

EXCERPTS

PLANNING AND ZONING COMMISSION MEETING

DECEMBER 8, 2016

Case # 17-1

A request by Crockett Engineering Consultants (agent) on behalf of Charles and Rebecca Lamb (owner) to rezone 42.98 acres of property from A-1 (Agricultural District) to PUD-11 (Planned Unit Development-11 units/acre) with an associated Statement of Intent, and to approve a PUD (Planned Unit Development) development plan to be known as "Kelly Farms". The subject property is located on the east side of Cinnamon Hill Lane, approximately 1,200 feet north of Stadium Boulevard, and addressed as 1202 Cinnamon Hill Lane. (This item was tabled at the November, 10 2016 meeting)

MR. STRODTMAN: May we have a staff report, please.

Staff report by Mr. Pat Zenner of the Planning and Development Department. Staff recommends approval as follows:

- Approval of the rezoning to PUD-11 and the associated Statement of Intent.
- Approval of the PUD development plan known as "Kelly Farms", with the requested sidewalk exception, subject to technical corrections to incorporate a note addressing construction for the driveway to serve the City's water tower site and the C-1 zoned property to the west.

MR. STRODTMAN: Thank you, Mr. Zenner. Commissioners, any questions for staff? Ms. Loe?

MS. LOE: Mr. Zenner, the traffic study that is mentioned in the staff report mentions the Stadium Boulevard traffic, but not Broadway. Was Broadway included in the traffic study?

MR. ZENNER: No. Based upon the fact that this project does not -- it is directional flow would be all to Stadium. It was not looking at driving through the Timberhill neighborhood to get to Broadway as an option. Mr. Crocker does have the folks from CBB here tonight to address that, and Mr. Crocker could probably address that as well. From a practical perspective, Ms. Loe, and we didn't cover this within the staff report, the generators to draw traffic from this particular development in staff's opinion are all to the south, they are not to the north of the intersection of Timberhill with East Broadway is unsignalized ; it does have an associated disincentive to be making a left hand turn in order to head back to the services that are there at Broadway Marketplace; whereas, proceeding south through two signalized intersections to get on the Interstate and then to proceed north to the Broadway intersection where there is signalization to staff is something that we have contended from the initial review of this project of the concern that has been expressed or will be expressed this evening to the usage of Timberhill running north for the high volume of traffic is really not practical to us. It just doesn't -- it doesn't make sense. So the traffic study to my knowledge was not encompassing looking at the Broadway intersection based on

the fact that it is not really considered a viable -- a significantly viable flow of traffic out of the development.

MS. LOE: Thank you.

MR. STRODTMAN: Mr. MacMann?

MR. MACMANN: To follow up on Commissioner Loe's question, how long is Timberhill from WW to the north boundary of the PUD?

MR. ZENNER: Well, Mr. Crocker may have that information --

MR. MACMANN: About a half mile? Something like that?

MR. ZENNER: -- written. Maybe longer than that. Ms. Cain's here as well, so some of our residents may have that. I don't have that specifically.

UNIDENTIFIED SPEAKER: (Inaudible).

MR. MACMANN: I didn't hear her answer. I'm sorry.

MR. ZENNER: About a mile. Nine tenths of a mile.

MR. MACMANN: The next question would be how many lots are in Timberhill?

MR. ZENNER: A total of 12 -- 14 lots, there are 12 homes if I recall correctly, folks.

MR. MACMANN: So it's a low density, low traffic area currently?

MR. ZENNER: Yes. And it is a very -- as you are probably aware of, a very narrow street.

MR. MACMANN: It is a very narrow street. I would guess -- I'm doing -- I'm not a traffic engineer and I will be corrected soon, I'm sure.

MR. ZENNER: (Inaudible.)

MR. MACMANN: But my guess is even at average occupancy you are going to have four to five hundred cars in this development. Is there an idea of how many of those cars might choose to exit through WW or maybe come back into the northern portion of this PUD?

MR. ZENNER: I will --

MR. MACMANN: Do you have any idea how --

MR. ZENNER: I do not. And I am not sure if Ms. White had discussed that as part of their assessment. I will be quite honest with you, folks, I did not review that traffic study personally. I am filling in. I believe our traffic folks may have identified that with Mr. Jake, and discussed that if necessary --

MR. MACMANN: Well, I just --

MR. ZENNER: -- if he has got information to add.

MR. MACMANN: I'm just -- the reason I asked is to make some quick calculations. At average home occupancy, we probably have 32, 34, maybe 36 people who live in Timberhill. And if they all have automobiles, which they may, this is America, you are talking about 30, 35 cars, maybe twice that many trips per day, and we are having four or five hundred cars just south of them. And my guess is their traffic is going to double or triple even with just a leakage of 5 or 10 percent from the northern portion of this PUD because it's -- while it is difficult to get to left, it is maybe not impossible, but it is certainly is much easier to come home that way, particularly if you are downtown -- the University. These are the concerns

that I have had looking at this because you are right it is hard to get that left out of there. But if I am coming home from downtown, why on earth would I get on the highway? These are concerns that I have, and I will finish in just a minute, Ms. Loe. There's been -- we had a problem with some conservation easements up north to the property that the Burnam's owned. And you said the Kelly's are going to retain possession of this conservation easement?

MR. ZENNER: That is correct. And the issues associated with the conservation easement of that -- Kitty Hawk are --

MR. MACMANN: Thank you.

MR. ZENNER: -- are entirely different done as a private covenant, not as part of a platting action governed through a planned development.

MR. MACMANN: All right. I just -- I just wanted to get that out on the record. I thought that was the case, but I --

MR. ZENNER: That is -- I would assure you that the requirement of who owns or how this is platted will be handled far better than what we have previously encountered with some recent development.

MR. MACMANN: All right. It is my hope so. Thank you. That's all my questions for this moment. Thank you.

MR. STRODTMAN: Thank you, sir. Ms. Loe?

MS. LOE: I just wanted to add or augment Mr. MacMann's observations about traffic onto Broadway. Would this development be part of the school district for the new school we looked at previously that would be going in across from Old Hawthorne?

MR. ZENNER: The school district has now responded -- what you do not see here maybe clearly is Shepard Boulevard Elementary is actually at the -- get the right mouse -- Shepard Boulevard Elementary is right here. I am not sure where the attendance boundary line is, and again, I believe the Kelly's can respond to the potential tenant mix that they have within their particular type of project. It is my understanding that there are going to be attendance boundary realignments as a result of the Vineyards school being built, but where those are today, and where they may be being changed to in the future, I am unaware of. And again, I guess -- utilizing that potential option as then a cut-through to get to WW to go over to the Vineyards -- the design of the roadway of Timberhill as it is is a very narrow windy road that in winter conditions, as the residents will probably tell you, is sometimes treacherous, though it is on the high priority list for plowing is not necessarily something that we as a staff when we evaluated this project as a related to flow northern -- northern flow out of this project as holding a high level of desirability. And, Jake, I am not sure if you've got anything from the review of the traffic study, or if we want to let Shawn address that.

MR. RAY: We'll let their traffic engineer.

MR. ZENNER: Okay. And so, again, this becomes one of these issues with the connection of two subdivisions -- existing public street that dead ends. And this has been an ongoing issue with the

proposal on this 43-acre tract of land with existing Timberhill, the City staff is staying firm in its position that the connection of this existing public street to the extension of a public street that basically will provide additional connectivity through a residential development now, which is significantly different from previous, is appropriate. And again, as I stated previously in our last case, should the traffic impacts become so significant that the closure of this roadway is necessary in order to protect the Timberhill Neighborhood Association that is a Council action that could be taken upon request. Until we have the actual impact exhibited, not being perceived, we do not recommend moving forward in potentially closing this roadway at this point.

MR. STRODTMAN: Commissioners, additional questions or staff clarification? I see none. Well, this is a public hearing. We will go ahead and open up our public hearing.

PUBLIC HEARING OPENED

MR. STRODTMAN: Please give us your name and address, and we will begin.

MR. COLBERT: Good evening. Caleb Colbert, 601 East Broadway. Given the late hour we are going to make an abbreviated presentation and we will try and rush through this. But we want to make sure we answer all of your questions. So tonight I have with me Ben Kelly, Pat Kelly, Mark Farnen, Tim Crockett, Randy Porter and Shawn White. And between that team we can -- I think we can answer anything you throw at us. The things I want to cover, my portion of the presentation, are to give you a little background on the property owners, and then to compare this proposal to some of the previous proposals for this site. First a little background on Pat and Ben. There -- it is a father-son team that owns several local projects. They are high quality developments. They have owned them for more than 20 years. They are well managed. They are well run. You can see the Katy Place, Kelly's Ridge, all have A-plus ratings by the Better Business Bureau. They have low vacancy rates right now. They are full. They don't -- they wouldn't be making this investment on Kelly Farms if they didn't believe they could fully occupy those buildings. One of the last proposals involved student housing. I think everyone will be happy to know the Kelly's don't do student housing. They do not own a single three- or four-bedroom unit. Similar to their existing developments these units that are proposed for Kelly Farms will be all one- or two-bedroom units. They serve an existing -- or a diverse market. Anyone in this room can rent an apartment at Kelly Farms if the project is approved. They don't do marketing that is targeted at undergraduate students, and as Mr. Zenner pointed out in his presentation, all of the buildings will have direct access garages. We think that is something that is common in other cities, but it is relatively new to Columbia. But I think the Kelly's have discovered that over time, you know, guys want to have their man cave somewhere, folks want a direct acc-- a direct garage for safety reasons, for convenience reasons. Again, that is something that students are not after when they are looking to cram four people into an apartment. So we did -- obviously had a proposal on this site before. It was recommended for approval by this Commission, but we did have some comments and concerns about the previous proposal. We took those comments seriously and we tried to bring back a proposal that addressed all of those. One of the comments was on the size of the development. Clearly, we have eliminated many buildings, we have

reduced the maximum building height -- the number of stories, I mean. We have reduced the number of bedrooms; we have reduced the number of parking. There was a comment about the exclusive nature of student housing, that we were excluding other housing types. Here we have a mixture of single-family lots with multi-family residential on the south portion of the site. And with that I am going to turn it over to Mr. Crocker to talk about some of the design aspects, but I am happy to answer any questions if you have any.

MR. STRODTMAN: Commissioners, any questions?

MR. COLBERT: Actually, can -- I want to add one more thing. We're aware that the Timberhill residents may propose a gate at the connection of Timberhill, and we want to be very clear that if the Commission and the Council require that a gate be constructed there, we're happy to construct one. We, of course, brought forward a plan that meets the connectivity requirements of the City, but if a gate is proposed or required, we will construct that.

MR. STRODTMAN: Thank you.

MR. COLBERT: Thank you.

MR. CROCKETT: Tim Crockett, Crockett Engineering, 1000 West Nifong. Before you here is a color rendering of the site itself. I think several of the Commissioners were on this Commission when the previous request came forward. If you recall we had a lot of buildings, we had a lot of parking, had a lot of pavement on that piece of property, and had our green space isolated in certain locations. What the Kelly's have done here, what they want to provide is not only the green spaces that we have before but also internal green spaces. I think what you will see here is you will see a rather exclusive or an intensive sidewalk plan, if you will. They want the units to open up in a green space wherever possible, not to back up just solely to parking lots or solely to other buildings, but have a lot of green space integrated into the development itself. They think that is very important and this site justifies that. Something else to note on this project that Mr. Zenner indicated is that we want to have a transitional zoning. We are having the PUD on the southern portion of it, but then it transitions into an R-1-type development to the north into an A-1 development a little bit to the northeast, and then, of course, into the Timberhill residence as well. The A-1 portion is what kind of showing up in the orange color, the R-1 is the yellow portion. We would like to note that while we are calling those R-1 and calling those A-1, it is all part of the PUD. We have been asked why -- why are you including that in the PUD as opposed to just calling it R-1 or A-1. Simple reason is it adds additional protections for the City and the neighborhood. When we say we are going to do something, we can simply put it on the PUD plan and we are held accountable. And so the idea there is to put that on the PUD plan as R-1 lots and A-1 lots, develop those to those standards, and hold us to -- to those standards. One item I would like to talk about is -- Mr. Zenner again talked about the access coming into Timberhill. Again, that is a public street that is stemmed to our property. The City requires us to tie into that. What we are proposing here is to do everything we can to -- to mitigate or to restrict that traffic moving north. We don't want those residents or anybody to feel like it is an easy shot going straight north. So what we have done is we have come in here, we have added a couple of 90 degree turns, we

have narrowed down some areas, we have added and divided parkways, we have divided islands, all in an effect, all into attempts to try to discourage traffic from moving north. Shawn White is here, the traffic engineer, and she will talk about the fact that they believe -- the traffic engineers believe that very few traffic -- trips will go north anyway, but we want to really discourage that. So we have done that in this configuration while providing the R-1 and the A-1 zoned areas. Again, the conservation easement is across the north. Mr. MacMann, that conservation easement will be included on the final plat which will be completely enforceable by the City of Columbia. It is not a personal agreement that has been an issue of other -- other cases. This will be in effect and will be enforceable by the City of Columbia. This is just a little rendering kind of with the existing aerial photo underneath it showing the tree cover in the area. We think that is somewhat important because that is going to provide screening and shielding of the residents for our development to theirs, and likewise. We have done some line of sight studies. This is a little bit hard to read, but the big issue that we want to illustrate here is what you see on the far left of the diagram are the residences of Timberhill. And you see the large -- the tree cover areas and then what you have is the units there on the right side. We have several of these at different locations for various homes depending on the different line of sight that we are looking at. But really what we want to illustrate here is the elevation of the existing homes in Timberhill, there's two of them that are on top of the hill, and you can kind of see how trees block the view, but more importantly we can build multi-story buildings within our development and still be at a lower elevation than those homes. The fact that -- the thought that, well, you are going to build a three-story structure several hundred feet away from mine and I can simply see it towering over the trees simply isn't the case because those structures are going to be at a lower elevation at, you know, much below the homes themselves, which are also going to be screened by trees. So we believe that there is going to be a substantial amount of screening between us and the existing neighbors. Again, Mr. Zenner, I am just going to flip through just a few pictures; Mr. Zenner kind of alluded to that. One thing I would like to correct, again, this is the step-down units. Those are two buildings that we are going to do the step-down buildings on, the rest will have a full three -story across them. But you can kind of see the large wrap-around porches, you don't see that in student housing. You see a lot of green space out in front and you see the brick and stone across the front as well as 70 percent of all the facades will be that. Again, here is the corner units, again very nice. Now we will show you -- what Mr. Zenner showed you was an artist's rendering of that, an architectural rendering of that. These are actual photos of the exact same building. So if you look at what Mr. Pat -- what Mr. Zenner showed, and look at the photos of what got built, it is exactly the same thing. And so it's not a bait and switch, it's not the situation we are trying to present to you something that looks fancy and looks pretty and we are going to change it all around. This is exactly what they built. If you compare that to -- with what they have, it is spot on. Again, here is a few more pictures. Again, the multi-family layout and that is what I have. And so with that, I am happy to answer any questions.

MR. STRODTMAN: Commissioners, any questions for Mr. Crockett?

MR. CROCKETT: Thank you.

MR. STRODTMAN: Thank you, sir.

MS. WHITE: I will say good morning, huh?

MR. STRODTMAN: It is.

MS. WHITE: Shawn White with CBB. The address is 12400 Olive Boulevard, St. Louis, Missouri. I just want to shed light on a couple of issues that have been raised. I mean, the first of those being a desire by residents to have a protected eastbound left turn on Stadium at Audubon. That has been raised a few times. The proposed development will have minimal impact on that movement. This proposed -- the proposed site generates less trips than the prior avenue that was considered, as well as these trips are dispersed differently since that development was oriented pretty much all to and from the University. They were all going down Stadium, and this is more distributed to 63, so there is not as much traffic going that way. Regardless, we did reach out to MoDOT and talked to them about, you know, their opinion as to whether they would allow and protect the left turn movement for that, and they had just indicated to us that they were not in favor of it, that they've looked at it in the past based on several requests that I guess had come in over the past, and it is just not something they are wanting to do. They feel like it would take time away from westbound Stadium which has, you know, thousand, you know, probably upwards of 1,500 cars on it to accommodate 30. They feel like they can be accommodated on Old 63 or other places, or -- or wait. So I just wanted to share that. The other is the one we have already talked about tonight which is the potential of Timberhill to be a cut-through route. You know, based on -- and the study goes into a little more detail, and I can share that if you want, but, you know, looking at a review of travel times, we just aren't thinking that, you know, with the distance that they have to travel, the speeds, the condition of the road that is there, it just doesn't make sense for people from the apartment complex to travel up through Timberhill to get to Broadway. It would actually, I mean, it is almost 70 percent longer to go that way than it is to come out time-wise because of how much faster you can go on Highway 63 versus traveling through -- through and winding through their subdivision. Conversely, we feel like it is a benefit to the residents in Timberhill because it's a drastic reduction in their time to get to Stadium to come through this connection versus having to go all the way back up to Broadway, you know, over to 63 and then head back south. And we understand that they may not want that, I guess. You know, putting on my traffic engineer hat, which is the one that I wear most of the time, we understand the staff's -- and support the idea of connectivity and think, you know, what -- anytime it's feasible and possible I think that's always encouraged. In this case we just don't see that there would be any strong -- it is not a desirable connection, you know. It's not a nice straight route up to Broadway where you have a signalized control or anything to be able to get onto Broadway, so we just don't see it being a cut-through route. But as mentioned here before too, if it is something that you guys so decide that you want a gate there, I think the applicant's happy to do that. That's very brief, and I am happy to answer additional questions about this study if you guys have those.

MR. STRODTMAN: Commissioners, any questions for this speaker? Mr. MacMann?

MR. MACMANN: Hi, Shawn. How many trips per day in and out of this PUD?

MS. WHITE: On page 15 of the traffic study, if you have that, there's -- throughout the entire day there's an estimated 2,545, and that's in and out.

MR. MACMANN: Rough number, how many of those go north?

MS. WHITE: I mean, we did not -- we did not assign any trips --

MR. MACMANN: Zero?

MS. WHITE: I mean --

MR. MACMANN: I mean, yes, I understand that. I'm -- I'm having trouble with such a low number.

MS. WHITE: Right. I mean, we assigned approximately 30 percent to the north on Highway 63.

MR. MACMANN: How many of those would actually go through Timberhill at any time or would return to Timberhill at any time?

MS. WHITE: I mean, we didn't assign any that way. When we are looking at a traffic study, you know, if I said okay, you know, 5 percent goes through there, then that would be eight trips, you know, or in the morning it would be ten trips and in the evening it would be twelve if I said, you know, 5 percent of our traffic is going to come through Timberhill. But all that does is lessen the volume at my other intersections that I am analyzing to determine my impact, so I am actually analyzing more of a worst case scenario along Stadium to just assign it all that way which is more realistic. I mean if ten or fifteen trips go up through Timberhill it does not change the --

MR. MACMANN: I'm then going to ask you -- and I'm sorry to be incredulous, do you think there is going to be ten or fifteen trips per day out of 2,000-plus?

MS. WHITE: I'm looking at the peak hour. I'm looking at the --

MR. MACMANN: At the peak hour.

MS. WHITE: -- peak hour.

MR. MACMANN: Okay. I mean per day, how many trips through Timberhill?

MS. WHITE: I mean, I don't -- I don't think there will be hardly any. I mean, maybe -- even if you said it was five percent, you know --

MR. MACMANN: You are thinking of a total of 2,545, five percent is 1 --

MS. WHITE: Twenty-five.

MR. MACMANN: Yeah. 127 or whatever.

MS. WHITE: If you spread that out over 18 hours --

MR. MACMANN: All right. That's what I wanted to know. But that's -- thank you.

MR. STRODTMAN: Commissioners, additional questions? Mr. Harder?

MR. HARDER: I have a question about the traffic as well too. Other developments that the owners have come out on four-way roads, two lanes one direction, two lanes the other. In your traffic study it did not back up coming from Cinnamon Hill onto Stadium at peak hours as far as -- because once it starts to back up I could see someone saying I will shoot north and avoid this traffic. Even if it takes longer, they could say, you know, I will just go that way. And then you had also mentioned Stadium and

Audubon. There's a lot of wrecks there. Did the traffic study show that it would -- there would be a substantial increase at the corner -- at the intersection of Stadium Boulevard and Audubon? I just want to see if that -- during peak times sometimes that is kind of a hairy intersection.

MS. WHITE: I guess referring to the Table 7 on page 20 of the report and speaking to the intersection of Stadium and Cinnamon Hill, I mean, it operates at very favorable levels of service. I mean, that southbound approach is a level of service B, with only 10 seconds of delay on average during the peak hours, so it's not -- it's not going to back up.

MR. HARDER: Okay.

MS. WHITE: I mean, all that traffic is turning right, you know, which is pretty much a free-flow movement coming out of there, so there won't -- there won't be any back up from people not being able to get out onto Stadium. And speaking to the intersection of Stadium and Audubon, again, it's looking at -- look at the table. The difference in the A.M. peak hour at that intersection, it goes from an A and 9.3 seconds to an A and 9.9 seconds. And the P.M., it's like a B and 15.3 to a B and 15.8. There's really no -- I mean, you're not even going to notice it. I mean, you could go out there after the development is built and you won't notice the traffic is any different.

MR. HARDER: I have one more question about the traffic study. I apologize for asking, but I go through this intersection quite a bit. I live on that side of town. There is an island in the middle of the road there, and I don't know if this is even in the traffic study or anything like that, but it is -- it definitely affects your vision kind of looks -- excuse me -- looking east on Stadium as you are kind of coming through underneath the overpass. Will the increased traffic there -- because sometimes you -- you see a car 50 feet away from you and it's blocked because of the center thing. Now that's not really anything that is even affected here, but I just -- as the traffic increases on Stadium, I just get nervous there is going to be more wrecks, but that's completely different than the traffic associated with the development, so you don't have to answer that question.

MR. STRODMAN: Any additional questions, Commissioners? Thank you, ma'am. Have any additional speakers?

MS. KIRBY: I've already been introduced. My name is Vicki Kirby, and I live at 1201 South Rustic Road. My property is directly behind the current house to the east past this little plot of land, and I live on A-1 property. I have already sent you -- and I hope it didn't just come because I sent it before 8:00 this morning, a note regarding some of my concerns. I was on Planning and Zoning Commission and I really commend you all for what you have done this year and what you've been through and what you're going through with all the revisions. But my main concerns are the trees. What I sent you was information about the east area plans -- thank you, I miss you. The east area plan in the Columbia Envision, my views are different than the staffs about what we're designed to do. We're right on the edge of town. This is one of the few urban forests. I just think this development is way too dense. I mean they've moved it from 11 to a 10, but I think it should be a lot less, probably at least four fewer buildings on it to retain the urban forest that we have there to absorb a lot of the toxins from 63. I live down on

Rhinestone Creek, so when they start blasting and getting all this in I just know it is going to impact the Creek, which is already impaired. And I won't go on and on because of that, but those are the main things that I can -- I'm concerned about. And the neighbors, my dear neighbors to the west will talk about their concerns, but my concern as a former commissioner is about the density and the removal of the urban forest as it relates to the Columbia Imagined and our east plan. So I will leave it there, and answer any questions if you have questions.

MR. STRODTMAN: Commissioners, are there any questions for this speaker? Ms. Loe?

MS. LOE: Ms. Kirby, who owns the property due east of the subject site?

MS. KIRBY: Well, that's a family-owned property. It's used now by Equine Medical Services because one of the owners is the wife of the person who owns that. And it is used for grazing horses --

MS. LOE: Thank you.

MS. KIRBY: -- that are donor mares.

MS. LOE: Thanks.

MR. STRODTMAN: Any additional speakers -- questions? I see none. Thank you, Ms. Kirby.

MS. KIRBY: Thanks.

MS. LITTRELL: Hello. My name is Doris Littrell; I live at 920 Timberhill Road. And if you look at Timberhill Road where it hits the subject site, right there is my house. Our kids -- the kids go to Cedar Ridge School, but I expect it is going to be redone and not telling where they will be by the time all this is built. I would like to give you a picture of our neighborhood. It is 14 houses, mid-century modern, all built in the 50s and 60s. It is two- to three-acre lots. It is a winding road with steep hills, and down at the bottom of the hill is a -- I don't know what percent a turn is when it goes back that way. And there's a field at the bottom of the hill and across that field is where the trail is. So you can walk down the hill and across the field into the trail. I like change. A lot of people don't. But I think it should be rational and it should be planned. And I think that we've worked very well with the developers on this particular project, and they have accommodated many of our issues. We have I think two major issues with the neighborhood -- from the neighborhood. One is the trees and landscaping, and the other one is the road. I really appreciate Mr. MacMann's comments because I -- we think that the experts who don't think anybody is going to drive north are not right. The thing that we know that connectivities is preferred in -- for like neighborhoods, the 10 single-family houses might be a like neighborhood to ours, but the 300 or 400 people apartments are not a like neighborhood to our 14 houses. And we think even -- we would ask for this road to be emergency access only. And we know that people can do that because it has been done, and I am thinking if you do something like bollards or whatever, the fire trucks can get in there. If you have the sidewalk along the road that comes up to Timberhill, people can walk or bike if they want to go all the way up there. But the idea of several hundred people driving down Timberhill, it's basically wide enough for two cars to barely be right next to each other. We would encourage approval for this -- I would encourage approval for this project with the stipulation that an emergency access road is what will happen at the top of it.

MR. STRODTMAN: Any questions for this speaker, Commissioners? Ms. Loe?

MS. LOE: Were you present at the first case hearing tonight?

MS. LITTRELL: Yes, I was.

MS. LOE: Did you hear the staff discussion, the Commission discussion about not closing public roads?

MS. LITTRELL: Right.

MS. LOE: So what are your thoughts about that, in that as proposed it would go through as an open road, and should there be evidence of problems, the neighborhood could petition to have it closed or be for emergency access only?

MS. LITTRELL: I -- first of all, I think we are not going to have to wait to see that people are going to drive that way.

MS. LOE: But you understand --

MS. LITTRELL: I understand the issues.

MS. LOE: -- we can't --

MS. LITTRELL: I understand the issues.

MS. LOE: Yes.

MS. LITTRELL: But the difference is between our house with this kind of a road that goes around like that with 14 houses and then several hundred people down the hill is not too like -- it's not like Ridgemont and Ridgefield. It's two -- two totally different kinds of neighborhoods.

MS. LOE: I agree the neighborhoods are different, but it's still about making a connection. If -- if the traffic were a problem, it wouldn't be long before you'd have your evidence to make a petition.

MS. LITTRELL: How long would it take for us to make that?

MS. LOE: Should the neighborhood have problems, how long does it take to petition to close -- or ask for emergency access only?

MR. ZENNER: I mean, obviously they'd have to make the request, we'd have to do an analysis. And then after the analysis is completed, which would be by our traffic staff, probably upon direction of the Council, I wouldn't imagine it would take more than a month to be able to get your counts and come back. Council has to make that decision at that point obviously based on that evidence. The other difference that we have here and it is not to downplay, I think the concern is you are also building a major collector that separates these uses and downplaying what the road network is to the north, so the traveling public as Ms. -- as Shawn with CBB laid out, is that your path of travel is going to follow the larger roadway, not the more narrow one. That's the logic behind why we do not believe it will head north. Your folks are separated and that's where the consistency of neighborhoods -- we're building on an opposite side -- the consistency argument would be that that is adjacent to Timberhill north of the roadway is what we believe to be consistent. We will not dispute the fact that's what south of the extension of Cinnamon Hill is not, but it is also using the major roadway that is being built as part of the project as its principle point of ingress and egress, which leads south.

MS. LOE: I understand that, but I just wanted to confirm this option would be open to the neighborhood --

MR. ZENNER: It exists in any instance where there is a defined and identified problem, Council at its discretion can direct the roadway to be closed. We have not experienced that as a result -- not to my knowledge, and I don't believe Jake's been around long enough to have it experienced as part of the City staff to where Council has been petitioned to close a roadway after it has been opened. Again, it becomes an issue, as I had discussed when we were discussing Ridgemont, our City's legal staff does not believe that it is appropriate to close public roadways from public access. There are a variety of other issues associated with the closure of a roadway that -- that deal with service delivery, how you plow a road, how you do a variety of other things, and the impact to the environmental buffer that is being proposed. So those issues are not addressed within the plan at this point and that would -- closure of this roadway and creating turnarounds on either side of the road closure in order to ensure that we had adequate snow storage and we have the ability to bring a vehicle around in a cul-de-sac, it is going to have an impact within the 100 foot of buffer. And I am not sure that that is -- that the outcome is what everybody would be supportive of given that. I mean there is a variety of ways to deal with that, but as soon as you bollard an access, you either have to have a cul-de-sac or you are going to have to have some type of T turnaround that is going to allow enough space for a trash truck or for something else to be able to deliver that. And if I am correct, Ms. Littrell, you folks have private trash collection within Timberhill?

MS. LITTRELL: No, we have City.

MR. ZENNER: City --

MS. LITTRELL: We have a --

MR. ZENNER: And how --

MS. LITTRELL: We have a T intersection, and it's my driveway and Ann Minor's driveway.

MR. ZENNER: So that is how our City vehicles are currently turning around --

MS. LITTRELL: Uh-huh.

MR. ZENNER: -- to get to the end of -- at the end of your street?

MS. LITTRELL: Right.

MR. ZENNER: And if that -- if that condition has existed, I mean, obviously that does resolve to some extent what happens on the north side of where the closure would be. What happens on the south side of the closure again though becomes a different issue and I think it -- we would -- the impact to the buffer at that point would be something potentially more significant and less desirable than the connection.

MS. LITTRELL: I think one of the other -- one of the things that concerns me and I think probably some of the neighbors is, is the issue of people that don't know what that road is like driving up there and flying down Timberhill. They are going to be having wrecks right away, and if -- well, I don't think we will be having it in the middle of the winter yet, but in the winter time if you don't know how to navigate that

road, you are in bad trouble. And by the way I wanted to say the whole thing with Audubon does not apply, I don't believe, to this -- and the traffic lady mentioned Audubon Street that went with the Park 7 proposal, so that doesn't apply on this I don't think.

MR. STRODTMAN: Any questions, Commissioners, for this speaker?

MR. LITTRELL: Thank you all very much.

MR. STRODTMAN: Thank you, ma'am.

MR. SUHLER: Ladies and gentlemen of the Commission, my name is Greg Suhler, 902 Timberhill Road, and the house just back north of Doris Littrell's, wife and I, Diane. I want to bring up another criteria that's a legitimate consideration for the City, and perhaps not usually addressed in planning and zoning, and that is the matter of crime -- crime prevention. One of the highest correlations, indeed, it caused the very high positive correlation to low crime is dead end streets, dead end streets or they're terminated by cul-de-sacs or simply unfinished as currently Timberhill Road is at the south edge. If -- if one were to think of crime prevention being a legitimate consideration of -- in the City, then maybe some from the police department would be involved in some of the planning steps. It seems now much of our time is being spent on housing, building, transportation considerations. In the name of connectivity, I submit that one person's connectivity is another person's get away alternate route. And I would -- I haven't heard -- I have heard of get away cars; I haven't heard of many get away bicycles. So I think not just for Timberhill Road Neighborhood Association, but also for the 10 houses in the transition zone, which I do applaud, as part of this development. I mean, in general, there is a lot to recommend this development proposal. If one were to take the implied zero transportation or traffic through -- on -- going north on Timberhill Road, one might suggest going forth from the Commission a suggestion that -- that have an emergency gate. That would conform a hundred percent with the traffic proposal -- traffic study that you have heard. Make it happen. Make it gated with access. Our issues haven't been with the developers. You heard that from Caleb Colbert in his introduction, it's rather been with the City's perspective, and I think that there -- there are other considerations should be brought to bear. I hope that the crime prevention is one that you take into consideration. Thank you.

MR. STRODTMAN: Commissioners, any questions for this speaker? Thank you, Mr. Suhler.

MR. SUHLER: Thank you.

MS. MINOR: Hi, my name is Ann Minor, and I live at 919 Timberhill Road, and I'm directly adjacent to the Lamb property. I am very concerned about the impact of this huge project on Timberhill. The PUD request is a huge jump in density, despite a hundred-foot buffer and 10 proposed small lots that act as transitions to our neighborhood, it is still too dense. In the 2015 Park 7 proposal, which included a 10-acre buffer, Council rejected the project in part due to a lack of sufficient transition from a high density PUD and the existing Timberhill Road neighborhood. Council recognized at that time that Timberhill Road was inadequate to serve as a secondary point of access, given its terrain with narrow curves and steep drop offs along the road. Now with this rezoning request, our narrow dead end road has been thrust yet again into the center of another high density proposal because there exists no current adequate

solution to access to the Lamb property for such dense development and its attendant transportation needs. The City's long range CATSO plan extends the future -- Cinnamon Hill Road to the current WW intersection. However, such a road is in the distant future and there is no funding for that road for as many as 35 years. In past generations of this proposal, we were called a temporary road until Cinnamon Hill Road was extended to the north, and that seems to no longer be a part of the process as far as I can tell. There is nothing temporary about our entrance. I ask that P and Z help imagine a more realistic secondary access in a different location. Imagine that the internal southernmost road along the manmade cliff above Cross Creek that they develop a road that goes to Maguire Boulevard. The intense development to our south would then have two adequate exits onto two major improved roads. It also allows traffic to also just proceed north to Grindstone and south to Jeff City without getting on 63 at that one access. And it is worth repeating that rezoning is a privilege not a right and these things should not be to the detriment of existing long-term neighborhoods. One other -- just a short note I want to mention is the cul-de-sac, the Cassai Road cul-de-sac on that plan. We have talked with the developers and we have talked to the City about not having that cul-de-sac directly about the 100 acre -- the 100-foot buffer, because it will take out additional tree protection in the buffer. And it could be moved a little further south and maybe one or two houses removed from that plan. Thank you very much for the opportunity to talk to you so late in the evening.

MR. STRODTMAN: Commissioners, any questions for this speaker? I see none. Thank you, Ms. Minor.

MS. KANE: Hi. I am Katie Kane; I live at 909 Timberhill Road with my husband, Mike. And our home is very close to the proposed development. By the way I want to say good morning to everybody.

MR. STRODTMAN: Good morning.

MS. KANE: Okay.

MR. STRODTMAN: Ms. Kane, can you maybe speak -- pull that, maybe, just a little closer? We are having a hard time hearing over there.

MS. KANE: This one?

MR. STRODTMAN: It's perfect.

MS. KANE: Okay.

MR. STRODTMAN: Thank you.

MS. KANE: Our home was built by my husband's parents in 1961. Some original owners or their children still occupy these 13 homes -- 14 homes. I am told I'm wrong. In the beginning young families felt safe and comfortable here. Mr. Shepard who developed the whole 42-acre subdivision had plan -- or 43 acres, had planned it well allowing a large buffer of native trees to the west. His intent was that the adjoining southern acreage be developed in kind as he owned it. To our delight, young families are moving in again and they've selected Shepard Hills for a reason. They want to raise their children in a tranquil, quiet, established neighborhood. We have 13 school age or younger children here now. We can let them play from yard to yard, just as the kids did in the 1950s, 60s and 70s. We can ride our bikes and

walk our dogs. It's truly a small hidden gem of a neighborhood that has changed little since it was built but it's well maintained. And everyone else has talked about the traffic on this street, so I don't have to do that. I think that it is too bad that we really receive no benefit from a new development like this, but we are asked to assume the risks, safety issues, especially for children, lowered property values, and damage to a street that was never intended for a large -- oops - can I stop it? How do I stop it? All done. We're finished. Thank you very much.

MR. STRODTMAN: Commissioners, are there any questions for this speaker? I see none. Thank you, Ms. Kane.

MR. JOHNSON: My name is Harold Johnson; I am president of the Shepard Hills subdivision. We are highly in support of the Kelly development; however, we would like to have it -- what do you call that -- emergency exit road between our subdivision and the Kelly development. I may make a comment on our history of our subdivision. Some 65 years ago, Clyde Shepard built this subdivision, and 25 years ago or more we were included -- annexed into the City. And we've enjoyed the -- more or less a -- the grandfathered clause. We just kept living as we did when we were in the country. And we had a dead end road, all of us raised -- many of us raised our children there, and even today we have four families with young children, so they can play in the streets, they can play in the woods, we have a park there too, and enjoy themselves. There has been some discussion, though, of having a road through the area, which is a problem. We have no sidewalk, so roads through there would hamper the -- the families certainly with children and other reasons that have been described by the -- them. Again, we would like to keep continuing our -- our livelihood with our families and not be worried about the traffic bothering the people. We do have no sidewalks, so if the road is through there, it does create problems. So we -- as I said before, we're in strong support of the Kelly development; however, we would insist on a -- an emergency exit and not a road through the subdivision. So, thank you very much.

MR. STRODTMAN: Commissioners, any questions for this speaker? Thank you, Mr. Johnson.

MR. JOHNSON: Yeah. Thank you.

MR. STRODTMAN: Thank you.

MS. EISENHARDT: My name is Ann Eisenhardt; I am at 700 Timberhill Road. And I'd just like to make a point of information that Timberhill Road Neighborhood Association has not yet ruled -- sorry -- on the development, and discussion is continuing. So we haven't really completely agreed to everything that has been proposed, but we are all in agreement about the road. Thank you.

MR. STRODTMAN: Any questions for this speaker? Ms. Loe?

MS. LOE: What is the association not in agreement on?

MS. EISENHARDT: Well, the density for one, even though it is much better than the proposed -- proposal from the last -- previous two years. It is still a big change from what we are used to. We used to be a mile out of town and, you know, even just having 63 come in has changed our lives. But that is a lot of people. It is better than student -- students coming up and down the road for sure, whether they're walking, biking or driving. But still, it is more people than we are used to having in our neighborhood.

MS. LOE: Thank you.

MR. STRODTMAN: Any additional? Thank you, ma'am.

MR. FARNEN: Hello, my name is Mark Farnen, 103 East Brandon, Columbia, Missouri. I would like to address the question of density and the Columbia Imagined Plan and the East Columbia Area Plan that has been mentioned because that all goes back to density and services and that sort of thing. In terms of the density, we -- and I want to refer to -- specifically to the Columbia Imagined plan in this regard. In terms of density as we saw the propos-- the prepared remarks from Mr. Zenner earlier, our density is going to be calculated at PUD-10. We had it at PUD-11 and really we had figured it at 10.2, but we went to 11. Now it looks like we will go to 10. Here is what the Columbia Imagined Plan says about density. It says that it should -- if you look in Appendix A of Columbia Imagined, which refers to prior planning documents and takes all those into account, it describes that the ideal density for garden apartments, multi-family dwelling, would be 16, a PUD-16. We come in significantly -- significantly under that. And that is in Appendix A of Columbia Imagined. It also talks about the natural environmental concerns and as it says in there, we are not prime farm land, shows no signs of Karst topography, is not identified as a sensitive area, is not characterized by steep slopes, and those places where we have slope it is no build. It will retain a substantial amount of the existing tree cover as was pointed out earlier, more than the prior projects or any other previous proposals. It does provide a 100-foot buffer that is not fence, it is natural, between a like kind of development and another like kind at its next single family to single family with a 100-foot buffer, all of those things which are called for and talked about as being enhancements in the Columbia Imagined plan. One of the biggest things that determine site location in that plan and in the East Columbia Area Plan is the fact that we want to build these things and we want to do infill and we want to use our land responsibly, when -- and one of the prime criteria is sufficiency of services. And you have spent time looking at checklists and scorecards and that sort of thing so that we can get better at it. That's what we have done here because this is one of the main areas in the Columbia Imagined Plan that has been identified that is most appropriate to build. It is very well served in terms of existing capacity for water, electricity, sewer and access to communication services as well as an improved road network, and a nexus or node commercial business, which is exactly what Columbia Imagined calls for. It is not student housing, that's the thing -- student housing, the term is not mentioned in the community Imagined Plan, and it is not mentioned in East Columbia Area Plan as student housing. But that's been the big problem in all previous proposals and this is not that. So all our marketing strategies, rental policies, configuration, amenities all reflect that concept, and that goes to use and neighbors. The density compatibility and desirability is one section of the plan that everyone looks at. And what it says specifically is some recommended land use policy, strategies and implementation tasks are intended to support the long range goal of creating livable neighborhoods by increasing development density and improving access to services. This intent is reflected in strategies such as revising zoning, which we were going to do later tonight, and subdivision regulations to allow smaller residential lot sizes, accessory dwelling units, but in also encouraging the integration of small scale commercial medium

density multi-family housing options with other -- otherwise uniform single-family neighborhoods. We did that. That is exactly what the plan says. The East Columbia Area Plan is -- drafts off of the Columbia Imagined Plan in many ways, and it talks about infrastructure, density. It talks about the water sheds and we can go down each checkpoint in the water shed portion of the East Columbia Area Plan, and show that it follows the plan. But one of the things that it does that the -- Columbia Imagined Plan doesn't do is it talks extensively about evaluation criteria. Evaluation of requests for higher density development on undeveloped tracts should be considered from several perspectives, it says. And here is its key: The concept of evaluating rezoning and development requests based on a sufficiency of services matrix or a capital improvement programs projects may provide the most defensible argument for approval or denial of a request. And this does that. It has sufficiency of services better than almost any other site in town, better than downtown, better than any place that is not next to a water tower. The second and potentially equally important perspective is to evaluate any rezoning or development request in how well it is integrated into its site and surroundings. We have made every effort to make like family, single-family housing opportunities next to like single-family housing opportunities, with transitional uses in between a multi-family that goes then to the nodal commercial. With commercial on the other side, farm on the other side, we think this is exactly what Columbia Imagined and the East Area -- East Columbia Area Plan asks for. Thank you for your consideration, and we hope that you will vote to approve this tonight. Thanks. And I would be happy to answer questions.

MR. STRODTMAN: Commissioners, any questions for this speaker? I see none, Mr. Farnen. Have a nice evening.

MR. FARNEN: Thank you.

MR. STRODTMAN: Or morning.

MR. FARNEN: Oh and thanks for kind of calling off Part II of this tonight.

MR. STRODTMAN: Very appreciative now, huh? Only four more hours and we will be up for work anyway.

MS. MILLER: Good morning, Commissioners. My name is Kathy Miller, I am a co-owner of the northwest 4.65 acre zoned and platted C-1 commercial tract. We have owned this property for many years and our property is currently in limbo based on the proposed plan. The way we see it, suddenly there's a road being abandoned and we are not really sure at this point where our new access may go other than it would be somewhere in Lot 12. The -- everyone has done a really great job thinking of all of the options, the developer has been very easy to work with, easy to talk to, we have met with the neighbors. We've lived in the neighborhood for 18 years, so we know the neighbors well. But basically we are here because we cannot -- we would like to have some assurance if this is approved -- there are lots of positives to this, but we would like some assurance that our access be located as close as possible to our existing access on the southwest corner of our property. I heard a new access point this evening on the 45 and as long as it's, you know, targeting that direction, that seems like it makes sense. It seems -- I have heard several different options that -- that lend themselves to that area. We have spent

time and engineering fees on this corner of that property. The City had come through and they put easements on that corner so it makes the most sense on -- on this particular piece of property to try to maintain that access point as close as possible to that southwest location. It could be in the -- you know, obviously in the Lot 12 if the existing road is to be vacated, which is what the City is recommending. But -- but we need to have hopefully some closure and not be left out wondering, you know, what is happening with our property just because it's just a -- it's important to know what you have. Secondly, the previously propos-- proposal that was accepted was -- was accepted without access changes to our property, so please keep that in mind. And then the -- we heard some question about additional access, but we weren't -- no one mentioned that this evening regarding the collector. The collector is noted as a neighborhood collector, it is not -- I've heard a couple of people say that it was a major collector, but it is noted as a neighborhood collector which says to me -- Shawn White actually had mentioned -- she was thinking that would be 25 to 35 miles an hour, somewhere in there, and it is a wide curve being a neighborhood collector, so having an access somewhere in there shouldn't be a problem there with -- someone had mentioned that at the City and so I just wanted to clarify that it is a neighborhood collector. We did -- I did speak with the Missouri - with MoDOT regarding that right-of-way, and I have a copy of this -- of the southern part of Cinnamon Hill that was deeded over, and he said that the northern part was also deeded to the City, and when I asked the City they said that there were -- I think it just hasn't been platted perhaps, but that was my understanding. And I can talk -- I talk -- I spoke with Carl Davenport at MoDOT. And that is pretty much our major concern, just regarding that southwest corner and that access.

MR. STRODTMAN: Commissioners, questions for this speaker? I see none. Thank you, Ms. Miller.

MS. MILLER: Thank you.

MR. STRODTMAN: Any additional speakers? Wanting -- plenty of time. We'll go ahead and close the public hearing.

PUBLIC HEARING CLOSED

MR. STRODTMAN: Commissioners, discussion, comments? Additional questions of staff? Mr. MacMann?

MR. MACMANN: Comment, and then I have a question of staff. I just -- just thinking, if we go home in the next hour, which may happen, and I am going to any of the northern or eastern portion of this, I'm going to take Timberhill. That just diverts the traffic like that. And I also want to make the point, we just allowed Stonehaven to not connect, and they've got a development, two property lots, you know, sold down there. And I'm having trouble with consistency. Ridgefield, Ridgemont has to, Stonehaven doesn't have to, this has to. I think we need to make up our collective minds, that's done with the commentary. Mr. Zenner, what does it take to get a gate? Mr. Crockett mentioned he was amenable to a gate.

MR. ZENNER: That is the choice of the Planning Commission and then ultimately the City Council to approve the gating of the roadway. What I will advise the Commission is that should a gate be installed, you would also need to give consideration to how an emergency turnaround at the end of the extension of Timberhill from Cassai Court would be accommodated within the green space conservation easement. I would suggest --

MR. MACMANN: So are you saying -- I am sorry to interrupt you. You're saying there would have to be a larger area to turn around in the green space --

MR. ZENNER: No. That was where I was just about --

MR. MACMANN: -- is that what you're saying?

MR. ZENNER: -- to go.

MR. MACMANN: Okay. I'm sorry.

MR. ZENNER: Turnarounds come in two flavors within the City's fire code regulations. They come as a standard 94-foot radius cul-de-sac or they are permitted as a T turnaround, which in this particular instance given the desire to maintain as much natural buffer between the existing residential development to the north, the T would be most appropriately either located on the southern edge of the 100-foot conservation easement. So if you look at the revised site plan from December 6th, you will notice as you come up and are about to connect you will see that there is that bump out where there is the middle island within the road right-of-way. I would propose that if the Commission is desirous to address the concerns of the adjacent property owners that a gate be installed, that gate basically -- that gate be permitted that would be your recommendation which would be contrary to our staff recommendation, subject to basically a T turnaround being compliant with the City's requirements being installed along the southern boundary; however, within the green space conservation easement north of Lot 11. The wings on that would extend out a specified distance, and I apologize I don't have that memorized. The minimum width, however would be anywhere between, if I am correct, 12- to 20-feet wide, so it would be basically an alley width of a roadway almost. And it would extend out from the center line allowing for emergency vehicle or some type of trash truck delivery as well as for snow storage, to pull into one side back out to the other and then come back out, basically making a 3-point turn without having to absorb as much of that common area as a standard bulb cul-de-sac. The gate at that point could be placed either at the property line of the adjoining -- or the adjacent property line between the Timberhill neighborhood on the northern side. In essence it would be beyond where the turnaround would be. And that would then still afford as -- our current public services utilize Timberhill on the driveways from Ms. Minor and Ms. Littrell as their turnaround, but not allowing traffic to proceed any further to the south. So traffic would come from the north -- or from the south heading northbound, then would run into the gate just beyond where the turnaround is allowing the people to turnaround in the T and then come back down the extension of Timberhill, but not allowing vehicular traffic north. Emergency access would be able to have access to that gate. We would not compromise potential snow removal at that point and we would be able to address the issue of not having continuous through traffic. It could be a bollards, it could be a

gate, I -- that's entirely left up to the Commission as to what you would want to do. Again, staff's position is it needs to remain open. It is a public street. Connectivity between the adjacent uses is appropriate.

MR. STRODTMAN: Are you finished, Mr. MacMann?

MR. MACMANN: At this moment. Thank you.

MR. STRODTMAN: Ms. Loe?

MS. LOE: Mr. Zenner, I have to admit I'm a little confused as well. I thought earlier this evening we were told that a public street could not be closed unless there was evidence of a problem. Now we're being told we have the option of closing it?

MR. ZENNER: You can make a recommendation for whatever you would like. That is -- that is the advice, maybe not as directly stated as it is right now that we would have given to you. As I said, our law department in consultation about Timber -- or about Ridgefield does not believe that it is appropriate to close public streets for the purposes of emergency access. That position still will not change. But our law department will respond to whatever Council basically will -- will acknowledge what Council wants. If Council determines that they want the road closed, regardless if their advice to them is -- it should not be, and it is inappropriate to do so, our law department is going to let the elected authority determine how they want to handle their approval. What I am advising you at this point is, is if you all want to make a recommendation for Council to consider to address the public comment that has been made this evening, it is within your prerogative should you so desire to do so, not seeing the value of this connection in this particular instance, and I understand that there is some confusion. Some of it has to deal with impact, and some of it has to deal with the belief that there is, or is not, going to be an imminent problem. That is your choice. The staff is not changing its position. It needs to be remained, it -- the staff's position is the roadway needs to remain open.

MS. LOE: I misunderstood the earlier instruction.

MR. ZENNER: Yes. The law department will advise our Council most likely that to close a public street without justified cause is not appropriate. Public tax dollars are paid to maintain both sides of that public street. It does not facilitate public service delivery and it may potentially result in a loss of public service delivery in the event of an emergency or the convenience thereof for the public to use that public street.

MS. LOE: Is this connection required for the new development to go in or because it would allow emergency access that's a moot point?

MR. ZENNER: Any development that exceeds -- well, it'd be the 30 lots at this point or in this particular instance as the subdivision -- this would be a -- multi-family would be at 200 lots -- 200-unit threshold, so the development is well over the threshold that the fire code has within it. And -- again, it has been our contention from the first generation of this particular development on this site -- not by these applicants, that that connection has then anticipated since the original platting of the Timberhill subdivision. It was stubbed to the property line between these two existing development tracts. To the

north it developed sooner, to the south it was retained and now we are seeing development south, therefore we continue the street. That is our position.

MS. LOE: But it's not required for -- to be completely open, if it provides emergency access?

MR. ZENNER: The Code is not -- the Code is not definitively clear in that respect. It says the two points of ingress and egress must be provided. And again, we would interpret that to be an open access, which I think is where our law department is coming from as it relates to you can't close what would otherwise be required generally, as well as you should not be closing a public street that's on either side of the gate from public access. There is two issues there. One is the more philosophical of closing a public street from the public being able to use it; the other has to deal with the fact that if we -- if we narrowly interpret the way that -- to the access requirement as for two points of ingress and egress, to have two valid points of ingress and egress they need to be free flowing. And that is in essence what the issue is with the Ridgefield issue, and Ridgefield was not generally -- because of the development that was being proposed a necessity in that respect that it had to have that secondary access because it didn't meet the threshold to have a secondary access. This exceeds the threshold for a secondary access and that secondary access should be available at all times. Again, it does not -- it does not distinguish within the Code, it doesn't always have to be accessible, and if it doesn't it could be the conclusion of the Council, as well as the Commission, that emergency access would be more than sufficient. Let's just throw another wrinkle into this, not to confuse you all. a secondary access is not deemed valid unless it connects to something else. So if you have a development that is over a hundred lots, and let's just say it is R-1, you are -- you have 110 lots in a project. You can only build up to a hundred off of the first single point of ingress. If you have a stub street that goes to something that's an undeveloped tract of land, that stub street will not count until it connects to another through street. So that's -- that is in -- the idea there is is the through street or the connection has to tie to something that is open that takes you somewhere.

MS. LOE: No, I get that. It needs to be connected through -- the development needs that connection. Ridgefield did not need the connection because if there had been a cul-de-sac on each side it would have been less than 30 lots or units on each -- each cul-de-sac would have --

MR. ZENNER: On each stub, yes. Correct. On each stub that would have existed, it would --

MS. LOE: So similar to Stonehaven?

MR. ZENNER: Yes. And that is where -- so when -- if you are trying to justify how you arrived at why we cul-de-sac'ed Stonehaven --

MS. LOE: Yes, I am.

MR. ZENNER: That would be -- that would be the -- that would be the extension of the logic that 22 lots did not exceed the 30 --

MS. LOE: Uh-huh.

MR. ZENNER: -- which is what the fire code has. You did approve an extension of the cul-de-sac length as part of that recommendation from what would be a 750-foot cul-de-sac to an almost 3,000 foot cul-de-sac. That cul-de-sac however also -- it for all intents and purposes has existed probably for

the last 15 to 20 years. Now the same could be said again with Ridgemont if you had so chosen to make the recommendation in the Ridgemont project to have cul-de-sac'ed Ridgefield on the west and required the extension of Ridgefield to be cul-de-sac'ed on the east of the common property line. Again, our evaluation is case-by-case per development by development and as always sometimes not an equal application of the regulation, based upon -- there are other issues that may be being solved in particular situations. We have said previously I think in a work session, consistency is the hob-bob -- hobgoblin of small minds and therefore we always throw a wrinkle in any recommendation we make for you to make you think. But nonetheless, the issue here is really you could have done one or you could have done the other, and from a staff perspective we are going based on what we believe to be the most appropriate -- the appropriate solution to the conditions that exist, as well as trying to achieve the greatest public benefit and consistency with our regulations. The Commission has the ability to disagree and we do not dissuade you from doing that in the instances where you feel compelled to do so. Council ultimately then has final authority. And this project, as well as Ridgefield, may ultimately end up with a gate, and I think what Mr. Crockett has offered, as well as the rest of their development team, is if that is what you want right now they are not adverse to having it down. Our preference is to obviously connectivity, but I also see and acknowledge the concerns that have been expressed, and we do have ways by which to assure that our concern as it relates to emergency access and turnaround can be addressed. And that -- that is why I am not going to -- I am not going to impale myself on the sword at this point, other than to tell you that we still will follow through with our recommendation of connectivity as the best route to stay consistent with the most appropriate planning solution in this instance, as well as what the regulatory standard and our interpretation says should be done.

MS. LOE: Thank you.

MR. STRODTMAN: Ms. Burns?

MS. BURNS: Thank you. Getting back to this particular situation, we have a -- Mr. Crockett has indicated that they can create some type of barrier whether it is a gate, a bollard, or whatever. The main concern of the neighbors seems to be that they do not want through traffic through their street. So I think as a Commission if we could discuss that, depending on what your feelings are, I don't know how to create that particular devise to block the traffic, but I have complete faith in Mr. Crockett to be able to come up with something, working with the neighborhood, of course. So those are my thoughts on it. I'm prepared to make a motion concerning that.

MS. RUSSELL: Please do.

MR. STRODTMAN: Commissioners?

MS. BURNS: Okay, in the case of 17-1, a request by Crockett Engineering Consultants on behalf of Charles and Rebecca Lamb to rezone 42.98 acres of property from A-1 to PUD-11 with an associated statement of intent and to approve the PUD development plan to be known as Kelly Farms. The subject property is located on the east side of Cinnamon Hill Lane approximately 1200 feet north of Stadium Boulevard.

MR. ZENNER: Ms. Burns, if I may?

MS. BURNS: Please.

MR. ZENNER: PUD-10 --

MS. RUSSELL: PUD-10.

MS. BURNS: PUD-10. I'm sorry.

MR. ZENNER: And the amended statement of intent dated November -- or December 6, and the amended site plan dated December 6, along with the associated design modifications.

MS. BURNS: Thank you. And I would like to move approval of this with the requirement that there be a gated or some type of measure that will prevent traffic from traveling north down -- what's the name of the street?

MS. LOE: Timberhill.

MR. ZENNER: Timberhill Drive. North of the common property line. Correct?

MR. MACMANN: Commissioner Burns? Manager Zenner had a clarification.

MR. ZENNER: North of the common property line. Correct?

MS. BURNS: Yes. Thank you.

MR. ZENNER: And do you want to also include that an emergency access must be installed on the southern -- on the subject site at that termination point?

MS. BURNS: That's what you indicated would be the most appropriate place for that; is that correct?

MR. ZENNER: That would be correct.

MS. BURNS: Yes, that's what I would like to move.

MR. MACMANN: Second.

MR. STRODTMAN: A motion has been placed on the table and -- by Ms. Burns and seconded by Mr. MacMann. Commissioners, will you have some discussion? Ms. Loe?

MS. LOE: Ms. Miller raised the issue of the access -- or just ensuring access to her lot at the southwest corner. Is that something we can address in our comments or just make a recommendation or --

MR. ZENNER: The formal submission of the actual assess -- Mr. Crockett has feverously writing something done since they will be firm producing the engineering plans and I am hoping he is writing that down. The minutes have captured that, I don't believe that is a necessity to put into your recommendation unless you would like to. Again, the design of where that access may transverse Lot 12 is something that we will have to look at final design plans for. I'm -- I'm aware and I will likely still be here at that time when we get design plans for this, so we will ensure that it is addressed. If not, again, as I have pointed out in our presentation, if feasibility of going across Lot 12 does not exist, the location of the shown access tie in that is here to the south would be potentially -- would be allowed to be permitted subject to final design review as it relates to the curvature of the roadway. It may be a little bit to the north. It will probably not go any further south. But that tie-in connection -- where you see the gray would

be what would be required to be built by the applicant to tie-in existing or the remnant of Timberhill back into the reloc-- I'm sorry, Cinnamon Hill, back into the relocated Cinnamon Hill, so that would all be part of the construction plans. And we will reach back out to the Miller's when we have that information in order to ensure that they are aware. The issues here again, as I had pointed out in our staff report, are our utilities and our traffic division wants to make sure that what is designed meets their requirements as well. So incorporating the third party of the Miller's into that discussion I don't believe is an issue. We will endeavor to make sure that that is taken care of at the appropriate time.

MS. LOE: We will trust you, Mr. Zenner, to see --

MR. ZENNER: Thank you.

MS. LOE: -- to that. Thank you.

MR. STRODTMAN: Any additional discussion, Commissioners?

MR. TOOHEY: Maybe it's just the 2:00 in the morning causing me to --

MR. STRODTMAN: So you are thinking breakfast?

MR. TOOHEY: -- ask this. Yeah. So was there any -- and maybe this is a question for Mr. Crockett, was there any thought of instead of having those 11 or 10 lots, whatever it is right there as residential, of using a commercial use there, and keep -- and keeping that buffer between --

MR. STRODTMAN: With -- with a road?

MR. TOOHEY: No, just not have a road there. Just zone that some type of commercial use and deal with it later on. And then -- then you don't have those problems.

MR. CROCKETT: Mr. Toohey, no we did not consider commercial up there. We -- we do need to have the access. It can be gated, which is fine for the secondary part of access, but we do need to maintain that to develop the site. But we -- we didn't feel that it would be appropriate to ask for commercial of that northern area north of Timberhill -- excuse me, north of Cinnamon Hill. So we did not -- did not contemplate that.

MR. STRODTMAN: Any additional discussion on this motion? If not, may we have a roll call, Ms. Burns?

MS. BURNS: Yes.

Roll Call Vote (Voting "yes" is to recommend approval.) Voting Yes: Ms. Russell, Mr. Toohey, Ms. Burns, Ms. Loe, Mr. Harder, Mr. MacMann, Mr. Stanton. Voting No: Ms. Rushing, Mr. Strodman. Motion carries 7-2

MS. BURNS: Seven to two, motion carries.

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