicated that she had spoken to staff about stormwater issues in this area.

A motion to approve the tabling motion was made and seconded. The motion was approved unanimously, 7 – 0.)

SUBDIVISIONS

Case # 18-181

A request by Victory Christian Church of Columbia, Inc. (owner) for approval of a design adjustment to Section 29-5.1(d)(2) to allow the waiver of sidewalk construction along the property's Ballenger Lane street frontage, a distance of approximately 1,500 feet. The 13.42-acre subject site is located on the west side of Ballenger Lane, approximately 1,200 feet north of Clark Lane, and addressed as 1705 N. Ballenger Lane.

(Action: Staff presented a report. The applicant is seeking approval of a design adjustment from Section 29-5.1(d) of the UDC which requires the construct a sidewalk along the property's approximately 1,500-foot Ballenger Lane frontage which is considered an unimproved (no curb or gutter) collector street. The

requested design adjustment is from Section 29-5.1(d) of the UDC, which mandates sidewalk construction as a required element associated with the permitting of new construction along a collector street. The requirement to construct sidewalk along the applicant's Ballenger Lane frontage was triggered by the permitting of a new church building. Staff presented a brief description of the property. Staff considers many different factors when such adjustments are requested. A discussion of those factors follows.

The applicant estimates the cost of fill to accommodate the sidewalk to be \$45-50,000, with the cost of reconstructing the driveway between \$15-20,000 (although staff cannot confirm if the driveway will need to be reconstructed, but it was not built to City standard). With a total project cost of \$800,000, the sidewalk is approximately 6.9-9.4% of the total site development costs. If it is determined that a fee-in-lieu of construction is required for approval, that fee would be \$60.91 per linear foot of sidewalk, or approximately \$91,000. Staff does not believe this cost of construction warrants exemption from the rule.

Staff also believes that sidewalks are feasible in this area and are not prohibited by terrain or other physical impediments. Staff did admit that some parts of the sidewalk may not be accessible currently because of drainage ditches and the lack of connection to other existing sidewalks.

It appears that this area is somewhat developed, with the property directly to the south undeveloped, along with several properties south of the site on the east side of Ballenger. These sites would also be required to build sidewalks at the time of development. The street is not considered a local street; it is classified as a major collector and is expected to accommodate higher volumes of traffic than local streets. Ballenger is largely without sidewalks in the vicinity of the subject site. However, the site is approximately 1,000 feet away from connecting to a sidewalk network along Clark Lane that is fairly extensive. Ballenger is classified as a major collector and would be expected to carry >15,000 ADT, per the City's standard designs. The most recent traffic count (2015) showed 5,108 trips on Ballenger. Staff believes the sidewalk should be constructed in this area and does not support the design adjustment on the basis that the surrounding area is largely undeveloped at this time.

Staff also evaluates current or future parks, schools or other pedestrian generators near the development for which a sidewalk or walkway would provide access. The church itself would be considered a traffic generator, and a sidewalk would also provide a more direct pedestrian connection for a small number of residents on the east side of Ballenger to McKee Street Park, which is located west of the subject site. Staff does not believe the project should be exempt from the rule in this regard.

It is relevant to note that the City is currently in the design phase of a project to install shoulders along Ballenger Lane, and the shoulders will allow for safer pedestrian travel along Ballenger. The City will construct shoulders along the subject site, whether or not the sidewalk is constructed. As part of the City shoulder project, the City could include the cost of connecting the sidewalk to the shoulder, which would require the City to build access across the existing roadside ditches and thereby making better use of the sidewalks.

Staff finds that the request does not meet the standards for waiving sidewalk installation on the subject property; **however, staff is not offering a specific recommendation on the requested sidewalk waiver, as there are several scenarios that are available.** Taken together, the circumstances do not warrant the waiver of sidewalk installation in this particular location given the benefit that the sidewalk would provide to pedestrians. If a sidewalk is found to be warranted in this situation, then the sidewalk may be

either required to be constructed, or a fee equivalent to the cost of construction may be required to be paid based upon an average cost of similar City projects, which is about \$61/foot of sidewalk. Another alternative is to allow the applicant to pay a fee-in-lieu based upon their own cost estimate, which may be less than the City's average cost for sidewalk installation.

Finally, while a shoulder does not represent the highest level of pedestrian infrastructure, it does represent a marked improvement to the existing conditions, and if the Commission found that sidewalks were not warranted, a full waiver could be recommended.

Staff is NOT providing a recommendation in this case and suggests that the public hearing take place.

Rushing asked if the church installs a sidewalk now it would survive any future street construction? Staff said that is the goal, but since they don't exactly know how a future street improvement would be designed, there could be some changes to new construction required. If changes were required in the future, the city would be responsible for the cost of that change.

MacMann thought that the applicant's cost of a fee-in-lieu-of payment is a bargain as they estimated it, since the city's cost estimates are much higher. MacMann also asked if this property is the subject of any specific requests for sidewalk improvement. Staff said no. Russell asked if the city could tax bill for future sidewalks. Staff said they could, but they rarely tax bill for projects like this.

Loe asked why this change was not requested earlier in the process since new construction is already completed? The church chose to construct a new driveway without getting this variance first, but it is still required by the city for a certificate of occupancy to be issued.

The public hearing was opened.

The pastor of the church appeared in support of the waiver. He explained that the city and MO DOT are both providing pedestrian areas on both sides of this road. That would provide minimum passage for pedestrians, so we don't need an additional sidewalk. He stated that Tim Teddy told him that these regulations were intended to be applied to new construction, not older properties. We don't think new connecting sidewalks are planned in the near future anywhere in this area, so don't make us build a sidewalk to nowhere. We will pay a fee-in-lieu-of, but don't make us build the sidewalk. We think we have provided an answer to all of the city's questions and are willing to answer your questions now. Rushing asked if the pedestrian pedway he is referring to is the wider shoulder on the side of the road? He indicated that that was what he believed.

Burns asked the speaker why he built this property out without getting the sidewalk variance. He stated that that was because he thought a sidewalk must be shown on plans, but he later realized that a waiver of that requirement may be possible. He further indicated that this sidewalk would not be accessible since the neighbors are separated by big fences, ditches and different terrain and won't even be able to get to this section of sidewalk without problems. He did say that they had to show a sidewalk, but he didn't think it was realistic. He felt like they were being held hostage. He further stated that the new road is not even within the ten-year plan. If they do have to build a sidewalk, and that is not in a short-term plan, we would have to tear out a whole line of trees and we would also have to accommodate some native Missouri trees. If we do that, we block the sidewalk construction.

No further members of the public appeared.

Rushing stated that she will vote against the request for a variance. She thinks that a wider shoulder is not a sufficient replacement for good sidewalks. She thinks the sidewalks are important. MacMann stated that he will vote against this request if it is simply building or not building the sidewalk. He might be willing to consider some compromise proposal. He would support a fee-in-lieu-of, but not a full waiver.

Burns asked if there were any pedestrian counts in this area. Staff indicated they did not have that information. Harder asked what the timeframe for widening of the road. Staff thought some elements of that project could occur within the next year with a 6-foot expansion on each side.

Russell indicated that she will make a motion to approve but will vote against that motion.

The motion to approve the variance was DEFEATED by a unanimous vote of 7 – 0.)

Staff then explained that this will go to city council. You can appeal it to them and they have final jurisdiction. At that point, this ruling can be overruled, or an alternative proposal can be made. This will show up on the city council agenda during the first meeting in November under Old Business.

PUBLIC HEARINGS

Case # 18-182

A request by Luebbert Engineering (agent) on behalf of D&D Investments of Columbia, LLC for approval of a major amendment to the University Chrysler PD Plan. The original development plan (PD Plan) for the site was approved in 1972 and revised in 1975-76 and 1983. The purpose of the PD Plan amendment is to revise to the buffer screening detail on the southern property boundary. The 4.63-acre site is zoned PD (Planned Development) and is addressed 1200 I-70 Drive Southwest.

(Action: The applicant is seeking approval of a Planned Development Plan (PD Plan) amendment to provide an 8-foot wood screening fence and ten (10) foot landscape buffer on the applicant's side of the property line of University Subaru, located at 1200 I-70 Drive Southwest (note: the screening detail shows a twelve foot buffer area to account for the area that will be occupied upon plant maturity). The amendment, if approved, would apply to the required landscaped that is located within the southern 12 feet of Lot 1 and western 97 feet of Lot 2 of Huff Subdivision for which landscaping improvements were identified on the 1972 C-P Plan and its subsequent amendments.

Staff indicated that lots of people showed up to the Public Information Meeting including people from the Highland Park Neighborhood Association. It was mentioned that the current operation is not in compliance with previous PD agreements.

The intent of the PD Plan amendment is to replace and relocate a fence which was recently removed, and to bring all screening elements up to the current standards of the UDC. The new fence, as proposed, will be moved approximately ten feet south to the property line, allowing alignment with the existing fence and landscaping along the remainder of the southern property line (the remainder of Lot 2 and Lot 3 of the Huff Subdivision), which is presently improved with an eight-foot wooden fence and landscape buffer within an existing 10-foot utility easement, screening which was required as part of the University Chrysler Revised C-P Plan approved in 2003 for the body shop expansion.

The University Subaru (formally University Chrysler) property was zoned C-P (now PD) in 1972 and has been the subject of development plans and plan amendments to allow for revisions and expansions in 1973, 1976, 1983, 2002 and 2003. While not included in the 1972 plan, the removed fence in question

was clearly identified as existing on the 1983 development plan and subsequent plans amendments. Installation of the fence may have occurred in response to staff's concerns regarding screening concerns made during the 1976 plan amendment proceedings and expansion of the C-P district. The site is presently not in compliance with the 1972 plan's "Proposed Huff Subdivision Details of Landscaping" for the southern boundary of the site, and there is no evidence this landscape detail has ever been formally waived. This PD Plan amendment will bring the site into compliance for required screening per the UDC.

The UDC indicates that screening "shall be located along the property line of the applicant's lot, and shall not extend into the established setback of the adjoining lot". The proposed location of the required screening of the applicant's parcel from the adjoining lots complies with this provision. It should be noted that the area in which the required screening and buffering will be placed is located within an existing 10-foot utility easement.

The applicant is allowed to place the required fence and landscape buffer within the utility easement and is aware should utility maintenance disrupt the landscaping or the fence they will be responsible for reinstallation of the required screening and plant materials. The applicant has worked with Utilities staff to choose dwarf tree varieties which will mature at less than 25 feet in height to avoid conflicts with existing overhead power lines. The 10-foot landscape buffer is compliant with the four plant categories (ornamental trees, conifers, shrubs, and ground cover) required by the UDC, and one tree for every 200 square feet of buffer areas (a total of 24 trees) has been provided. The UDC allows the applicant to count existing trees in good health and at least 5" dbh (diameter at breast height) to count towards the required tree count.

The proposed plan amendment is consistent with the landscape buffer and screening requirements of the UDC based upon the adjoining land uses. Approval of the amendment will restore security and privacy to the adjacent residential properties affected by the removal of the existing fence. That fence has already been removed. Furthermore, the amendment will provide a more effective screening than that required per the 1972 C-P Plan as the plant and screening requirements of the current UDC are more significant than those previously required to be installed to separate the adjoining properties.

Based on these findings staff believes the submitted amendment is appropriate and supports its approval.

Mac Mann stated that he has spoken to the president of the neighborhood association. He told them to hire an attorney and contact their council member.

Harder asked why the fence was already taken down? Staff said they were not exactly sure. He asked when the fence came down? Staff said it was recently. MacMann asked if there were any lawsuits related to this. Staff said they believed there was an injunction against the applicant regarding further changes, but it would not preclude action by P&Z tonight.

Staff then explained that the previous fence used to be along the existing asphalt pad, and that now the fence would go into an area that was originally thought of as a buffer area. Rushing asked if making changes would require the relocation of any existing out-buildings. Staff did not think it would.

The public hearing was opened.

An attorney appeared on behalf of the applicant and stated that there was no reason to get into any existing lawsuits, of which there are 2. This is a simple question about moving a fence to a place it is required to be. It was torn down recently because it was dilapidated. Why was it where it was in the first place? We don't know, but that's where it was when we acquired the property. There are two lawsuits. One says that the neighbors own the 10 feet where the new fence would go. The applicant put up a temporary fence, and then the neighbor tore it down, so we told them they cannot control that parcel of land and they don't own it. But that is not the point. We are following the new rules. We have reached out to every neighborhood association. We could not reach agreement on this issue. We have done what we can do.

Rushing asked what would happen if one property owner actually prevailed in claiming the property in question. The attorney stated that the fence will have to go where the fence has to go. It goes to the property line. If someone else owned the property it would be confusing, but the rule will still be the same. MacMann asked who built the original fence? The attorney stated that the previous property owner built it. MacMann asked about the curvature in the fence. The attorney believed that occurred when part of the fence fell down and curved. MacMann then asked who has been maintaining the property south of the current lot. The attorney stated that his client had to the extent possible.

Burns asked about maintenance and access. The attorney addressed the fact that there is a utility easement in this area. City was blocked from maintenance of those lines to some extent because of the curvature of the fence, but this new construction would fix that problem.

The next speaker said that she was a neighbor living on London Drive. She has been involved in the Highland Park neighborhood Association. She thinks the new plan encroaches ten feet into their property and that they have always worked with the city in terms of utility maintenance. This new plan will eliminate 5 mature trees in her back yard if approved. She is a part of the lawsuit that asks for adverse possession of the property. The courts need to decide that. We have the right after so many years to claim ownership and we are asking for that. We have mowed this area and planted bamboo in part of this backyard area. We have exclusive rights to this area and anyone coming in to try and do something else is trespassing. Put the fence back where it was and don't let these people destroy these trees.

Toohy asked how the current owners were defaulting on their responsibilities. The neighbor said that no one has ever asked to mow that area. She said she had lived there for four years and that they did not conduct a survey when they purchased the property. The neighbor said because there was no barrier between her house and the fence, it appeared that she owned it. Toohy suggested that appearing to own it and really owning it were two different questions.

Loe said that P&Z will not decide the lawsuit. She also explained why the P&Z decided to make the rule to place the fence on the property line and that that rule was a big part of their deliberation since they were concerned about access to property on the opposing side of a fence. They did it to allow access for maintenance. They asked if there was a scheduled court date. The speaker said that there is a scheduled court date of November 16. The city attorney asked if the injunction prevented the city from taking action? The speaker said she did not think that was included in the injunction language.

Staff then suggested that you might be able to keep the existing trees and then not count them. That way, you could save the existing trees and plant some additional. We don't think anyone has said they want to tear them down, but he also said the city utility will need access to the utility lines and the city cannot abandon that responsibility. The commission may have opportunities available to them. We are

not considering the legal basis of ownership of this property, we are talking about compliance with the zoning code and the placement of the fence.

Loe asked if it has been determined if the significant trees are located in the utility easement? Staff said significant trees are defined as being located outside of a utility easement, so no trees inside the easement can be automatically protected. There are some trees in the backyard area that are greater than 5-inch dbh but less than 20. However, there are some trees that encroach on the power lines. They may have some benefits, but they also may be in violation. Burns asked if the neighbors had had discussions with the applicant. The neighbor said they had a lawsuit and many questions that had not been answered.

The next speaker stated that he was a neighbor living on London Drive. He said there is a water line that is incorrectly shown on the map. He also noted that there was a misidentified retaining wall. He also wanted to mention that the fence was removed on July 19 without notification and that it allowed animals to escape. There are also children who live there who are in foster care and they do not feel safe now. Please deny this request. Toohey asked if this property owner had a connecting fence on his property and if he had ever received permission to tie in to the fence. The neighbor said he had not.

The next speaker said she was an adjoining property owner, but not a party to one of the lawsuits. She indicated that some of the neighbors maintained the property on one side of the fence, and others did it in different ways. She would just like to see the fence replaced and put the ugly side toward the neighbors so people could not climb over it from the University Subaru side since the footholds would be on the neighbors' side. Rushing asked if only two of the neighbors maintained the area in dispute? The neighbor said that was correct and the rest of the properties were overgrown.

The next speaker said he lived on London Drive. He believes that all the London Drive property owners have taken care of that property. He thinks the fence was put in by the neighborhood in the past. He thinks it is a legal issue and a moral issue. The people taking down the fence were confronted and they became rude and defensive. He said those people said they were going to put the fence where it belongs and tear down trees. They have changed their story several times. They will not even talk in the lobby. Toohey asked if the neighborhood actually put in the fence? The speaker said he did not really know, but it spans more than just the Subaru property and was not put in by a single owner. MacMann said he thinks it looks like a developer line of demarcation. Loe asked if it has been surveyed. The speaker said he did not think so and that the neighbors have maintained this area for more than 10 years.

The next speaker stated she lived on London Drive and has lived there since 2006. She owns a condo there. She had to get permission to build a fence on both sides of the property. Once she got a weed violation that involved the property that the applicant claims. They called the Subaru dealership and they fixed the problem immediately on both sides of the fence. Subaru has been a good neighbor. What we are trying to do here is work together. I would like to see this end tonight and put up a fence. She knows that Subaru has offered to put up a temporary fence. Some liked it. Some moved it. Let's get this worked out tonight.

Another speaker stated that she also lives on London Drive. She has lived there since 1994. My sister takes care of that property knowing full well that we did not own it. But, we had to take care of it since no one else would. She said she has a garden on that side of the fence and it will be in peril, and I also know how hard it is to take care of that land. I would like a little time to move things if I have to. If that

fence has to go up right now, I will not be able to do it without some help and I have many plants I will need to move. I don't see how the current plan will ever screen the property the way it is supposed to. These are ornamental trees and the sound and light will come through. That will reduce the experience of being in the back yard. We put a pond in the back yard to make it better. Don't do this now.

The next speaker said he lives on London Drive. He does not live adjacent to the property, but he is kind of across the street there. He wanted to know what kind of fence they were talking about putting in there? The attorney did not know. Since I-70 is so close, I think the fence should be soundproof. He stands with the neighbors, but he is willing to figure out what would be best. He also wanted to know if they were in compliance with lighting regulations. The Subaru lights affect me, so maybe we should check this out. A little education might help. Loe said the fence would be an 8-foot wooden privacy fence according to the plan. She also said there is a lighting ordinance in play. Staff believes it is in compliance with the old code and would not need to be changed unless significant changes were made to the property. Staff admitted that the applicant property does not meet all new rules, but they don't have to. It appears that there is a communication blockage. Staff suggests that they reach across whatever fence is built here. Staff stated that the owner is in the audience and suggested that maybe he would be willing to talk tonight. Right now, the owner is not in violation of any code. If someone wants to file a formal complaint, do so and we will check it out.

The speaker repeated his question about lighting. Staff said the applicant is compliant with the old rules, not the new ones. Staff said that they could have put in landscaping that complied with the old rules on landscaping, but they also asked to get this changed voluntarily, but that requires permission. The city arborist has indicated there are problems with existing buffering arrangements. These problems predated University Subaru. We do have mechanisms with the code to investigate any existing problems. We do not know of problems at this time.

The next speaker indicated that he lives on London Drive and his name is Lloyd. He is known as Lloyd of London. He said he assumed that his land went all the way to the fence and that he always maintained it. He heard that the owners were going to build a new fence and he initially knew nothing about it. They go off to a bad start because of the lack of notification. This caused problems for both kids and children. He put up his own fence right behind the other one to protect his animals. The old fence was not falling down because it took a chain saw to get it down. I took care of my side of the fence. Subaru or the previous owner never did that.

No further speakers came forward.

Rushing indicated that she thought there was no rush. She thinks the legal issues should be worked out first. She thinks a decision can be delayed and will not support this if it has to be done tonight.

Toohy asked what made this a major amendment? Staff said the landscaping change made it a major, and it was not a minor change since there were modifications shown on plans since 1983. Staff said there was a bizarre statement in the new plan and that a fence showed up instead of new pine trees, so the confusion tended to disqualify it as a minor amendment and we think it is a major amendment because of all the changes, even though it is considered as such by some people. We have a big file on this property regarding maintenance and complaints, so we felt we needed to bring this forward for action. We think the question is, does the proposed change comply with the code? We believe it does. You can approve, deny or table this at your discretion.

Burns said she thought there is no hurry in this decision. She thinks there is a discrepancy regarding testimony. Loe jumped in and said she does not think this is a question of adverse possession. She thinks they can give a decision on where a fence should be, regardless of where the property line really is. We can talk about trees and options, but not where the property line exists.

Mac Mann said he has been involved in a lot of civil proceedings. He thinks any decision by the city may have some bearing on any legal case. He does not see how waiting could hurt anything. He thinks there is conflicting information. I think we should wait.

Russell asked when the next meeting after November 16 would be. Staff indicated that it would be the first meeting in December due to the Thanksgiving holiday. Loe said she thought this is about the rule, not the property line. Rushing asked if the commission rules that the applicant is allowed to build a new fence, and if it has to be torn down subsequently, won't it just be more expense for the applicant?

The lawyer for the applicant asked to be heard again. Staff indicated if they re-opened the hearing for the lawyer, they would have to re-open it for everyone. MacMann said there were people with kids here and we need to consider the time. Permission to speak was granted.

The lawyer said this could be tabled and they will not oppose that motion, but that is a really bad decision for the neighbors. We are trying to get a fence in place. This will not affect our lawsuit, but it will delay the construction of a new fence.

Staff said this is not a cross examination. Address your questions to the commission, not to each other. Another speaker came up and said the lawyer for the applicant should answer how he can say who is taking care of land on one side of the fence. The chair ruled that that was not a proper question and that it is a question for the courts.

Another speaker came back to the microphone. He thinks the lawyers ARE using this proceeding in furtherance of their court case, but that the neighbors are happy to wait. This is about the fence and the trees and we will also support a tabling.

Another speaker spoke in favor of the tabling.

The public hearing was closed again.

Commission discussion ensued and a motion to table the plan until December 6 was made and seconded. The motion to table passed unanimously 7 – 0.)

PUBLIC COMMENTS

A speaker thanked the commission for taking time to hear the University Subaru case.

STAFF COMMENTS

Staff indicated that the next meeting will occur on November 18

Cullimore Cottages will come back at the next meeting.

The Lake George PUD project off Richland Road will come back.

The Ridenhour request will come back with two elements for discussion including both annexation and subdivision platting.

A worksession will precede the next regular meeting at which time the election of P&Z officers will occur. There will also be some additional follow up related to Rock Quarry Road and the Scenic Overlay plan. Commissioners can see how the staff recommendation meets with area resident opinions. There may also be additional information regarding comprehensive plan update materials. Staff asked that any commissioners who plan to be absent please notify staff in advance due to quorum requirements.

COMMISSIONER COMMENTS

(None.)

NEXT MEETING DATE - October 18, 2018 @ 7 pm

ADJOURNMENT

(Time: 9:25 PM.)

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